

**CHARTER FOR THE
CITY OF HURON, OHIO**

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CHARTER OF THE CITY OF HURON, OHIO

EDITOR'S NOTE: The Charter for the City of Huron, Ohio was adopted by the voters at the special election held on June 7, 1960. The Charter became effective on January 1, 1961, for the purpose of electing the first Council thereunder. For all other purposes it took effect on July 1, 1961. Dates appearing in parentheses following a section indicate that the provisions of the section were subsequently amended, enacted or repealed on the date given.

The members of the Charter Commission, chosen by the voters at the general election held on November 3, 1959, which framed and submitted the Charter to the electors were:

John W. Campbell - Chairman
James F. Delahunt - Vice Chairman
Ralph C. Pisano - Secretary
Florence M. Dutt- Treasurer

Marshall G. Browne
Frank J. Deemer
Mary G. Fontaine
Pat J. Gioffre
Russell Habick
Scott R. Hetrick
Frank J. Larizza
Dr. Bill G. Mote
Lauretta P. Reiser
Katherine M. Rudy
Robert R. Swanbeck

**A CHARTER FOR THE
CITY OF HURON, OHIO**

PREAMBLE

We, the people of Huron, Ohio, desirous of securing for our city and for ourselves and our children the advantages of self-government conferred by the home rule provisions of the Ohio constitution, do hereby ordain and establish the following Charter:

**ARTICLE I
INCORPORATION, POWERS, FORM OF GOVERNMENT**

SEC. 1.01. INCORPORATION.

The inhabitants of the Village of Huron, Erie County, Ohio, within the corporate limits as established at the time of the adoption of this charter, or as thereafter established in the manner provided by law, shall be and continue to be a municipal corporation in perpetuity, under the name of "The City of Huron". The corporation will hereinafter be referred to as "The City".

SEC. 1.02. POWERS.

The city shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, except as prohibited by the Constitution of the United States, or the Constitution of the state of Ohio, or as limited or restrained by this charter or by the general statutes of the state of Ohio relating to matters of statewide concern. The enumeration of specific powers in this charter shall not be deemed exclusive, as it is intended that in addition to the powers enumerated herein or implied therefrom or appropriate to the exercise of such enumerated powers, the city shall have and may exercise all other and additional powers which it would be competent for this charter specifically to enumerate.

SEC. 1.03. MANNER OF EXERCISE OF POWERS.

All powers of the city shall be vested in the officers provided for in this charter. Where any existing or future acquired power is not assigned to a specific officer, it shall be deemed to be among the powers of the city council. All powers shall be exercised in the manner prescribed in this charter, or if the manner be not so prescribed, then in the manner prescribed by ordinance. If no procedure is established either by the charter or by ordinance, then that provided by general state law shall be followed until the city council shall provide a different procedure by ordinance.

**ARTICLE II
THE CITY COUNCIL**

SEC. 2.01. NUMBER, SELECTION, TERM.

The city council shall consist of seven members, elected at large in the city, for four year overlapping terms, in the manner hereinafter provided. All elections of council members shall be on a non-partisan ballot.

SEC. 2.02. QUALIFICATIONS.

Any registered elector, who has lived in the city for two years prior to filing his petition of candidacy, and who is not the occupant of an incompatible office or employment shall be eligible to have his name placed on the ballot, if his petition is sufficient as hereinafter provided, and to serve as a member of the council, if elected.

SEC. 2.03. ELECTION CONTESTS.

The Council shall be the sole judge of the election and qualifications of its own members, and for such purpose shall have power by subpoena to compel the attendance of witnesses and the production of ballots and records.

SEC. 2.04. VACANCIES, CREATION OF.

Once elected and sworn in, a member of council may vacate his office by resignation, accepted by a majority of the other council members; by removal of his permanent residence to a place outside the limits of the city; by ceasing to be a qualified elector; by absence, without excuse by the other members of council, from meetings of the council during two consecutive months; by the acceptance of and entering upon the duties of an incompatible office; by recall, as hereinafter provided; by removal from office for malfeasance, as provided by law, or by death.

SEC. 2.05. VACANCIES, FILLING OF.

Vacancies in the office of council member shall be filled within thirty days by vote of a majority of the remaining council members, by the selection of a person qualified as provided in Section 2.02 hereof. Such person so chosen shall serve until the next regular municipal election occurring not less than one hundred days after his selection. At such election a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

SEC. 2.06. SALARY OF COUNCIL MEMBERS.

The members of the council shall receive a salary of \$200.00 per year, payable quarterly. The council may, however, fix a different salary to be paid to their successors in office provided that no increase shall be paid unless the ordinance establishing it shall have been passed at least one hundred days before a regular municipal election, at which a majority of the council members are to be elected.

SEC. 2.07. RULES, JOURNAL.

The council shall adopt and may amend its own rules of procedure, in conformity with the provisions of this charter. It shall cause to be kept a journal of its proceedings, which shall be a public record.

SEC. 2.08. POWERS OF THE COUNCIL.

Among other powers the council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers, and to provide penalties for the violation thereof;
- (2) Establish the internal organization and staffing of the departments, boards and commissions created by this charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;
- (3) Adopt and modify the master plan for the city and an official map of the city;
- (4) Regulate the use of private real estate in the city by establishing zones, limiting the uses in each zone, and limiting the height of buildings and the intensity of land use;
- (5) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;
- (6) Enact a comprehensive building code;
- (7) Authorize the levy of taxes and the issuance of bonds as provided in this charter;
- (8) Adopt an annual appropriation ordinance based on the annual budget, and delegate its enforcement to the city manager;
- (9) Establish a volunteer firemen's relief and pension fund and make payments therefrom;
- (10) Appoint and remove the city manager, establish his salary, and appoint an acting city manager when necessary to expedite public business;
- (11) Inquire into the conduct of any city officer or employee in the performance of his public functions;
- (12) Make investigations of any office, department or agency of the city;
- (13) Grant public utility franchises by vote of five-sevenths (5/7) of council;
- (14) Appoint and remove the members of the city planning commission, the zoning board of appeals and any other board or commission created by ordinance;
- (15) Employ a Certified Public Accountant to audit the accounts of the city or any officer or department thereof, whenever such audit is deemed necessary; provided that a general audit of the city accounts shall be made at least annually;
- (16) Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearing or investigation.

SEC. 2.09. MEETINGS OF COUNCIL.

- (1) The council shall hold its first or organization meeting on the first day of December of each odd numbered year, or if such day falls on Sunday, then on the following day. At such meeting the newly elected members of council shall take the oath of office and the council shall proceed to elect a mayor, a vice-mayor and a clerk of council and may transact such other business as may come before it. Thereafter, regular meetings shall be held as prescribed in the council rules, but not less frequently than twice each month. Special meetings may be called as provided by the council rules. A majority of the members elected shall constitute a quorum at all meetings.
- (2) All meetings of the council shall be open to the public; provided, however, that the council and other public bodies of the City may hold executive sessions in the manner and for the purposes set forth in the general law of the State of Ohio and as the same may from time to time be amended. (Amended 11-7-89)

SEC. 2.10. MAYOR.

The council shall select biennially from among its members one to serve as mayor for a term of two years and until his successor is chosen and qualified as such. The mayor shall preside at council meetings, when present, and shall have a vote on all matters which come before the council, but shall have no power of veto. He shall be the ceremonial head of the city, but shall exercise no administrative authority. He shall also perform the judicial duties imposed upon mayors by state law. The mayor shall be paid a salary of \$800.00 per year so long as he continues to discharge judicial functions. If and when these are terminated he shall receive a salary of \$400.00 per year. The council shall have the same authority to increase the salary of future mayors as they have to increase the salaries of their successors, as provided in Section 2.05.

SEC. 2.11. VICE-MAYOR.

The vice-mayor shall preside at council meetings in the absence of the mayor and in case of the disability of the mayor he shall perform the duties of mayor. He shall become mayor in case of a vacancy in that office. When the vice-mayor assumes the office of mayor, he shall receive the salary fixed for that office.

SEC. 2.12. CLERK OF COUNCIL.

There shall be a clerk of council, selected by vote of a majority of the members of the council from outside its membership, to serve for two years and until his successor is chosen and enters upon the duties of his office. He shall give notice of council meetings, keep the journal, advertise public hearings, record in a separate book all ordinances and resolutions approved by council and see that such enactments are published as required by this charter. He shall perform such other duties as may be assigned to him by this charter or by ordinance. He may be appointed to serve full time or part time and the council may assign the duties of clerk of council to any employee of the city as an additional duty. The clerk of council shall receive a salary for his services as such, as established by ordinance.

ARTICLE III ORDINANCES AND RESOLUTIONS

SEC. 3.01. ACTION BY COUNCIL.

Every action of the council establishing any misdemeanor, or providing for the imposition of any penalty, or for the levy of any tax, or the contracting of any indebtedness, or appropriating money, as well as all actions required by this charter to be taken by ordinance, shall be taken formally, in the manner hereinafter provided. All other actions may be taken by resolution. (Amended 11-7-89)

SEC. 3.02. INTRODUCTION OF ORDINANCES.

Each proposed ordinance shall be introduced in writing by a member of the council and shall contain a title, an opening clause: "Be it ordained by the Council of the City of Huron, Ohio, " and a body in which there shall be set forth at length the action to be taken and the classes of persons to be affected thereby. Each ordinance shall contain but one subject, which shall be clearly set forth in its title. (Amended 11-7-89)

SEC. 3.03. PROCEDURES FOR LEGISLATION.

(A) The following procedures shall apply to the passage of ordinances and resolutions by the council:

- (1) Each ordinance and resolution shall be read by title only, provided the council may require any reading to be in full by a majority vote of its members.
- (2) Each ordinance or resolution shall be read on three different days, provided the council may dispense with this rule by a vote of at least five members of the council.
- (3) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.
- (4) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the council.
- (5) Final passage shall be certified by the signatures of the mayor or vice-mayor and the clerk of council. (Amended 11-8-05)

SEC. 3.04. EMERGENCY ORDINANCES.

Any ordinances which must be passed and made effective at once in order to meet an emergency in the operation of the city government, or which are necessary for the immediate preservation of the public peace, health, safety, morals or public welfare may be passed, provided the council shall, in a separate section thereof, adopted by an affirmative vote of not less than five members of the council, declare that such an emergency exists giving its reasons therefor. No ordinance granting a franchise or fixing a rate to be charged by a public utility corporation shall be passed as an emergency ordinance. (Amended 11-7-89)

SEC. 3.05. PUBLICATION OF ORDINANCES.

After final passage, public notice of each new ordinance shall be given in one of the following ways, as determined by the council:

- (1) By publication of a summary of the contents of the ordinance, one time, in a newspaper of general circulation in the city, within two weeks after passage;
- (2) By publication at length, in a code of revised ordinances which is made available to the public in libraries, in the office of the clerk of council, and in the office of the city manager;
- (3) In the case of appropriation ordinances, by reproduction and distribution to the council, to department heads, to city boards and commissions and to such citizens as may apply for copies thereof at the office of the clerk of council, or at the office of the city manager. (Amended 11-7-89)

SEC. 3.06. EFFECTIVE DATE OF ORDINANCES.

Emergency ordinances, ordinances raising revenue for the city governmental services, or for street improvements petitioned for by sixty per cent of the owners or by the owners of a majority of the feet front of property benefited and to be specially assessed for the cost thereof, and those making appropriations for current operating expenses of the city government, shall take effect upon passage and shall not be subject to referendum. All other ordinances shall take effect thirty days after passage in order to afford an opportunity for the filing of referendum petitions. (Amended 11-7-89)

SEC. 3.07. 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 procedure set forth in Sections 731.28 to 731.40 of the Ohio Revised Code. Whenever the council is required to pass more than one ordinance or resolution to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance or resolution to be passed and not to any subsequent ordinance or resolution in the series relating thereto. (Amended 11-7-89)

SEC. 3.08. ADOPTION OF ORDINANCES BY REFERENCE.

The council may adopt model or standard codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning and other similar topics by reference to the date and source of the code without reproducing it at length in the ordinance. However, if the council desires to modify, add to or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all cases in which such a code shall be adopted by reference, publication of the code, at length, by the city, shall not be required. However, at least six copies of all such codes shall be kept in the office of the clerk of council and the office of the city manager for consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the clerk of council and by the office of the city manager. (Amended 11-7-89)

SEC. 3.09. RESOLUTIONS.

Action by council which is not required by this charter to be taken by ordinance, or which is not of general public application or interest, may be taken by resolution. Such a resolution shall be introduced in writing by a member of the council, and may be adopted by a viva voce vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. However, the clerk of council shall record resolutions in a separate book, which shall be a public record. (Amended 11-7-89)

**ARTICLE IV
CITY MANAGER****SEC. 4.01. APPOINTMENT OF CITY MANAGER.**

The council shall appoint, by resolution adopted by a five-sevenths majority vote of all members elected thereto, an officer of the city who shall have the title of city manager.

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications in the profession of city management, as judged by the adequacy of his technical training and his successful experience in public administration. At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside in the city. No council member shall be eligible for appointment as city manager during the term for which he has been elected, or for one year thereafter.

SEC. 4.02. DUTIES OF THE CITY MANAGER.

The city manager shall be the chief executive and administrative officer of the city. He shall be responsible to the council for the proper administration of all affairs of the city and, to that end, subject to the provisions of this charter, he shall have authority and shall be required to:

- (1) See that this charter and the ordinances and resolutions of the city are faithfully observed and enforced;
- (2) Appoint, and when necessary for the good of the service, remove all officers and employees of the city, not selected or appointed by the council, under the merit system as provided in this charter;
- (3) Prepare the tax budget and the annual budget, submit them to the council for approval, and administer the appropriations made by the council;
- (4) Prepare and submit to the council and to the public annually, not later than March 31, a complete report on the finances and administrative activities of the city for the preceding year; this report shall be deemed to satisfy the requirements of Section 117.19 of the Ohio Revised Code without separate publication of the financial statement;
- (5) Keep the council informed of the current financial condition and future needs of the city;
- (6) Serve as an ex-officio member, (without vote) of the Planning Commission;
- (7) Appoint such citizen advisory committees as seem to him desirable and discharge them when in his judgment their function has been completely served;
- (8) Delegate to subordinate officers and employees of the city any duties conferred upon him by this charter or by action of council, and hold them responsible for their faithful discharge;
- (9) Perform such other duties, not inconsistent with this charter, as may be required by the council.

SEC. 4.03. ABSENCE OR DISABILITY OF THE CITY MANAGER.

The city manager may designate, by letter filed with the clerk of council, any qualified administrative officer of the city to perform his duties during his temporary absence or disability. If such a designation has not been made, and the city manager is unable to perform his duties or to make such a designation, the council may, by resolution, appoint any qualified administrative officer of the city to perform the duties of the city manager until he shall return or his disability cease.

SEC. 4.04. REMOVAL OF THE CITY MANAGER.

The city manager shall serve for an indefinite term, subject to removal by the council at any time by a five-sevenths majority vote of all the members elected thereto. At least

thirty days before such removal shall become effective, the council shall adopt a preliminary resolution stating the reasons for the removal. The city manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of the request, before the full council. After such public hearing, if one is requested, after full consideration, the council may adopt a final resolution of removal. By the preliminary resolution the council may suspend the city manager from duty and designate an acting city manager, but shall cause to be paid to the city manager forthwith any salary due him up to the date of his suspension. Upon removal, unless for misconduct of the city manager involving moral turpitude, he shall be paid his salary for the period of suspension from duty and for the next one month following the removal. In case of the voluntary resignation of the city manager, the council and the city manager shall agree upon the effective date of the resignation.

SEC. 4.05. COUNCIL: RELATION TO CITY MANAGER.

Except for the purpose of inquiry or investigation, the members of the council shall deal with the administrative employees of the city solely through the city manager. No member of council shall take the initiative in the appointment or removal of officers or employees subordinate to the city manager. Neither the council nor any member or committee thereof shall give any orders to a subordinate of the city manager either publicly or privately. Any council member who violates any of the provisions of this section or votes for any ordinance or resolution in violation thereof shall be guilty of malfeasance in office and upon conviction thereof he shall cease to be a council member and shall be ineligible to hold further office or employment in the city government for a period of two years.

**ARTICLE V
ADMINISTRATIVE DEPARTMENTS**

SEC. 5.01. CREATION OF DEPARTMENTS.

The administrative activities of the city shall be carried on by a Department of Finance, a Department of Law, a Department of Safety, and a Department of Service. Other departments may be created by ordinance, after consultation with the city manager.

SEC. 5.02. DEPARTMENT HEADS.

At the head of each department there shall be a full time or part time director appointed by the city manager with the approval of the council. Each director shall be an administrative officer of the city. He shall have supervision and control of the department he heads subject to the direction of the city manager. Two or more departments may be headed by the same person and the city manager may serve as the director of one or more departments in addition to his duties as city manager, if the council approves.

SEC. 5.03. DEPARTMENTAL DIVISIONS.

The work of each department shall be distributed among such divisions thereof as may be established by the administrative code. Pending the adoption of such a code by the council, the city manager may establish temporary divisions by administrative order.

SEC. 5.04. ADMINISTRATIVE CODE.

Subject to the provisions of this charter, and after consultation with the city manager, the council shall adopt an administrative code which shall provide in detail the organization of the municipal government, define the powers and duties of each organization unit, and determine the administrative procedures to be followed. The council may delegate to the city manager and he to the heads of departments, power to make rules and regulations to govern management practices, consistent with the administrative code. Amendments to and revisions of the administrative code shall be made by the council only after consultation with the city manager. Where the administrative code is silent, the officers and employees of the city shall have and may exercise all powers and duties provided for similar officers and employees by the state law. However, provisions of the administrative code shall supersede those of the state law in case of conflict.

SEC. 5.05. CENTRAL PURCHASING.

The council shall establish a purchasing agency either as a separate office or as a division of one of the departments created by this charter, whose duty it shall be to contract for, purchase, store, and distribute all supplies, printing, materials, equipment and contractual services required by any agency of the city, within the appropriations made by council. The council may designate the city manager as purchasing agent, but in any case the city manager shall be responsible for supervising the purchasing function.

SEC. 5.06. COMPETITIVE BIDDING.

Purchase of all supplies, materials and equipment for the city shall be made pursuant to specifications through open competitive bidding under such rules, consistent with this charter as the council may establish by ordinance. Formal advertising, bidding and public opening and tabulation of bids shall be governed by the general law of the State of Ohio and as the same may, from time to time, be amended. In cases of public disaster, declared by resolution approved by a unanimous vote of the council present, a quorum being present, purchases may be made in the open market without competition. (Amended 11-6-84.)

SEC. 5.07. OVER-EXPENDITURES.

No officer, department or agency of the city shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money on behalf of the city for any purpose in excess of the amounts appropriated for such expenditures and obligations. The officer or employee who knowingly attempts or purports to create such an obligation shall be guilty of malfeasance in office and upon conviction thereof shall be removed from office. However, nothing in this section shall prevent the making of contracts not to be fully performed within the fiscal year when specifically authorized by the council.

SEC. 5.08. PERSONAL INTEREST.

No member of the council or employee of the City of Huron shall knowingly have any conflict of interest in violation of the Ohio Revised Code and as the same may, from time to time, be amended. (Amended 11-6-84)

SEC. 5.09. ILLEGAL CONTRACTS VOIDABLE.

Whenever any contract is found to be illegal, for the reasons stated in Sections 5.07 or 5.08 and the city has received the goods or property involved, the council may, by resolution, order the return of the goods or property or retain them, paying for them not at the contract price, but at their fair value, provided such value is not in excess of the contract price. If payment has already been made, the city shall be entitled to recover the excess, if any, over the fair value.

SEC. 5.10. QUALIFICATIONS OF DIRECTOR OF LAW.

The director of the department of law shall be an attorney-at-law, admitted to practice before the Supreme Court of Ohio, and in good professional standing. He shall perform such duties as may be assigned to the office of city solicitor by law, as well as those imposed by the administrative code.

SEC. 5.11. DEPARTMENT OF FINANCE.

The department of finance shall perform those functions customarily performed by the auditor and the treasurer under the state law. The Director of Finance shall be the fiscal officer of the city and shall be responsible for accounting, collection and custody of public funds, and control over disbursements and shall perform such other functions as may be assigned by ordinance or by order of the city manager.

**ARTICLE VI
FINANCE****SEC. 6.01. FISCAL YEAR.**

The fiscal, budget, and accounting year of the city government shall be the calendar year.

SEC. 6.02. ANNUAL TAX BUDGET.

On or before the first day of June in each year the city manager shall submit to the council a tax budget for the ensuing fiscal year. For that purpose, at such date as he shall determine, he shall obtain from the head of each department or agency of the city, plans for the work to be undertaken by such agency during the next fiscal year, together with estimates of the cost of performing such work. The department of finance shall supply him with estimates of probable revenue. From these data the city manager may revise the estimates and prepare his recommendations for the tax budget for the ensuing fiscal year.

SEC. 6.03. HEARING ON TAX BUDGET.

A copy of the tax budget, as recommended by the city manager, shall be transmitted to the council and at least two copies shall be placed on file in the office of the director of finance on or before June 1 for public inspection. Notice that they are available for that purpose shall be given by publication once in a newspaper of general circulation in the city not later than June 5 of each year. Such notice shall also specify the date of the first hearing. The council shall hold a public hearing on the tax budget at the time and place specified in the notice and may continue such hearing as necessary. When the

hearing is concluded, the council shall consider the tax budget, adopt it, with or without amendments, and transmit it to the County Budget Commission on or before July 15 in the form required by law.

SEC. 6.04. TAX LEVIES.

Upon receipt of the advice of action by the County Budget Commission and the certificate of the County Auditor as to estimated resources, the Council shall, on or before the first day of October, pass and certify to the County Auditor an ordinance levying the necessary taxes to be placed on the tax duplicate. In accordance with the provisions of Article XII, Section 2, of the Ohio Constitution, and Section 5705.02, Revised Code of Ohio, the Council shall have the power, by ordinance, to levy taxes on property, for municipal purposes, in an amount allowed by the County Budget Commission within the ten-mill limitation. (Amended 11-3-70.)

SEC. 6.05. MUNICIPAL BUDGET.

The city manager shall prepare and submit to the council, on or before December 1 of each year, a budget so revised that the total contemplated work program and recommended appropriations from each fund during the ensuing fiscal year shall not exceed the total estimated resources certified by the County Budget Commission and County Auditor. This municipal budget shall serve as the basis for the annual appropriation ordinance.

SEC. 6.06. ANNUAL APPROPRIATION ORDINANCE.

At the meeting of the council at which the municipal budget is submitted, the council shall, by resolution, fix the date and place for a public hearing thereon. A notice of this hearing shall be given by publication once in a newspaper of general circulation in the city at least seven (7) days before the date fixed. The notice shall also state that the budget is on file for public inspection in the office of the clerk of council and in the office of the city manager during the usual office hours. At the time and place advertised, the council shall hold a public hearing on the budget as submitted and may continue such hearing from day to day as may be necessary. After the hearing the council shall adopt the budget as submitted, or as amended, as the appropriation ordinance of the city for the ensuing fiscal year. Such ordinance shall be finally adopted not later than December 31.

SEC. 6.07. EFFECT OF APPROPRIATION ORDINANCE.

Upon adoption the appropriation ordinance shall become effective as of the first day of January and shall constitute an appropriation of the several items therein contained, and approval of the work projects supported thereby without further legislation. The appropriation ordinance shall be reproduced and a copy thereof, certified as correct by the city manager and by the president and clerk of council, shall be filed with the director of finance. Official copies shall be transmitted to each organization unit of the city government, and to the libraries, newspapers, and television and radio stations serving the city, and filed with such county, state and federal offices as may be required by law or agreement.

SEC. 6.08. AVAILABILITY OF FUNDS.

Appropriations for debt service and other fixed charges shall become available for expenditure upon the filing of the certified copy of the appropriation ordinance with the director of finance. Appropriations for capital outlays shall become available in two stages:

- (1) not more than ten per cent of each such item shall be available to pay for preparation of detailed plans and specifications upon the filing of the certified copy of the appropriation ordinance with the director of finance;
- (2) the remaining ninety per cent of the appropriation for each such item shall become available for encumbrance on approval of the plans and specifications by the council, after report thereon by the city manager.

SEC. 6.09. ALLOTMENTS.

Appropriations for current operation of the organization units of the city government shall become available for encumbrance only when allotted by the city manager, based on currently valid work plans for each agency made in conformity with the appropriation ordinance and submitted to the city manager by the agency head at least five days before the end of each calendar quarter for the succeeding calendar quarter. The allotments made by the city manager shall be filed with the director of finance on or before the first day of the quarter to which they relate and shall authorize the director of finance to accept, from the organization units involved, purchase orders, contracts and payrolls for encumbrance, and payment to an aggregate amount not exceeding the quarterly allotment for each item. The total annual allotment to any agency may not exceed the total amount appropriated for the use of such agency during the fiscal year. Any unallotted balance of any appropriation item and any unencumbered balance of any allotment at the end of the fiscal year shall be lapsed into the municipal treasury.

SEC. 6.10. REVISING OF ALLOTMENTS AND APPROPRIATIONS.

Upon showing of necessity by the organization unit, or on his own motion, the city manager may increase, reduce, or revise allotments during the course of any fiscal quarter, advising the director of finance of such action. If at any time during the fiscal year the city manager shall determine that the available income for the year plus available fund balances will not be at least equal to the appropriations, he shall reconsider all work programs and appropriations and recommend to the council that they be revised to prevent expenditures in excess of income. The council may, after public hearing held pursuant to a single publication of a notice thereof, revise and reduce the appropriation items to bring the total within probable income. If revenues exceed estimates, the appropriation ordinance may be revised by the council to include additional work programs whose cost will not exceed available funds.

SEC. 6.11. TRANSFERS.

The council, on recommendation of the city manager, may at any time by resolution, transfer any unencumbered balance of an appropriation from one item or project to another under the jurisdiction of the same organization unit. During the fourth quarter of the fiscal year, the council may, by resolution, transfer any unencumbered balance of an appropriation from a project under the jurisdiction of one organization unit to one under the jurisdiction of another organization unit supported from the same fund. Transfers

shall not be made from appropriations for debt service or other fixed items until all obligations due and payable during the fiscal year have been paid. The council may at any time amend or revise the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated will be available.

SEC. 6.12. ACCOUNTING.

The director of finance shall establish and maintain an accrual system of accounting which shall reveal at all times not only the cash position of the city, by funds, but also the revenue and income anticipated and the encumbrances and obligations outstanding and unpaid. No city official or employee shall have authority to create an obligation against the city by oral agreement. Purchases shall be made by written purchase order signed by the purchasing agent, agreements for construction work shall be made by written contract, and agreements for personal services by written contract or appointment signed by the city manager or an administrative official of the city designated by him. No purchase order or contract shall be valid as an obligation of the city unless it bears a certificate signed by the director of finance that the estimated amount thereof has been entered as an encumbrance in the city accounts against an allotment based on a valid appropriation.

**ARTICLE VII
BOARDS AND COMMISSIONS**

SEC. 7.01. PLANNING COMMISSION.

There shall be a city planning commission consisting of five members, four of whom shall be citizens who hold no other city office or employment, selected by the council one each year for overlapping terms of four years, and one of whom shall be a member of the council, designated annually by the council. The commission shall adopt its own rules, and elect its own officers annually. It shall have all the power and authority conferred upon city planning commissions by state law and such other duties as may be imposed upon it by the administrative code. Its members shall serve without compensation.

SEC. 7.02. BOARD OF BUILDING AND ZONING APPEALS.

There shall be a board of building and zoning appeals consisting of five members who shall be citizens who hold no other city office or employment, selected by the council one each year for overlapping terms of five years. The board shall adopt its own rules and elect its own officers annually. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by ordinance. Its members shall serve without compensation.

SEC. 7.03. BOARDS OF TRUSTEES, POLICE AND FIRE RELIEF AND PENSION FUNDS.

The presently existing boards of trustees of the police and fire relief and pension funds, appointed under the provisions of state law, are hereby continued with the same organization, powers and functions they now possess under the provisions of the state law.

**ARTICLE VII
PERSONNEL****SEC. 8.01. MERIT SYSTEM ESTABLISHED.**

Appointments and promotions in the administrative service of the city shall be made according to merit, to be ascertained, so far as practicable, by open competitive examinations.

SEC. 8.02. EXEMPT POSITIONS.

All positions in the service of the city shall be filled pursuant to open competitive examinations except:

- (1) Members of the council
- (2) The clerk of council
- (3) The city manager
- (4) The directors of departments
- (5) Members of boards and commissions appointed by the council, and advisory committees appointed by the city manager.
- (6) Temporary employees of exceptional, professional, or scientific qualifications engaged as consultants.

SEC. 8.03. PERSONNEL OFFICER.

The city manager shall appoint a suitably qualified person to serve part or full time as personnel officer. He shall:

- (1) Conduct recruitment of qualified persons;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists from results of examinations;
- (4) Certify eligibles to appointing officers;
- (5) Classify positions and establish job specifications;
- (6) Certify payrolls;
- (7) Prepare and recommend to the city manager for approval and publication, necessary rules to establish and maintain the merit system in the city;
- (8) Develop and conduct training programs;
- (9) Perform such other duties relating to personnel as the city manager may direct.

SEC. 8.04. PERSONNEL APPEALS BOARD.

There shall be a personnel appeals board consisting of three members who shall be selected by the council, one each year for an overlapping term of three years. Each member of the personnel appeals board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. Its members shall serve without compensation.

SEC. 8.05. DUTIES OF PERSONNEL APPEALS BOARD.

The personnel appeals board shall hear appeals when any officer or employee of the city in the non-exempt service feels aggrieved by any action of the personnel director or the city manager or of any department head, or is suspended, reduced, or removed, and

requests such hearing. The board shall make its own rules, choose its own officers, and have authority to subpoena witnesses and to require the production of records.

SEC. 8.06. CANDIDACY FOR PARTISAN OFFICE.

No officer or employee in the non-exempt service of the city shall continue therein after becoming a candidate for nomination or election to any partisan public office.

SEC. 8.07. PARTISAN POLITICAL ACTIVITY.

No person holding a position in the non-exempt service of the city shall take any part in the management, affairs or campaign of any political party further than in the exercise of his rights as a citizen to express his opinion and cast his vote.

SEC. 8.08. PENALTIES.

Any person who violates the provisions of Section 8.06 or 8.07 of this charter shall be guilty of a misdemeanor and shall, if an officer or employee of the city, be guilty of malfeasance in office and upon conviction shall be removed from the office or position he holds and shall be ineligible for election or appointment to any position in the city service for a period of five years.

SEC. 8.09. PROMOTIONAL EXAMINATIONS.

Whenever a vacancy occurs in any position in the service of the city, which is not exempted under the provisions of Section 8.02 of this charter it shall be filled in the manner provided in the personnel ordinance. Promotional examinations may be restricted to present employees, or if recommended by the city manager, they may be opened to qualified candidates from outside the city service, by resolution of the council. The names of the three eligibles standing highest on the promotional eligible list shall be certified to the appointing authority and he shall appoint one of the three so certified, as may be provided by ordinance.

**ARTICLE IX
BORROWING**

SEC. 9.01. POWER TO INCUR INDEBTEDNESS.

The city may incur indebtedness upon authorization of the council, by ordinance, by the issuance of its negotiable bonds and notes in anticipation of bonds for any purpose now or hereafter authorized by the Constitution and laws of the State of Ohio, but the net indebtedness incurred without a vote of the electors shall never exceed the limitations now or hereafter prescribed by such laws upon indebtedness so incurred by municipal corporations. As used in this section, the term "net indebtedness" shall have the same meaning as and shall be calculated in the manner provided by the laws of the State of Ohio, as the same may be amended from time to time, for the issuance of notes and bonds. (Adopted 5-8-62.)

SEC. 9.02. MORTGAGE REVENUE BONDS.

The council may, by ordinance, authorize the issuance of mortgage revenue bonds in accordance with the Constitution of the State of Ohio. (Adopted 5-8-62.)

SEC. 9.03. SPECIAL ASSESSMENT BONDS.

The council may, by ordinance, determine to proceed with a public improvement, all or part of the cost of which is to be assessed against real property specially benefited thereby. The council may establish by ordinance, the procedure to be followed in making such assessments and may in any case determine the proportion of the cost of such improvement which shall be paid from general revenues and that which shall be assessed. It may also fix the manner and duration of the payment of special assessments.

SEC. 9.04. TAX ANTICIPATION NOTES.

The council may, by ordinance, issue notes in anticipation of the collection of taxes on whatever conditions may seem reasonable. Such notes shall be paid from the tax receipts of the year in which they are issued.

SEC. 9.05. EMERGENCY BORROWING.

The council may, by ordinance, borrow money and issue notes in case of public emergency as authorized by Section 133.29 of the Ohio Revised Code.

SEC. 9.06. PROCEDURES IN BOND ISSUES.

The procedure followed in authorizing and issuing bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Bond Law of the State of Ohio in effect at the time.

ARTICLE X NOMINATIONS AND ELECTIONS

SEC. 10.01. MUNICIPAL ELECTIONS.

The regular election for the choice of members of the council shall be held on the first Tuesday after the first Monday in November in the odd numbered years. This shall be known as the municipal election. The council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

SEC. 10.02. CONDUCT OF ELECTIONS.

Both regular and special municipal elections shall be conducted by the Board of Elections of Erie County, Ohio, under the provisions of this charter. Where the charter is silent, the provisions of the state election law shall be followed.

SEC. 10.03. NOMINATIONS.

No primary election shall be held for the nomination of candidates for the council. Nominations for the office of council member shall be made by petition signed by not less than fifty (50) nor more than one hundred (100) electors of the city. Petitions shall be the standard forms for the nomination of individual non-partisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections at least ninety days before the day of election. An elector may sign only as many petitions as there are council members to be elected at the municipal election for which the nominations are made.

SEC. 10.04. ACCEPTANCE AND VERIFICATION

The signature of the candidate indicating his acceptance of the nomination and his willingness to serve if elected shall appear on each copy of his petition. The petitions may be in a number of parts, but each part shall be verified under oath by the circulator, as required by law. (Amended 11-6-84.)

SEC. 10.05. BALLOTS

The full names of all candidates nominated shall be printed on the official ballot without party designation. If two candidates with the same surname, or with names so similar as to be likely to cause confusion are nominated, the addresses of their places of residence shall be placed below their names on the ballot. The names of all candidates shall be rotated on the ballot as provided by law. If voting machines are used, the names shall be rotated by precincts, as provided by law.

SEC. 10.06. WRITE-INS

Only in the event that fewer candidates are nominated by petition than there are council members to be elected at the ensuing election, shall space be provided on the ballot for the writing in at the election of the names of additional persons.

SEC. 10.07. WATCHERS AND CHALLENGERS.

At each municipal election, each regularly nominated candidate shall be entitled, on written application to the Board of Elections, at least ten days before the election, to appoint one alternate to represent him as a watcher and challenger at each polling place during the casting and counting of ballots, and one person and one alternate to represent him as watcher and challenger during the canvass of votes at the Board of Elections.

SEC. 10.08. PLURALITY, TIE VOTES.

A plurality of valid votes cast shall be sufficient to elect. In case of a tie vote, the election shall be decided in the manner provided by law.

SEC. 10.09. PUBLIC INFORMATION ON ISSUES

The council shall have power to appropriate and expend public funds to pay the cost of providing information to the public in connection with elections on tax levies, bond issues and other public questions.

ARTICLE XI RECALL

SEC. 11.01. RECALL.

The voters of the City shall have power to recall and remove from office any member of the council before the expiration of his term, such power being known as the recall. A recall may be started by filing with the Clerk of Council a petition signed by a number of electors which equals twenty-five (25) per cent of the total number of electors voting at the last preceding municipal election. This petition shall contain the name of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. The councilman whose removal is being sought shall be given an opportunity to reply with a statement of equal length. These statements shall be given to newspapers, radio and television stations. The clerk, if he finds the petition sufficient, shall certify to the Board of Elections, to be placed on the ballot the question: "Shall John Doe (naming the councilman) be recalled from office as councilman in the City of Huron? Yes (), No ()." If, at the election a majority of the votes cast on the question shall be in favor of recall, the council member shall forthwith retire from office, and the council shall fill the vacancy thus created in the manner provided in this charter. No recall shall be filed against a council member during his first six months in office. If a council member against whom a petition is filed is continued in office by the vote at the election no further recall petitions may be filed against him for a period of one year.

SEC. 11.02. FORM OF PETITIONS: COMMITTEE.

All petition papers circulated for the purpose of recall shall be uniform in size and style. The signatures to petitions need not all be appended to one paper but to each separate part there shall be attached an affidavit of the circulator as provided herein. Each signer shall sign his name in ink or indelible pencil and shall insert after his name his place of residence and the date of signing. There shall appear on each copy of the petition the names and addresses of the same five voters who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. This committee shall file a sample copy of the petition with the clerk of council before any signatures are solicited or obtained. Attached to each part of the petition, when signed and filed with the clerk shall be an affidavit of the circulator thereof that he only personally circulated the foregoing paper, that it bears a stated number of signatures, that each signature was affixed in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

SEC. 11.03. FILING AND EXAMINATION OF PETITIONS.

All separate papers comprising a recall petition shall be assembled and filed with the clerk of council as a single instrument. Within twenty days thereafter the clerk shall examine the petitions and determine their validity and sufficiency and report thereon to the council.

SEC. 11.04. AMENDMENT OF PETITIONS.

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

SEC. 11.05. SUBMISSION TO VOTERS.

Whenever the clerk finds a petition for recall sufficient, he shall certify the question involved to the Board of Elections for submission at the first regular election occurring not less than ninety days thereafter, or at a special election called by council.

**ARTICLE XII
GENERAL PROVISIONS****SEC. 12.01. OATH OF OFFICE.**

Every officer and employee of the city shall before entering upon his duties, take and subscribe to the following oath or affirmation to be filed and kept in the office of the clerk of council:

"I solemnly swear (or affirm) that I will support the constitution of the United States and of the state of Ohio and will obey the laws thereof, and that I will, in all respects, uphold and enforce the provisions of the charter and ordinances of this city and will faithfully discharge the duties of _____ upon which I am about to enter."

SEC 12.02. OFFICIAL BONDS.

All officers and employees of the city whose duties require that they handle or be concerned with the management of its money or other property, shall furnish to the clerk of council, before entering upon their duties, a corporate surety bond, issued by a company authorized to do business in Ohio, to protect the city against loss due to their acts or omissions. The amount of such bond shall, in each case, be fixed by the council. The premium on such bonds shall be paid from the funds of the city.

SEC. 12.03. FEES.

All fees received by any officer or employee of the city in connection with his employment with the city shall be accounted for and paid into the city treasury, except as otherwise provided by law.

SEC 12.04. REMOVAL FROM OFFICE.

Whenever in this charter certain acts on the part of city officials or employees are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed in Sections 733.72 to 733.77 of the Ohio Revised Code.

SEC. 12.05. ENFORCEMENT OF SUBPOENAS.

Whenever in this charter the council or any other agency of the city government is given authority to issue subpoenas or to require attendance of witnesses or the production of books, ballots, papers and records, the same shall be issued and enforced in the manner provided in Section 705.21 of the Ohio Revised Code.

SEC. 12.06. AMENDMENTS TO THE CHARTER.

Any provision of this charter may be amended as provided in Article XVIII, Section 9 of the Ohio Constitution, by submission of a proposed amendment to the voters of the city and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a five-sevenths vote of the council, or by petition to the council signed by ten per cent of the electors.

SEC. 12.07. SEVERABILITY CLAUSE.

If any section or part of section of this charter shall be held invalid by any court of competent jurisdiction, such holding shall not affect the remainder of this charter, which would have been adopted without the invalid portion if its invalidity had been known at the time of its adoption.

SEC. 12.08. PUBLICATION.

Whenever publication of an ordinance, resolution, notice or other official document is required by the provisions of this charter or by any ordinance passed thereunder, it shall be sufficient compliance with such requirement if the publication is made in a daily or weekly newspaper which has an actual circulation in the city. As an alternative, the city may publish and distribute an official city bulletin to the residences in the city, containing such official notices and general reports concerning city affairs. Such official bulletin may be reproduced by letterpress, offset or any other suitable method and the cost of its reproduction and distribution shall be paid from public funds. Whenever the council so determines, official notice may also be given by radio or television news services.

SEC. 12.09. GENDER; SINGULAR AND PLURAL; TENSE.

Wherever used in this charter, words of one gender include the other genders; the singular includes the plural and the plural includes the singular; words in the present tense include the future. (Adopted 11-6-84.)

**ARTICLE XIII
TRANSITIONAL PROVISIONS****SEC. 13.01. FISCAL SUCCESSION.**

The City of Huron, under this charter, is hereby declared to be the only legal successor to the Village of Huron under the Ohio Revised Code, and as such the city has title to all property, real, personal and mixed, owned by its predecessor, including all monies on deposit and all taxes in the process of collection together with all accounts receivable and all rights of action. The city is also liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable as such successor, in any court of competent jurisdiction.

SEC. 13.02. CONTINUATION OF ORDINANCES

All ordinances of the Village of Huron, in effect at the time this charter becomes effective, shall remain in effect, except as superseded by the provisions of this charter, until they are amended or repealed.

SEC. 13.03. CONTINUATION OF OFFICERS.

All persons holding office in this city at the time this charter takes effect shall continue in office, (except as specifically provided otherwise in this charter) until provision shall have been made, in conformity with this charter, for the performance of their duties by a successor, or the office is abolished.

SEC. 13.04. CONTINUATION OF EMPLOYEES.

Every employee of the city when this charter takes effect shall be retained in his employment with the same status, rights and privileges as before, without examination.

SEC. 13.05. TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of the city at the time this charter becomes effective shall be transferred and delivered promptly to their successors.

SEC. 13.06. CONTINUATION OF CONTRACTS AND IMPROVEMENTS.

All contracts entered into by the city or for its behalf, prior to the taking effect of this charter shall remain in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect, shall be completed, as nearly as practicable, under the provisions of such laws.

SEC. 13.07. PENDING ACTIONS AND PROCEEDINGS.

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

SEC. 13.08. WHEN CHARTER TAKES EFFECT.

This charter shall be voted upon at a special election to be held on June 7, 1960. If approved by the voters, this charter shall go into effect on January 1, 1961 for the purpose of electing the first council thereunder. For all other purposes it shall take effect on July 1, 1961.

SEC. 13.09. TERMS OF COUNCIL.

The members of the council in office when this charter becomes effective shall continue in office until noon on July 1, 1961 and until their successors are elected and have qualified. At the first election under this charter, which shall be held on May 2, 1961, seven council members shall be elected. The four candidates who receive the largest number of votes shall serve for terms expiring on November 30, 1965 and the three candidates receiving the next highest number of votes shall serve for terms expiring on November 30, 1963. Thereafter, successors shall be chosen at the regular municipal election for full terms of four years.

SEC. 13.10. TRANSFER OF FINANCE FUNCTIONS.

The financial functions performed by the village clerk and village treasurer under the village law shall be transferred under this charter to the department of finance on July 1, 1961 and the offices of village clerk and village treasurer shall be abolished as independent offices as of that date.

SEC. 13.11. BOARDS OF ZONING APPEALS AND BUILDING APPEALS.

The Board of Zoning Appeals and the Board of Building Appeals now existing under ordinances passed by the council shall be abolished, effective July 1, 1961. Their functions shall thereafter be discharged by the Board of Building and Zoning Appeals created by Sec. 7.02 of this charter.