CHARTER

OF

CITY OF CLYDE, OHIO

(AS AMENDED)

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CHARTER

CITY OF CLYDE, OHIO

PREAMBLE

We, the people of the Municipality of Clyde, Ohio, in order to secure the benefits of local self-government under the Constitution of Ohio, do adopt this Charter for the government of the Municipality of Clyde, Ohio.

ARTICLE I
NAME AND BOUNDARIES

SECTION 1-1 NAME AND BOUNDARIES.

The present Municipality of Clyde, Ohio, shall continue to be a body politic and corporate under the name of the Village of Clyde, or the City of Clyde, as the population requires and with the same boundaries, with powers and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of Ohio. No territory shall be detached from the Municipality, nor shall the Municipality be annexed to any other municipality without a majority vote of the electors.

SECTION 1-2 FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be known as the "Council-Manager government". Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the Municipality shall be vested in an elective Council, hereafter referred to as "the Council", which shall enact local legislation, adopt budgets, determine policies, and appoint the Manager, who shall execute the laws and administer the government of the Municipality. All powers of the Municipality shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, then in such manner as may be prescribed by ordinance.

ARTICLE II
POWERS

SECTION 2-1 POWERS.

The Municipality of Clyde shall have and may exercise all the powers of local self-government which now are, or hereafter may be, granted to municipalities by the Constitution or laws of the State of Ohio, either expressly or by implication, as fully as though every such power were expressly enumerated herein.

The Municipality may acquire property within or without its corporate limits for any purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and except as prohibited by the Constitution of this State or restricted by this Charter, the Municipality shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Municipality shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Charter specifically to enumerate.

Such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such manner as shall be provided by ordinance or resolution of Council. The laws of Ohio not inconsistent with this Charter shall have the force and effect of ordinances of the Municipality. In event of conflict between any municipal ordinance or resolution and any law, other than one enacted in conformity with the powers reserved to the General Assembly by the Constitution of Ohio, the provisions of the municipal ordinance or resolution shall prevail and control.

ARTICLE III
COUNCIL

SECTION 3-1 POWERS VESTED IN COUNCIL.

The legislative powers of the municipality in the determination of all matters of policy, except as otherwise provided in this Charter and by the Constitution of Ohio, shall be vested in the Council of five electors. Members shall be paid a salary set by Council by a majority plus one affirmative vote at its annual organizational meeting. Such salary shall be four hundred dollars ($400.00) per month, payable bi-weekly or the minimum monthly salary necessary to qualify for Public Employee's Retirement System. (Amended November 6, 2007)

SECTION 3-2 MEMBERS AND TERMS.

At the general municipal election in November, 1957, five (5) councilmen shall be elected at large; the three (3) candidates receiving the highest number of votes shall serve for a term beginning January 1, 1958, and ending with the thirtieth (30th) day of November, 1961, and the two candidates standing next highest in the number of votes received shall serve a term beginning January 1, 1958, and ending with the thirtieth (30th) day of November, 1959.

Successors of the two (2) members of the Council elected for the term ending November 30, 1959, shall be elected at the general municipal election of November, 1959, and every fourth (4th) year thereafter; the successors of the three (3) members elected for the term ending November 30, 1961, shall be elected at the general municipal election of November, 1961, and every fourth (4th) year thereafter.

Except for the first (1st) election, the members of Council shall begin their terms of office on the 1st Monday following their election. Beginning with the three members to be elected at the 1989 general municipal election, the terms of Council shall end on the 31st day of December in 1993. Beginning with the two members to be elected at the 1991 general municipal election, the terms of Council shall end on the 31st day of December 1995. The terms of members elected to Council in elections held in 1993 and thereafter shall run from January 1st following said member's election until December 31st in the fourth year thereafter.

Elections for members of Council shall be non-partisan and shall be conducted on the first (1st) Tuesday after the first (1st) Monday in November in the odd-numbered years, by the regular election authorities of Sandusky County. Each person desiring to become a candidate for election to an office shall, not later than 4:00 p.m. on the ninetieth (90th) day before the day of such election, file a Declaration of Candidacy with the election authorities of Sandusky County, and pay the fee of not less than one-half (1/2) of one (1) percent of the annual salary of such office; which fee shall not be less than one dollar ($1.00) nor more than fifty dollars ($50.00).

Nomination petitions shall not be required; the Declaration of Candidacy shall be filed under oath and shall be substantially as follows:

DECLARATION OF CANDIDACY - MUNICIPAL

I, _____, the undersigned, hereby declare that I am a
Name of Candidate
qualified elector of the Municipality of Clyde, Ohio; that I reside at _____
Residence
Clyde, Ohio. I hereby declare that I desire to be a candidate for election to the office of member of Council at the municipal election to be held on the _____ day of November, 19____ and I hereby request that my name be printed upon the official ballot for said election, as provided by law.

Dated this _____ day of _____, 19_____.

_____
Candidate

State of Ohio
ss
County of Sandusky

_____ being duly sworn deposes and says that he is a candidate
Name of Candidate
named in the above declaration of candidacy and that the statements and declaration therein contained are true as he verily believes.

_____
Candidate

Subscribed and sworn to before me this _____ day of _____, 19_____

_____
Name and title of officer administering oath

(November 7, 1989)

1990 Replacement

SECTION 3-3 QUALIFICATIONS.

No person shall be a member of Council of the Municipality unless he shall have been a qualified elector of the Municipality continuously for a period of 2 years immediately preceding his election or appointment, and no person shall serve as a Council member unless he shall continue to reside within the corporation limits during his term of office.

SECTION 3-4 REMOVAL AND VACANCIES.

The Council shall be the judge of the election and qualifications of its own members. In case of persistent failure to abide by the rules of Council or absence without justifiable excuse for three (3) consecutive meetings, the seat of such member may be declared vacant by resolution of Council, three (3) members concurring.

Council shall declare vacant the seat of any member who shall cease to be a qualified elector or shall hold any other public office, except that of Mayor of the Municipality, notary public, member of the Armed Forces of Ohio or the United States, or trustee or director without pay of a public institution.

If any member of the Council shall die, resign or be disqualified, the remaining members of the Council shall, by the concurrence of at least a majority vote, choose his successor who shall serve during the remainder of the unexpired term. Should such vacancy occur between election and taking office, the vacancy shall be filled by the newly elected Council.

SECTION 3-5 MEETINGS.

Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than twice each month. All meetings shall be open to the public, but executive sessions may be held in accordance with Ohio R.C. 121.22 as presently constituted.

A regular organizational meeting shall be held during the second full week in November each year except for 1993 in which no such organizational meeting shall be held. Commencing in 1994 and each year thereafter such organizational meeting shall be held during the first week of January.

Special meetings may be called by the Mayor or any two members of Council on twenty-four (24) hour notice served on each member of Council personally or left at his usual place of residence. The purpose of the special meeting shall be stated in the notice and no other business shall be transacted at such meeting.
(November 7, 1989)

SECTION 3-6 ANNUAL AUDIT.

During the years in which the State of Ohio shall make an audit of the affairs of the Municipality, such audit shall be accepted as valid. In any other years, Council shall provide for an audit by a certified public accountant.
(May 7, 1957)

SECTION 3-7 ELECTION OF MAYOR AND VICE-MAYOR.

At each yearly organizational meeting, the Council, by the concurrence of a majority of Council, shall choose one of its members to be the Mayor. A Vice-Mayor shall also be chosen in the same manner, to serve in the absence or disability of the Mayor and shall succeed to his office in case of a vacancy therein. While acting in the place of the Mayor, the Vice-Mayor shall have the same powers and duties as the Mayor. The salary of the Mayor shall be fixed by the Council prior to his selection by the Council.
(Amended November 8, 1977)

SECTION 3-8 DUTIES OF THE MAYOR.

In addition to his powers, rights and duties as a member of Council, the Mayor shall preside at all meetings and shall be recognized as the official head of the municipality for all ceremonial purposes, by the governor for military purposes and by the courts for the purpose of serving civil process. The Mayor shall perform all other duties prescribed for him in this Charter, and such other duties as may be imposed upon him by any measure of Council. He shall retain his voting power; he shall have no veto.

The Mayor shall have all the judicial powers granted by the Charter, the ordinances of this municipality and the general laws of Ohio with reference to mayors and mayor-council form of government, until otherwise provided by statute. Provided, however, that Council may, by a majority vote of its members, direct that violations of City ordinances be prosecuted in any court having proper jurisdiction in such matters and contract as may be necessary for the prosecution of same. (November 7, 1989)

SECTION 3-9 SALARIES.

The Manager shall set all salaries, wages and compensation of all offices and employees, except the Mayor; in accordance with the civil service provisions and subject to the approval of Council.

SECTION 3-10 PROCEDURES.

The Council shall determine its own rules and procedures and shall keep a journal which shall be open to public inspection in the office of the Clerk.

SECTION 3-11 QUORUM.

A majority of the Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

SECTION 3-12 PERSONAL INTEREST.

No member of Council, officer or employee shall sell goods to or render remunerated service to the Municipality other than services performed as Councilmen, officers or employees, except under the following conditions:

a.) Where an emergency exists and is so declared by ordinance of Council, and the vote of the member of Council in question or the decision of the officer or employee in question is not required to approve the action taken, or

b.) Where the action taken is by competitive bidding, and the member of Council, officer or employee is the lowest bidder.

ARTICLE IV
LEGISLATION

SECTION 4-1 ORDINANCES AND RESOLUTIONS.

Council action shall be by ordinance or resolution. Ordinances shall prescribe permanent rules of conduct or government. Resolutions shall be orders of the Council of a special or temporary nature. Council shall, by rule, provide for the orderly conduct of business and legislation not specifically covered in this Charter.

SECTION 4-2 MAJORITY REQUIRED.

The affirmative vote of a majority of the members elected to Council shall be necessary for the passage of any legislation unless otherwise provided herein.

SECTION 4-3 LEGISLATIVE PROCEDURE ON FIRST READING.

Every ordinance shall be introduced in writing in a form approved by the Solicitor of the Municipality, and give two (2) separate readings on separate days.

Except in the case of Emergency Measures the following shall apply:

(1) The Council, after an affirmative vote of a majority plus one of its members, may have the first reading of an ordinance by title only;

(2) All interested persons present shall be given an opportunity to be heard after the first reading. (November 4, 1997)

SECTION 4-4 SECOND READING AND FINAL PASSAGE.

On second reading, such ordinance may be read by title only, unless a majority of Council requests a reading in full. All interested persons present shall be given an opportunity to be heard prior to the final vote. After such reading, if an amendment changes it in substance, the amended ordinance shall be read in full and all interested parties present shall again be given the opportunity to be heard. The passage on second reading of any ordinance shall be final and no further action shall be required, except the required publication.

SECTION 4-5 RULE SUSPENSION.

The Council, by an affirmative vote of a majority plus one of the members elected, may suspend the rule preventing passage of any ordinance at the meeting at which it was introduced.

SECTION 4-6 EMERGENCY MEASURES.

The Council, with an affirmative vote of not less than a majority plus one of the elected members, may pass emergency ordinances to take effect immediately upon their passage or at the time indicated therein in order to preserve the public interests or to provide for special emergencies in the operation of usual City services. Each emergency ordinance shall set forth the specific facts necessitating the emergency legislation. No legislation involving the levying of a tax, granting, renewing or extending a franchise or regulating the rate to be charged for public utility service shall be passed as an emergency measure.

SECTION 4-7 EFFECTIVE DATE.

The effective date of any ordinance shall not be earlier than thirty (30) days following its passage except as follows: Ordinances subject to referendum under the laws of the State of Ohio; ordinances set forth under Section 4-6 of this Charter; ordinances hereinafter set forth. (Amended November 3, 1987)

SECTION 4-8 PUBLICATION OF ORDINANCES.

A. Newspaper Publication. Every ordinance and resolution shall be published one time in full in a newspaper of general circulation in the Municipality of Clyde, within ten days of passage or adoption. Emergency ordinances shall also be published as aforesaid, but said requirement shall not postpone the immediate taking effect thereof.

B. Codification of Ordinances and Adoption of Ordinances by Reference. Ordinances providing for the codification of ordinances or the adoption of ordinances by reference may be passed and published as herein provided or may be passed and published in compliance with State laws relating to the codification of ordinances by municipalities and the adoption of ordinances by incorporation by reference, by municipalities.

SECTION 4-9 SUBMISSION OF ORDINANCE TO ELECTORS.

The Council, may, by an affirmative vote of a majority plus one of its members, submit a proposed ordinance to the electors of the municipality.
(May 7, 1957)

ARTICLE V
THE MANAGER

SECTION 5-1 APPOINTMENT.

The Manager shall be appointed by the Council and shall be chosen on the basis of his executive and administrative qualifications as judged by the adequacy of his technical training and/or his successful experience in administrative work. At the time of his appointment he need not be a resident of the Municipality but during the first 90 days of his tenure of office, shall become a resident within the corporate limits, unless Clyde City Council, by a majority vote, extend the period by, up to, and not to exceed, 60 additional days, for good and sufficient reason. (Amended November 7, 1972)

No Councilman shall receive such appointment during the term for which he was elected nor within two (2) years after the expiration of his term.

SECTION 5-2 POWERS AND DUTIES.

The Manager shall be the chief executive officer of the Municipality and shall be responsible to the Council for the proper administration of the municipal government and he shall be required to:

(1) Appoint and, when necessary for the good of the service, remove any officer or employee of the Municipality appointed by him.
(2) Prepare the budget estimates annually for the Council and administer the adopted budget.
(3) Prepare and submit to Council and publish annually a complete report on the finances and administrative activities of the Municipality for the preceding year.
(4) Keep the Council informed of the current financial condition and future needs of the Municipality.
(5) Be in charge of all purchases of the Municipality.

(6) Recommend to Council such measures as he may deem necessary and expedient.
(7) See that the laws and ordinances are enforced.
(8) Exercise control over all departments created by Council.
(9) Perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of Council.
(10) Attend Council meetings but with no vote.

SECTION 5-3 INTERFERENCE BY COUNCIL.

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the Municipality. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager and neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately. Any Councilman violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of misdemeanor and, upon conviction thereof, shall cease to be a member of Council, provided, however, the Councilman shall have the right to appeal within fifteen (15) days to the Civil Service Commission, whose decision shall be final.
(May 7, 1957)

SECTION 5-4 RESIGNATION.

The Manager shall have the right to resign his position at any time, subject to the requirement that he give a ninety (90) day written notice of his intention to resign. The requirement of notice may be waived by resolution of Council.
(Amended November 7, 1972)

SECTION 5-5 ABSENCE OR DISABILITY OF THE MANAGER.

The Manager may designate, by letter filed with the Clerk, any qualified administrative officer of the Municipality to perform his duties during his temporary absence or disability. In event that such a designation has not been made, the Council may, by resolution, appoint a qualified administrative officer to perform the duties of the Manager until he shall return or his disability cease. (May 7, 1957)

SECTION 5-6 REMOVAL OF MANAGER.

The Council shall appoint the Manager for an indefinite term and may remove him by a two-thirds (2/3) vote of its members.
(Amended November 7, 1972)

ARTICLE VI
ADMINISTRATIVE DEPARTMENTS

SECTION 6-1 DEPARTMENTS.

A Department of Finance and a Department of Service and Safety are hereby established by this Charter and the Council shall provide by ordinance for the organization thereof.
(May 7, 1957)

The head of each department shall be the Manager or a Director appointed by the Manager for an indefinite term and shall be or become a resident of the Municipality during his tenure of office. Such residency shall be within the first ninety (90) days of tenure of office, unless Clyde City Council, by a majority vote, extend the period up to, and not to exceed, sixty (60) additional days, for good and sufficient reason. (Amended November 7, 1972)

One individual may be appointed to head more than one department.

SECTION 6-2 CREATION OF NEW DEPARTMENTS.

The Council by ordinance may create, change and abolish offices, agencies, boards and departments, other than those established by this Charter. The Council may assign additional duties to the departments established by this Charter, but may not discontinue or assign to any office, agency or department any function assigned by this Charter to a particular office, agency or department.

SECTION 6-3 FINANCE DEPARTMENT.

The Finance Department shall be headed by the Director of Finance who shall be appointed for an indefinite term. Appointment or removal of the Finance Director shall be by the City Manager, by and with the advice and consent of Council, by a two-thirds affirmative vote of its members voting in favor of such action. This Department shall perform those functions customarily discharged by the City Auditor and City Treasurer under the general law. (Amended November 3, 1987)

SECTION 6-4 DUTIES OF FINANCE DIRECTOR.

The Finance Director shall be the chief fiscal and accounting officer of the Municipality. He shall have the powers and duties relating to the functions and services of accounting, collection of taxes, assessments and utility revenue, and the control of disbursements.

SECTION 6-5 DEPARTMENT OF SERVICE AND SAFETY.

Until otherwise directed by ordinance, the Manager shall be the Director of the Department of Service and Safety. This department shall have supervision over the Fire, Police, Health and Utilities and shall have charge of sewers, streets, sidewalks, cemeteries and other facilities operated and maintained in the interest of public safety and service.

SECTION 6-6 CLERK.

The Council shall appoint a Clerk of Council for an indefinite term to act as Municipal Clerk whose duties shall be to keep the journal and other records of Council and to perform such other duties as the Council may require.

SECTION 6-7 SOLICITOR.

The Council shall appoint a Solicitor for an indefinite term to act as legal advisor for the Municipality.

SECTION 6-8 DUTIES.

The Solicitor shall be the legal adviser of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. He shall represent the municipality in all legal proceedings. It shall be his duty to perform all services incident to his position as may be required by statute, by this Charter or by Ordinance. Council may employ special counsel to assist the Solicitor in litigation or when deemed necessary for special matters.
(Amended November 3, 1992)

ARTICLE VII
COMMISSIONS AND BOARDS

SECTION 7-1 PLANNING COMMISSION.

The Planning Commission shall consist of the Manager as ex officio member without voting power and five (5) electors appointed by Council to serve without compensation for terms of five (5) years, except that the electors first appointed shall serve terms of one (1), two (2), three (3), four (4) and five (5) years, respectively: thereafter appointments shall be for five (5) year terms. Council, by a majority vote of its members, shall choose a successor to fill any vacancy.

SECTION 7-2 POWERS AND DUTIES.

The Planning Commission shall act as the platting commission of the Municipality and, as such, it shall have control of planning and shall provide regulations covering the platting of all lands within the Municipality.

It shall adopt and recommend to the Council a comprehensive general plan for the physical development of the Municipality, which shall include the location of public ways, property, bridges, utilities, buildings, parks, playgrounds and recreation areas. The comprehensive general plan shall show all existing school locations in the Municipality and shall show the projected locations of new schools as determined by the Board of Education. It shall prepare and recommend to Council ordinances creating areas, zones and districts of permitted and excluded uses, including rules, regulations, restrictions and limitations governing the design, height, floor area, size of structures, area and size of lots, yards, courts, open spaces, use and occupancy of public and private buildings, structures, and land for trade, industry, off-street parking, residences, parks, playgrounds, and other uses or purposes as will promote the general welfare of the Municipality and its inhabitants, and any other duties and powers prescribed by the statutes of the State of Ohio.

Before the Planning Commission shall recommend to Council the zoning or re-zoning of any lands, it shall hold a public hearing on the question. The Planning Commission shall cause to be published in a newspaper of general circulation within the corporate limits of the Municipality, a notice of the public hearing. Such notice shall be published at least ten (10) days prior to the public hearing and shall contain a summary of the question and the time and place of the public hearing.

It shall make a base map to be titled the "Official Map of the Municipality of Clyde". It shall have control over the platting and subdivision of lands and the improvement or development thereof. It shall recommend a building code.

In the performance of its function, the Planning Commission may enter upon any land and make examinations and surveys, and place and maintain necessary monuments and marks thereon.

SECTION 7-3 APPEALS FROM PLANNING COMMISSION TO COUNCIL.

Any persons, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of the Planning Commission may appeal from such decision to the Council of the Municipality by filing a petition with the Clerk of Council within fifteen (15) days from the date of the decision and setting forth the facts of the case. However, this section does not refer nor is it applicable to zoning matters.

Council shall hold a public hearing on such appeal not later than thirty (30) days after such appeal has been filed with its Clerk. Council by an affirmative vote of a majority of its members shall decide the matter and their decision shall be final.

SECTION 7-4 BOARD OF ZONING APPEALS.

There is hereby established a Board of Zoning Appeals which shall consist of five (5) electors appointed by Council. Council by a majority vote of its members shall choose a successor to fill any vacancy.

The five (5) electors first appointed shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years respectively; thereafter appointments shall be for five (5) year terms.

It shall be the duty of the Board of Zoning Appeals to hear and determine appeals made for exceptions to and variations in the application of the provisions of the zoning ordinances in harmony with the intent and purposes thereof, and from ordinances, regulations, rules, restrictions, limitations or orders of any administrative official or agency in connection with such matters.

SECTION 7-5 APPEALS FROM BOARD OF ZONING APPEALS TO COUNCIL.

Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of the Board of Zoning Appeals, may appeal from such decision to the Council of the Municipality by filing notice of intent to appeal within five (5) days and filing a petition with the Clerk of Council within fifteen (15) days from the date of the decision and setting forth the facts of the case.

Council shall hold a public hearing on such appeal not later than thirty (30) days after such appeal has been filed with its Clerk. Council by an affirmative vote of a majority of its members shall decide the matter.

SECTION 7-6 CIVIL SERVICE COMMISSION.

There is hereby established a Civil Service Commission which shall consist of three (3) electors, one (1) appointed by the Council, one (1) appointed by the Manager, and one (1) appointed by the employees who are covered by civil service. Vacancies shall be filled by the agency or person making the original appointment.

The three (3) electors first appointed by the Council, Manager and the employees shall serve for two (2), four (4) and six (6) years respectively; thereafter the appointments shall be for six (6) year terms. (May 7, 1957)

SECTION 7-7 DUTIES.

The Civil Service Commission shall provide by rules for the determination of merit and fitness as the basis for appointment and promotion of personnel in the classified service of the Municipality and for appeals from the action of the Manager or other officer in any time of transfer, reduction or removal. (Amended November 2, 1971)

SECTION 7-8 CONFLICTS WITH STATE STATUTES.

All matters of civil service covered by this Charter or the Civil Service Commission rules and regulations shall be governed by Chapter 124 of the Ohio Revised Code. In the event of conflict between the provisions of this Charter, or the rules and regulations of the Municipal Civil Service Commission promulgated under the authority of this Charter, the applicable Charter provision or rule or regulation shall take precedence over the State statutes.
(Added November 2, 1971)

SECTION 7-9 RECREATION BOARD.

The present Recreation Board shall remain but may be modified by Council from time to time as may be required. (Amended November 2, 1971)

SECTION 7-10 APPROPRIATION OF FUNDS.

Council shall have the power to appropriate funds for any board or commission for the personal services of its members. (Amended November 2, 1971)

SECTION 7-11 REMOVAL OF MEMBERS OF COMMISSIONS AND BOARDS.

By concurrence of a majority of its members, Council shall have the power to remove members of the commissions or boards for just cause upon public hearing. The decision of Council to remove a member of any commission or board pursuant to this section shall be final. (Amended November 2, 1971)

SECTION 7-12 TERMS OF OFFICE.

Members of all boards and commissions in the Municipality shall be subject to the provisions of Section 3-12 of this Charter.
(Amended May 3, 2005.)

SECTION 7-13 CITY EMPLOYEES PROHIBITED.

No City employee shall be appointed to serve on any board or commission of the Municipality.

This amended shall not prevent any City employee who is serving on any board or commission on the effective date of this amendment from serving out their appointed term. (Added November 5, 2002.)

ARTICLE VIII
INITIATIVE, REFERENDUM AND RECALL

SECTION 8-1 INITIATIVE.

Ordinances and other measures may be proposed by initiative petition and adopted by election, to the extent and in the manner now or hereafter provided by the Constitution or the laws of Ohio.

SECTION 8-2 REFERENDUM.

Ordinances and other measures adopted by Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution or the laws of Ohio. Referendum petitions must be filed in accordance with the laws of the State of Ohio.

SECTION 8-3 RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of the Municipality in the manner now provided in the Constitution and in Section 705.92 of the Ohio Revised Code, which Section is hereby adopted in its entirety. (Amended November 8, 1977)

ARTICLE IX
FINANCE

SECTION 9-1 GENERAL PROVISIONS.

The laws of the State of Ohio relating generally to budgets, expenditures, debts, bonds, contracts and other fiscal matters of the Municipality shall be applicable to the Municipality, except as modified by the provisions of this Charter and except when provision therefor is made in the Constitution of the State of Ohio.

SECTION 9-2 ANNUAL ESTIMATE.

The fiscal year of this Municipality shall be the same as that established for all municipalities by the laws of Ohio, unless Council by proper action shall adopt a different fiscal year. Not less than forty-five (45) days before the end of the fiscal year, the Manager, with such assistance as is available to him, shall prepare and submit to Council an estimate of the revenues and expenditures of the Municipality for the next succeeding fiscal year.

SECTION 9-3 DEBT AND TAX LIMITATION.

The period of limitation on debt and tax rates without a vote of the people shall be as provided in the Ohio Constitution and the general law.
(Amended November 3, 1987)

SECTION 9-4 CONTROL OF EXPENDITURES.

No officer or employee of the Municipality shall spend or contract to spend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money in excess of the amount appropriated for that general classification of expenditure or in excess of available funds. Nothing in this section shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds.

SECTION 9-5 INVESTMENT BOARD.

There is hereby created an investment board to be composed of the Manager, the Finance Director and a member of Council. The member of Council shall be chosen by municipal Council.

The investment board shall make such investments and deposits of municipal surplus funds as may be authorized by Section 731.56 of the Ohio Revised Code.
(Amended November 7, 1972)

ARTICLE X
GENERAL PROVISIONS

SECTION 10-1 ORDINANCES AND RESOLUTIONS IN EFFECT.

All existing ordinances, resolutions and other acts, or parts thereof, of the Municipality which are not inconsistent with this Charter, shall remain in effect until amended or repealed by the Council.

SECTION 10-2 PRECEDENCE.

In the event of conflict between any ordinance or resolution of this Municipality and any law, other than a law enacted in conformity with the powers reserved to the General Assembly by the Constitution of Ohio, the provisions of the ordinance or resolution shall prevail and control.

SECTION 10-3 AMENDMENT TO CHARTER.

Council may, by the affirmative vote of a majority of its members, submit any proposed amendment to the Charter to the electors; and upon receipt of a petition signed by not less than ten (10) percent of the registered electors of the Municipality, setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors.

The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the laws of Ohio.

If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that, if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.
(May 7, 1957)

SECTION 10-4 CHARTER REVIEW COMMISSION.

Beginning on or about March 1, 1981, and each five (5) years thereafter, the Manager, by and with the advice and consent of the Council, shall appoint a commission of nine qualified electors of the Municipality to be known as a Charter Review Commission. Members of the same shall not be elective or appointed officers or employees of the Municipality or any of its boards or commissions.

Interested, qualified persons may submit their names for service on such commission to the City Manager prior to March 1st of the year in which said commissions shall be convened although the City Manager shall not be bound to make appointments for those names submitted. The City Manager shall provide notice of the pending selection of such commission by publication sufficiently in advance of the appointment date.

In attempt to promote continuity on the commission, for the members to be appointed in 1996 and thereafter, the Manager shall appoint up to three (3) individuals, if available and willing to serve, who served on the immediately preceding Charter Review Commission.

Such commission shall review and recommend to the council any alterations, revisions and amendments to this Charter as in its judgment seem desirable for consideration by the electorate at the general election in November of the year following the year in which such commission is convened. The Council shall submit to the electors any such proposed alterations, revisions, or amendments in the manner prescribed herein. (Amended November 3, 1992)

SECTION 10-5 EFFECTIVE DATE.

For the purpose of electing the elective officers of the Municipality of Clyde, Ohio, this Charter shall be in effect from and after the time of its approval by the electors.

For all other purposes, this Charter shall be in effect on and after the first (1st) day of January, 1958. (May 7, 1957)

ARTICLE XI

SECTION 11-1 REPLACEMENT OF REFERENCES TO FRACTIONS.

Two-thirds and Three-fourths. Wherever, with reference to votes of Council, this Charter uses the fractions two-thirds (2/3) or three-fourth (3/4), the same shall be replaced with the words "a majority plus one".

This Section shall apply to all current Sections of the Charter and to any amendments containing the above fraction. (Amended November 5, 2002.)

WARREN B. PLEISTER, Chairman
W. H. METZ, Vice Chairman
R. J. SHELLHAMMER, Secretary
A. R. COLEMAN
JAMES C. FARRAR
E. ARTHUR FISER
JOHN J. GEDERT
SAMUEL GREENSLADE
M. K. MILLER
ROBERT E. MILLER
M. C. SMITH
SHERWOOD B. SMITH
STANLEY L. STOKES
WALTER E. TAYLOR
LEWIS E. WHITE

CHARTER REVIEW COMMISSION – 1962

Thomas Dewey	Sec. 4-8	November, 1962
Donald E. Herrit	Sec. 9-3	November, 1962
John H. Jackson, Sr.	Sec. 9-4	November, 1962
Carleton Peck		
W. B. Pleister		
Harry Sargeant, Jr.		
R. J. Shellhammer		
Stanley Stokes		
Thomas Wilbert		

CHARTER REVIEW COMMISSION – 1967

Richard Robbins, Chairman	Sec. 3-3	November, 1967
Ray Jennings	Sec. 4-9	November, 1967
A. C. Lynch	Sec. 9-3	November, 1967
Lester Parker	Sec. 9-5	November, 1967
Carl Krauss		
Walter Wickerham		
Wilbur Sarvis		
Mrs. John Jackson		
Mrs. Doyle Jennings		

CHARTER REVIEW COMMISSION – 1971

Walter Auxter	Sec. 7-7	November, 1971
	Sec. 7-8	November, 1971
	Sec. 7-9	November, 1971
	Sec. 7-10	November, 1971
	Sec. 7-11	November, 1971
	Sec. 7-12	November, 1971
	Sec. 7-13	November, 1971

CHARTER REVIEW COMMISSION – 1972

Eugene Meili	Sec. 3-2	November, 1972
Paul E. Frost	Sec. 3-5	November, 1972
Samuel Greenslade	Sec. 5-1	November, 1972
Russell A. Senior	Sec. 5-4	November, 1972
Franklin F. Steinert	Sec. 5-6	November, 1972
Lloyd Uttley	Sec. 6-1	November, 1972
John H. Jackson, Jr.	Sec. 9-3	November, 1972
Charles Finley	Sec. 9-5	November, 1972
Amaryllis Russell		

CHARTER REVIEW COMMISSION – 1977

M. C. Smith, Chairman	Sec. 3-7	November, 1977
Kenyon Anderson	Sec. 7-1	November, 1977
Rev. Larry Miracle	Sec. 8-3	November, 1977
Rev. T. I. Redfern	Sec. 10-4	November, 1977
Frank Steinert		
James Avery		
Anita Miller		
William Metz		
Samuel Greenslade		

CHARTER REVIEW COMMISSION – 1982

William Metz, Chairman
Harry Manning, Assistant Chairman
Clara Hemminger, Co-Secretary
Eleanor Foulk, Co. Secretary
Walter Auxter
Ronald Hofacker
John Jackson
David Kudro
Robert Wilson

CHARTER REVIEW COMMISSION – 1987		
James Avery	Sec. 3-1	November, 1987
Regina Bixler	Sec. 4-7	November, 1987
Marjorie Buck	Sec. 6-3	November, 1987
Frances Jackson	Sec. 7-12	November, 1987
Patricia Newhouse	Sec. 9-3	November, 1987
Thomas Wadsworth		
James Watt		
William Brown, Secretary		
Donald Carter, Chairman		

AMENDMENTS – 1989	Sec. 3-2	November, 1989
	Sec. 3-5	November, 1989
	Sec. 3-8	November, 1989

CHARTER REVIEW COMMISSION – 1992		
Joe Cooper, Chairman	Sec. 6-8	November, 1992
Jackie Cunningham, Secretary	Sec. 10-4	November, 1992
Robert Cox		
Larry Schultz		
Carolyn Clapp		
Luella Jackson		
Debra Rogers		
James Wilson		
James Avery		

CHARTER REVIEW COMMISSION – 1997		
Betty Rogers, Chairman	Sec. 4-3	November, 1997
Janette A. Corzine	Sec. 7-12	November, 1997
James F. Avery		
Verna Horne		
Tami Keegan		
Thomas Gedert		
Raymond M. Colavincenzo		
John Trainor		
Lee Ann Brown		

COUNCIL'S SUBMISSION – 1999	Sec. 3-1	May 4, 1999
CHARTER REVIEW COMMISSION – 2002		
John Brewer, Chairman	Sec. 3-1	November, 2002
Tami Keegan, Secretary	Sec. 7-13	November, 2002
James Avery	Sec. 11-1	November, 2002
David Danhoff		
Bonnie Dick		
Jeff Gilmor		
Scott Hicks		
Holly Rogers		
Joe Wilson		
AMENDMENT – 2005	Sec. 7-12	May, 2005
CHARTER REVIEW COMMISSION – 2006		
Joe Wilson, Chairman	Sec. 3-1	November, 2007
Todd Helms, Vice Chairman		
Dee Blackburn, Secretary		
James Avery		
David Danhoff		
Dennis Gable		
Jeff Gillmor		
Glenn Kistler		
Rick Withem		