

ARTICLE V
ADMINISTRATIVE DEPARTMENTS

SECTION 5.01. CREATION OF DEPARTMENTS.

The administrative activities of the municipality shall be carried on by a Department of Finance, a Department of Law, a Department of Safety, a Department of Service and such other departments as may be created by ordinance, after consultation with the Manager.

SECTION 5.02. DEPARTMENT HEADS.

At the head of each department there shall be a full-time or part-time director appointed by the Manager, as provided in Section 4.04 of this Charter. Each director shall be an administrative officer of the municipality and shall have supervision and control of his or her department, subject to the direction of the Manager. Two or more departments may be headed by the same person, and the Manager may serve as director of one or more departments, in addition to his or her duties as Manager, if Council approves.

(Amended 11-6-01)

SECTION 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 Manager may establish temporary divisions by administrative order.

SECTION 5.04. 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 Charter or ordinance, 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 municipality, within the appropriations made by Council. The Manager shall be responsible for supervising the purchasing function.

SECTION 5.05. COMPETITIVE BIDDING.

Purchase of all supplies, materials and equipment for the municipality 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 of and tabulation of bids shall be required only as to purchases estimated to exceed fifteen thousand dollars or such greater amount, as may be established by state law. In the case of public disaster, or other urgent necessity, declared by resolution approved by five-sevenths vote of the Council, purchases in any amount may be made in the open market without competition.

(Amended 11-6-01)

SECTION 5.06. OVEREXPENDITURES.

No officer, department or agency of the municipality 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 municipality, for any purpose, which will exceed the amount appropriated for such expenditures and obligations except as authorized by Council. Any officer or employee who knowingly creates or attempts 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 a single fiscal year, when specifically authorized by the Council.

(Amended 11-3-81)

SECTION 5.07. PERSONAL INTEREST.

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

make known that interest and shall refrain from voting upon or otherwise participating, in his capacity as such officer or employee, in the making of such sale, or in the making or performance of such contract. Any officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section is guilty of malfeasance in office and upon conviction shall forfeit his or her office or position.
(Amended 11-6-01)

SECTION 5.08. ILLEGAL CONTRACTS VOIDABLE.

Whenever any contract is found to be illegal for the reasons described in Section 5.06 or Section 5.07 and the municipality has received the goods or property involved the Council may, by resolution, elect to rescind the contract, and return the goods or property. If it elects to retain them, they shall be paid for 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 municipality shall be entitled to recover the excess, if any, over the fair value.

ARTICLE VI
FINANCE

SECTION 6.01. DEPARTMENT OF FINANCE.

The Department of Finance shall perform those functions relating to finance allocated to village clerks and to city auditors and city treasurers under the Ohio Revised Code, except as may be otherwise provided by the Administrative Code. The Director of Finance shall be the fiscal officer of the municipality and shall be responsible for the collection, custody and disbursement of public funds, including funds related to and derived from, the operation of the Mayor's Court. He or she shall also keep the accounts, which shall reflect the financial status of the municipality, on an accrual basis. He or she shall countersign all bonds and notes issued by the municipality and shall perform such other functions as may be assigned by ordinance or by order of the Manager. (Amended 11-6-01)

SECTION 6.02. ANNUAL TAX BUDGET.

On or before the first day of June of each year, the Manager shall submit to Council a tax budget for the next ensuing fiscal year. For that purpose, at such date as he or she shall determine, the Manager shall obtain from the head of each department or agency of the municipality plans for the work to be undertaken by such department or agency during the next fiscal year, together with estimates of the cost of performing such work. The Department of Finance shall supply the Manager with estimates of available revenue. From these data, the Manager shall prepare the consolidated estimates for the annual tax budget. Council shall consider such estimates and adopt them, after a hearing with or without amendments, as the tax budget estimates for the ensuing year, and transmit them to the County Budget Commission in the form and at the time required by law. (Amended 11-6-01)

SECTION 6.03. PUBLIC HEARING ON TAX BUDGET.

At least two copies of the tax budget estimates shall be placed on file in the office of the Director of Finance for public inspection. The Council shall set a date, and advertise and hold a public hearing on the tax budget before taking final action thereon.

SECTION 6.04. TAX LEVIES.

Upon receipt of advice of action by the County Budget Commission, and the certificate of the County Auditor as to estimated resources, the Council shall pass and certify to the County Auditor an ordinance levying the necessary general property taxes, to be placed on the tax duplicate.

SECTION 6.05. PERFORMANCE BUDGET.

The Manager shall prepare and submit to Council on or before December 1 of each year a budget setting forth the contemplated work program for the next fiscal year, expressed in terms of the work units to be performed and the cost of performing them. This program and the recommended appropriations from each fund shall not exceed the total estimated resources thereof. This is the municipal budget.

SECTION 6.06. ANNUAL APPROPRIATION ORDINANCE.

At the meeting of Council at which the municipal budget is submitted, the Council shall, by resolution, fix the date and place for a public hearing thereon. This resolution shall be published at least one week prior to the date fixed for the hearing and shall also state that the budget is on file in the office of the Director of Finance and open to public inspection during regular office hours. At the time and place fixed, the Council shall hold a public hearing on the budget, 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 municipality for the ensuing fiscal year. Such ordinance shall be adopted not later than December 31.

SECTION 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 and approval of the work projects without further legislation. A copy of the ordinance, certified correct by the Manager and the Mayor and Clerk of Council, shall be filed with the Director of Finance, official copies transmitted to each organization unit of the municipal government and to such interested citizens and public offices as may be required or requested.

SECTION 6.08. AVAILABILITY OF FUNDS.

The appropriations made by the appropriation ordinance for debt service and other fixed charges shall become available for expenditure upon the filing of the certified copy of the ordinance with the Director of Finance. Appropriations for capital outlays for construction shall become available in two stages: (1) Not more than ten per cent of each item shall be available for the preparation of detailed plans and specifications upon the filing of the certified copy of the ordinance with the Director of Finance; (2) The remaining ninety per cent of the appropriation for each such item shall become available for encumbrance upon approval of the plans and specifications therefor, after report thereon by the Manager.

SECTION 6.09. ALLOTMENTS.

Appropriations for current operation of the organization units of the municipality shall become available for encumbrance only when allotted by the Manager, based currently on valid work plans for each agency, in conformity with the appropriation ordinance. The details of the allotment system shall be fixed by the Council in the Administrative Code, which shall also provide rules for the transfer of funds among the items provided in the appropriation ordinance.

SECTION 6.10. 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 municipality, but also the revenue and income anticipated and the obligations outstanding and unpaid. No public official or employee may create an obligation against the municipality by oral agreement. Purchases shall be made by written purchase order, signed by the purchasing agent, and agreements for construction work or for personal services shall be by written contract or appointment signed by the Manager or an administrative official of the municipality designated by the Manager. No purchase order or contract shall be valid as an obligation of the municipality unless it bears a certificate signed by the Director of Finance that the estimated amount thereof has been entered as an encumbrance in the accounts against an allotment based on a valid appropriation.

(Amended 11-6-01)

SECTION 6.11. FEES.

All fees received by any officer or employee of the municipality by virtue of his or her employment with the municipality shall be accounted for and paid into the municipal treasury. (Amended 11-6-01)

SECTION 6.12. CAPITAL IMPROVEMENT RESERVE FUND.

Council shall create and maintain a Capital Improvement Reserve Fund, and may from time to time transfer or appropriate thereto moneys accruing to any other fund of the municipality not needed for the purposes of such fund and available for transfer under general law, and also the unencumbered balance remaining in the General Fund of the municipality at the end of any fiscal year. Moneys in the Capital Improvement Reserve Fund shall not be expended for any purpose except to purchase equipment, apparatus or other property, or to construct buildings, structures, roads and other public improvements needed for the use of the municipality, or to pay bonded obligations of the municipality by means of transfer to its bond and interest retirement fund.

ARTICLE VII
BORROWING

SECTION 7.01. POWER TO INCUR INDEBTEDNESS.

The municipality may incur indebtedness upon authorization by the Council, by ordinance, or any purpose authorized by law. The procedure in authorizing and issuing bonds and notes shall be prescribed by the Uniform Bond Law of the State of Ohio, in effect at the time.

SECTION 7.02. SPECIAL ASSESSMENTS.

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 determine the proportion of the cost of such improvement which shall be paid from municipal revenues, and that which shall be assessed. It may also fix the manner and duration of the payment of such special assessments.

ARTICLE VIII
BOARDS AND COMMISSIONS

SECTION 8.01. PLANNING COMMISSION.

There shall be a Municipal Planning Commission consisting of five (5) members. Four members shall be electors who hold no other public office or employment, appointed by the Council to serve for overlapping terms of three (3) years; and one (1) shall be either a member of the Board of Education who is a resident of the Municipality or its designee, appointed annually by the Board as the Board shall determine; and a member of Council, designated annually by Council shall serve as an ex-officio member. Minutes of all Planning Commission meetings shall be available for public examination during regular office hours. The Commission shall adopt its own rules and elect its officers annually. It shall have all the power and authority conferred upon planning commissions by State law and such other duties as may be imposed upon it by ordinance. Its members shall serve as such without compensation. (Amended 11-7-89)

SECTION 8.02. BOARD OF ZONING AND BUILDING APPEALS.

There shall be a Board of Zoning and Building Appeals consisting of five electors who hold no other public office or employment, appointed by Council, for overlapping terms of three (3) years, to be determined by Council. The Board shall adopt its own rules and elect its officers annually. It shall have the power to hear and decide applications for exceptions to, and variances in the application of resolutions, ordinances, regulations governing zoning and building in the Municipality, and to hear and decide appeals from orders of administrative officials or agencies governing zoning and building in the Municipality, all as may be required for justice and avoid unreasonable hardship, subject to such reasonable standards and procedures as shall be prescribed by ordinance. Its members shall serve as such without compensation.
(Amended 11-5-91)

SECTION 8.03. OTHER BOARDS AND COMMISSIONS.

Whenever the municipality shall become a city under the State law, the Council shall establish by ordinance whatever additional boards and commissions may be required by State law in municipalities which attain city status, unless the Council shall make other provision for the performance of such functions as are customarily performed by a Board of Health, a Civil Service Commission and a Board of Trustees of the Police Relief and Pension Fund.

**ARTICLE IX
NOMINATIONS AND ELECTIONS**

SECTION 9.01. MUNICIPAL ELECTIONS.

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

SECTION 9.02. CONDUCT OF ELECTIONS.

Both regular and special municipal elections shall be conducted by the Board of Elections of Licking County under the provisions of this Charter, so far as they are applicable. Where the Charter is silent, the provisions of the Ohio Election Laws shall be followed unless and until these have been superseded by ordinance.

SECTION 9.03. NOMINATIONS.

(EDITOR'S NOTE: The provisions of Section 9.03 were repealed on November 5, 1991.)

SECTION 9.04. CANDIDATES FOR COUNCIL.

Any qualified voter who is eligible for membership on the Council in the primary may file a petition with the Board of Elections not less than 75 days before the November election. Such petition shall be signed by not less than twenty-five qualified voters. An elector may sign more than one petition for Council member.

The number of candidates receiving the highest number of votes for the number of vacancies on the Council shall be elected. Except as otherwise provided in the Charter, such election shall be conducted in accordance with Title 35 of the Ohio Revised Code, and as such title may be hereafter amended. (Amended 11-5-91)

SECTION 9.05. RECALL.

Any member of Council may be removed from office before the expiration of his or her term by the electors of the municipality. The procedure for such recall shall be that provided in Section 705.92 of the Ohio Revised Code.
(Amended 11-6-01)

ARTICLE X
GENERAL PROVISIONS

SECTION 10.01. OATH OF OFFICE.

Every officer an employee of the municipality shall, before entering upon his or her 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 that 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 municipality, and will faithfully discharge the duties of _____ upon which I am about to enter.”

(Amended 11-6-01)

SECTION 10.02. OFFICIAL BONDS.

All officers and employees of the municipality whose duties require that they handle or be concerned with the management of its money or property, and any other employee required by Council to file a bond 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 municipality against loss due to their acts or omissions. The amount of such bond shall in each case be fixed by resolution of Council. The premium on such bonds shall be paid from the funds of the municipality.

SECTION 10.03. REMOVAL FROM OFFICE.

Whenever in this Charter certain acts by municipal officials or employees are described as constituting malfeasance or misfeasance 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.

SECTION 10.04. FAIR EMPLOYMENT PRACTICES.

No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any municipal office or employment because of race; color; sex or gender; sexual orientation; age; disability status; marital status; ethnic, national, or Appalachian regional origin; or religious opinions or affiliations.

(Amended 11-6-01)

SECTION 10.05. POLITICAL NEUTRALITY.

No person who holds any compensated appointive municipal office or employment shall solicit or receive any contribution to the campaign funds of any political party or any candidate for public office or take part in the management, affairs or political campaign of any political party, but he may exercise his rights as a citizen to express his opinions and to cast his vote. Whoever shall violate this section shall be guilty of misfeasance in office.

(Amended 11-5-91)

SECTION 10.06. SOLICITING CONTRIBUTIONS FOR POLITICAL PURPOSES.

No person shall solicit or assist in soliciting any assessment, subscription, donation or contribution for any party or political purpose whatsoever from any person holding any compensated appointive municipal office or employment. Whoever shall violate this section shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than fifty nor more than five hundred dollars or imprisonment for not less than ten days nor more than six months or both.

SECTION 10.07. ENFORCEMENT OF SUBPOENAS.

Whenever in this Charter or in the ordinances passed there under, the Council or any other agency of the municipal government is given authority to issue subpoenas or to require the attendance of witnesses or the production of books and papers, the same shall be issued and enforced in the manner provided in Section 705.21 of the Ohio Revised Code.

SECTION 10.08. INCORPORATION OF GENERAL LAW.

Whenever reference is made in this Charter to sections of the Ohio Revised Code as governing organization or procedure of municipal agencies or officials, it is declared to be the intention of the voters in approving this Charter that if such sections should be amended in the future by the Ohio General Assembly, such amendments shall be incorporated into this Charter also, unless the people amend the Charter to provide a different organization or procedure from that established by State law. If a code section referred to in this Charter is repealed, the Council may, by ordinance, establish the rule to be followed in the matter to which such code section referred.

SECTION 10.09. SEVERABILITY CLAUSE.

If any section or part of a 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.

SECTION 10.10. 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 municipality and approval by a majority of those voting on the question of its adoption. Such amendment may be initiated either by a two-thirds vote of the Council or by petition to the Council signed by ten per cent of the electors.

SECTION 10.11. CHARTER REVIEW COMMISSION.

In January 1971, and each ten years thereafter, the Council shall appoint a commission of seven electors of the municipality, holding no other public office or employment, as members of a Charter Review Commission. The Commission shall examine this Charter, hold hearings to secure suggestions thereon and not later than July 1 of the year of their appointment report to Council their recommendations for amendments, if any, to this Charter which in their judgment are conducive to the public interest. The Commission shall serve without compensation. The Council shall vote on those amendments suggested by the Commission. With a two-thirds majority approval by Council, the amendments will then be submitted to a public vote at the next November election. (Amended 11-6-01)

ARTICLE XI
TRANSITIONAL PROVISIONS

SECTION 11.01. FISCAL SUCCESSION.

The Village of Granville under this Charter is hereby declared to be the only legal successor of The Village of Granville under the general law and as such The Village has title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes in the process of collection together with all accounts receivable and rights of action. The municipality 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, by any court of competent jurisdiction.

SECTION 11.02. CONTINUATION OF ORDINANCES.

All ordinances of The Village of Granville 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.

SECTION 11.03. CONTINUATION OF CONTRACTS AND PUBLIC IMPROVEMENTS.

All contracts entered into by The Village of Granville, or for its benefit, prior to the taking effect of this Charter shall continue 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 far as practicable, under the provisions of such laws.

SECTION 11.04. PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against The Village or any 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.

SECTION 11.05. CONTINUATION OF OFFICERS.

Each person holding office in The Village at the time this Charter takes effect shall continue in office and in the performance of his duties until provision shall have been made, in conformity with the Charter, for the performance of such duties by a successor, or the office is abolished.

SECTION 11.06. CONTINUANCE OF EMPLOYEES.

Every employee of The Village when this Charter takes effect shall be retained in his employment unless and until the Council shall otherwise provide.

SECTION 11.07. TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of The Village at the time this Charter becomes effective shall be transferred and delivered promptly to their successors, when such successors have been designated by ordinances passed by Council under this Charter.

SECTION 11.08. WHEN CHARTER TAKES EFFECT.

This Charter shall be voted upon at an election to be held on May 5, 1964. If approved by a majority of those voting thereon, it shall go into effect on July 1, 1964, for the purpose of electing the first Council thereunder. The first Council shall be nominated by petitions only, without a primary election, which petitions shall be filed with The Board of Elections of Licking County at least ninety days before the November election. Petitions for Council member shall contain not less than twenty-five and not more than fifty signatures of qualified voters. The names of all candidates who are so nominated shall be printed on the ballot, with indication of their status, whether party or independent.

SECTION 11.09. FIRST ELECTION.

The first election for Council members under this Charter shall take place on November 3, 1964. The seven candidates who receive the highest number of votes shall be elected. The four highest shall serve for a term of three years, the three next highest for a term of one year. Beginning in November 1965, an election shall be held each two years, in the odd-numbered years, and successors to those whose terms expire shall be nominated and elected under the provisions of this Charter for a full four year term.

SECTION 11.10. TERMS OF EXISTING OFFICERS.

The terms of office of the Mayor, the Council members, the Clerk, the Treasurer and the members of the Board of Public Affairs who are in office when this Charter goes into effect shall cease and terminate at noon on December 1, 1964, at which time the first Council elected under this Charter shall take office. Such officers shall, as soon as possible thereafter, turn over public property and effects in their possession to their successors. All members of Council holding office upon the effective date of this amendment shall serve until the expiration of the term to which they were elected, but beginning in November, 1983 successors to those whose terms expire shall be nominated and elected under the provisions of amended Sections 2.02 and 2.03 of this Charter.

(Amended 11-2-82)

SECTION 11.11. WHEN CHARTER BECOMES FULLY EFFECTIVE.

For all purposes other than election of the first Council under this Charter, the Charter shall take effect and be in force from and after noon, Eastern Standard Time, on the first day of December 1964.