

THE HOME RULE CHARTER

OF

HUBBARD, OHIO

Original Engrossed Copy Number 11

Framed by the Charter Commission  
Elected November 3, 1959

Pursuant to its duty under the Ohio Constitution, and in accordance with the interpretation of the Attorney General of Ohio, the charter commission has fixed

TUESDAY

OCTOBER 11, 1960

As the time for holding the election of the adoption of the charter

STATEMENT

To the Voters of Hubbard, Ohio:

The charter commission, created by your votes in 1959 to frame a charter for Hubbard, respectfully submits the accompanying charter for your action at the polls. This statement sets forth the leading subject fields treated in the charter before you.

In the general knowledge that when the Census of 1960 is completed Hubbard will become a city under the Ohio Constitution the commission has framed the charter for a city, recognizing the continuance of Hubbard as a village until the change is officially determined.

The city government is to be on the council-manager plan. The voters are to elect a council of seven members, one of whom the council will choose as mayor. The council will exercise the legislative powers of the city and will appoint and may remove a city manager, who is to be responsible for the direct exercise of the executive powers and for the administration and operation of city services. The first city council is to be elected in

1961 and to take office January 1, 1962.

Complying with a requirement of the Ohio Constitution, the charter provides for the initiative and referendum, enabling voters by petition and popular vote to enact or to repeal ordinances and resolutions.

The charter provides that in the administrative service the manager is to appoint a city attorney, a personnel officer, a director of finance, and other necessary officers and employees. The city attorney and the personnel officer may be part time officers. The manager may himself serve as director of safety as director of any other department which the council creates.

The village planning commission becomes the city plan commission, with seven members, including the city manager and a member of the council. The charter affirms the power and duty of the council to zone and rezone, and provides for a board of zoning appeals.

The Ohio Constitution requires Hubbard when it becomes a city to use the merit system of appointments and promotions in the city service. Accordingly the personnel officer will give competitive examinations for the establishment of eligible lists of qualified applicants for appointment, and will discharge other duties relating to personnel administration. The city board of personnel review will hear appeals of employees. This organization resembles that of the State of Ohio. Whenever under State law the city administers civil service for a school district its board of education will appoint a member of the board of personnel review. Village employees in civil service grades and classes will continue in the service of the city under the personnel provisions of the charter.

Village ordinances will continue in effect. Village contracts will be carried out. The Hubbard Union Cemetery will continue as a joint city-township service. The charter authorizes the continuance of Hubbard within the general health district of the county, and preserves the city's authority to make sanitary regulations.

The charter requires the manager each year to submit an appropriation budget in the form of a program of work to be done and services to be rendered, as well as of dollars to be raised and spent. This is in addition to the tax budget provided for in State law. The charter does not effect the application of the ten-mill tax limit, or of the Uniform Tax Levy Law. Nor does it change the law governing borrowing for city purposes.

By Order of the Charter Commission

Bernard M. Schneider, M.D., Chairman

Attest: George W. Hopes, Secretary

# HOME RULE CHARTER OF THE CITY OF HUBBARD, STATE OF OHIO

Original Engrossed Copy Number 11

## CORPORATE POWERS, FORM OF GOVERNMENT

### Incorporation and Name

Section 00.10. The inhabitants of the municipal corporation of Hubbard, County of Trumbull, State of Ohio, within corporate limits now or hereafter existing, shall continue to be a body politic and corporate having perpetual succession. The name of this municipal corporation shall continue to be The Village of Hubbard until it becomes a city under the Constitution of Ohio; thereafter its name shall be The City of Hubbard; the name City of Hubbard, and the word city, in this charter, shall be construed to designate or to refer to the Village of Hubbard until it becomes a city.

### Powers of Local Self-government

Section 00.20. The City of Hubbard shall have all powers which now are or may hereafter be granted to municipalities by the Constitution and laws of Ohio either expressly or by implication, as fully as though every such power were expressly stated in this charter. The statement of or reference to particular powers in this charter shall not be construed to deny or limit any power of local self-government comprehended in this section.

### Exercise of City Powers

Section 00.30. Consistently with the provisions of the Constitution of Ohio the powers of the City of Hubbard shall be exercised in manner prescribed by this charter and, to the extent that this charter does not specifically prescribe, in the manner prescribed by ordinance or resolution; but if it is not competent for the city to prescribe the manner of exercise of any particular power derived from statute, that power shall be exercised in the manner prescribed by general law.

### Intergovernmental Cooperation

Section 00.50. The council may authorize or require any officer of the City to participate with officers of the County of Trumbull, of the public schools, or of other municipalities and political subdivisions in the study and coordination of programs of finance, taxation, public improvements, and other official activities and services of municipal and other governments, for the purpose of improving public services and facilities and of effecting economies therein. The council may authorize contracts with other governments, relating to the performance of functions of and for the city, consistently with the city's powers of local self-government.

## Council-Manager Plan of City Government

Section 09.10. By this charter the people of Hubbard adopt the council-manager plan of city government, in which the people elect a representative city council to exercise general legislative powers and to appoint a city manager who shall be the chief administrative and executive officer of the city. The mutual relations of the council and the city manager, and their respective functions and duties, are more particularly set forth in subsequent provisions of this charter.

### THE CITY COUNCIL

#### Powers Vested in the Council

Section 10.10. The legislative powers of the City of Hubbard, except those reserved to the electors by the Constitution of Ohio and this charter, are vested in a council. The council shall consist of seven electors of the City of Hubbard, elected under the provisions of this charter, at the general municipal elections in odd-numbered years.

#### Terms of Members of the Council

Section 10.20. The regular terms of members of the council shall be two years, except that the terms of members elected in 1961 shall commence on the first day of January, 1962, and shall end with the thirtieth day of November, 1963. The terms of members elected in 1963 and thereafter shall commence on the first day of December in the year in which they are elected and shall end with the thirtieth day of November in the second year thereafter.

#### Council to be Judge of the Qualifications and Elections of Its Members

Section 10.30. The council shall be the final judge of the elections and qualifications of its own members. This section shall not be construed and preclude the election authorities from conducting recounts of votes, or the courts from hearing and determining election contests, under provisions of general law; nor shall the fact of a recount or of a contest preclude the council from exercising the jurisdiction belonging to it by this section. Before any person certified by the election authorities as having been elected to the council shall be excluded or removed therefrom on the ground of non-election or non-qualification he shall be notified of the grounds alleged for excluding or removing him, and shall be permitted to be heard thereon in person or by counsel, and shall have process to compel the attendance and testimony of witnesses and the production of books, papers, and records in his behalf. He shall not be excluded or removed by the votes of fewer than four members of the council, nor unless proceedings for his exclusion or removal shall be commenced not later than thirty five days after the beginning of his term, or not later than thirty five days after the subsequent discovery of grounds for his exclusion or removal. The determination by the council of any question in any proceeding under this section shall not be set aside by any court except for mistake of law. If the council determines to exclude or remove a person holding a certificate of

election to the council, in a proceeding begun within thirty five days after the commencement of a regular councilmanic term, on the ground that he was not elected or that he was not qualified at the time of election, that determination shall void his certificate of election, and the election authorities shall issue a certificate of election to the candidate then entitled to it.

#### Discipline and Expulsion of Members

Section 10.40. If any member of the council violate any of its rules, or behave in a disorderly manner in any meeting of the council or of a committee thereof, the council may punish or expel him therefor. He shall not be expelled unless at least five members of the council concur therein, nor be otherwise punished unless at least four members of the council concur therein. Before he is expelled he shall be permitted to be heard, and to have process, according to the provisions relating to hearing and process in section 10.30 of this charter.

#### When Council May Declare Seats of Members Vacant

Section 10.50. The council shall have power and it shall be its duty by the votes of at least four members to declare vacant the seat of any member who during the term for which he is elected shall cease to possess the qualifications of an elector of the City of Hubbard, who shall do or attempt to do anything contrary to the provisions of section 30.39 of this charter, who shall forfeit his office by the operation of any other provision of this charter, who shall be absent from any three consecutive regular meetings of the council unless one or more of those absences is excused by the council, who is convicted of bribery, corruption, violation of the election laws of Ohio, or of any other criminal offense punishable by imprisonment for more than ninety days, or who holds or attempts to hold any public office or position of profit or trust other than that of notary public, member of a reserve component of the armed forces of the United States or the State of Ohio, member of an advisory council or board of health of a health district, employee in a public position the duties of which do not include any supervision over or conflict with any function, interest, or affair of the City of Hubbard, teacher in a public school or other educational institution, trustee of a relief and pension fund for the benefit of members of the police force or the fire force of the City of Hubbard, or office or employment in the service of the City of Hubbard which this charter designates to be filled by members of the council.

#### How Vacancies in the Council Shall be Filled

Section 10.60. If any member of the council die, resign, or be expelled or disqualified, if he fail to qualify within forty days after the beginning of his term, or if his seat be declared vacant, the remaining members of the council shall by the concurrence of at least four votes choose his successor. If the council does not at its first or second meeting after the occurrence of a vacancy choose a person to fill that vacancy, the city clerk shall forthwith certify that fact, the name of every person for whom any member of the council voted to fill that vacancy, and a copy of this section, to the judges of the Court

of Common Pleas of the County of Trumbull. Thereupon the three judges of that court who are senior in service therein, or any two of them, shall choose some eligible person to fill the vacancy. If those judges do not within fourteen days choose a person under the authority of this section, that authority shall devolve upon the judge who has the highest seniority in service in that court among the judges thereof who are willing to exercise it. Any person chosen to fill a vacancy in the council shall without delay qualify as a member thereof for the remainder of the unexpired term.

#### Salaries Members of the Council

Section 10.90. Each member of the council shall receive a salary payable at times prescribed by ordinance. Until otherwise fixed by ordinance the salary shall be at the rate of three hundred dollars (\$300) per year. No ordinance fixing or changing the salaries of members of the council shall be passed in an odd-numbered year, or as an emergency measure, nor shall any increase or decrease made by it be put into effect before the beginning of the next regular term of members of the council.

### MEETINGS, RULES, QUORUM

#### Meetings of the Council

Section 12.10. At 7:00 o'clock p.m. on the first day of January, 1962, and at the same hour on the first day of December of each odd-numbered year thereafter, the council shall meet at the usual place for holding meetings of the council, and the members elected at the last preceding municipal election shall qualify and assume the duties of their office. Thereafter the council shall meet regularly at such times as may be prescribed by rule or ordinance. The mayor or any three members of the council may call special meetings of the council, by written notice served personally upon each member or left at his usual place of residence, in either case at least twenty four hours before the time appointed for the meeting. The notice shall state every subject to be considered at the special meeting and no other subject shall be considered at it. All meetings of the council or of its committees shall be public.

#### Rules and Journal of the Council

Section 12.20. The council shall determine its own rules and order of business and shall keep a journal of its proceedings. The journal shall be open to public inspection at all reasonable times.

#### Quorum and Voting

Section 12.30. Four members of the council shall be a quorum to do business, but fewer may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative votes of at least four members shall be necessary to enact any measure. The vote on the passage of every ordinance, on the adoption of every resolution having any

force or effect of law, on every appointment or choice and on every removal made by the council, and on any action taken under the provisions of section 10.30, section 10.40, or section 10.50 of this charter, shall be taken on a roll call and the vote of every member of the council thereon shall be entered on the journal. In this charter the expression “to enact a measure”, and its derivatives, mean to pass an ordinance or to adopt a resolution, and their respective derivatives.

## LEGISLATIVE PROCEDURE

### Action by Ordinance; Exceptions

Section 15.00. Every measure enacted by the council having the force or effect of law, except such resolutions as are prescribed by general law beyond the power of this charter to alter, shall be in the form of an ordinance.

### Single Subject

Section 15.05. Every measure shall be introduced into the council in written or printed form, and shall contain not more than one subject, which subject shall be clearly expressed in the title. The making of general appropriations shall be deemed to be a single subject; no ordinance making appropriations or transfers therein shall contain matter on any subject not connected with the appropriations.

### Style

Section 15.08. The style of all ordinances passed by the council shall be “Be It Ordained by the Council of the City of Hubbard, State of Ohio”, and the style of all resolutions adopted by the council shall be “Be It Resolved by the Council of the City of Hubbard, State of Ohio.”

### Readings before Passage

Section 15.10. No measure having the force or effect of law shall be enacted until it has been read at three separate meetings of the council, unless this rule is dispensed with so far as to permit more than one reading at one meeting, which may be done by the affirmative votes of at least five members of the council, taken by roll call and entered on the journal of the council. The final reading shall be in full unless a written or printed copy of the measure shall have been furnished to each member of the council at least five hours before the commencement of the meeting of the council at which it is enacted.

### When Measures Take Effect

Section 15.20. An emergency measure, or a measure to which the referendum is not applicable, shall take effect and be in force from and after the time of its enactment, or on and after such later date as shall be specified in its terms. No other measure shall take effect and be in force until after thirty days at least from its enactment.

## Emergency Measures

Section 15.30. An emergency measure is an ordinance or resolution which at its introduction contains a separate section declaring that its immediate enactment as an emergency measure is necessary to provide for the preservation of the public order, peace, health, property, or welfare from an imminent danger, or to provide for the usual daily operation of a department or office of the city, and a statement of the circumstances constituting the emergency, which measure is enacted containing that declaration. After the third reading and before the final vote on the enactment of the measure the members of the council shall vote by roll call on the question "Shall the section declaring the emergency stand as part of the measure?" The votes shall be entered on the journal. If five members of the council affirmatively so vote the section declaring the emergency shall stand as part of the measure, and the affirmative votes of five members of the council shall be required for its enactment. If fewer than five members of the council vote in favor of the section declaring the emergency that section shall not thereafter stand as part of the measure; and the measure as it then stands shall have the same status as though it had been introduced without an emergency declaration. No measure making or amending a grant, renewal, or extension of a franchise or other special privilege, or regulating or fixing the rate or rates to be charged by any public utility for its services or products, shall ever be enacted as an emergency measure.

## Code of Ordinances; Supplements

Section 15.50. Any ordinance enacting a complete city code or a code or ordinances of the City of Hubbard, which shall supersede or repeal all general ordinances prior thereto, and any ordinance enacting a complete revision or reenactment thereof, shall be deemed to be confined to a single subject. All general ordinances enacted after the enactment of any such code or revision thereof shall be enacted as supplements to, amendments of, or as reenactments or revisions of that code. An ordinance enacting, revising, or completely reenacting such a code shall be published in book form, bearing a certificate of the mayor and the city clerk attesting the correctness of its contents, and no other publication thereof shall be required. The council may from time to time cause to be published in book or pamphlet form a supplement to the code, containing all supplementary, amended, revised, and repealed sections of the code as of the time of publishing the supplement; and the supplement shall bear the certificate of the mayor and the city clerk attesting the correctness of its contents. The code, and any supplement thereto, so published and certified, shall be received in evidence in any court for the purpose of proving the ordinance or ordinances therein contained or the supplements, amendments, revisions, or repeals therein shown, the same and for the same purposes as the original book, ordinances, minutes, or journals would be received.

## Revisions, Amendments, Repeals

Section 15.60. No ordinance or section thereof shall be revised, amended, or repealed except by ordinance, and no ordinance or resolution or section of either shall be

revised or amended otherwise than by setting for the full text of the ordinance, resolution, or section as amended in the revising or amending measure; thereupon the ordinance, resolution, or section as it existed prior to the revision or amendment shall be deemed to be repealed. The repeal of any ordinance, resolution, or section which expressly repealed a prior ordinance, resolution, or section shall not have the effect of reviving or reenacting the prior ordinance, resolution, or section.

#### Recording and Publication of City Legislation

Section 15.90. Every ordinance shall on its passage be recorded in a book kept for that purpose and shall be authenticated therein by the signatures of the mayor and the city clerk. Every resolution shall on its adoption be similarly recorded and authenticated in another book. The annual appropriation ordinance, penal and regulatory ordinances other than any to which the provisions of section 15.50, section 44.50, or section 50.25 of this charter apply, and such other measures as must be published in full under provisions of general law shall be published in full once within ten days after enactment. Other ordinances, and resolutions required to be published, may be published in full under the same regulations, or may be published by title, with such further statement as may be necessary to indicate the nature of their provisions, with their respective numbers and dates, and a statement of the place where copies may be inspected. Publication shall be made by advertisement in a newspaper of general circulation in the City of Hubbard, in manner and under conditions prescribed by ordinance.

### THE MAYOR AND VICE MAYOR

#### Choice

Section 18.00. At the first regular meeting of the council in each term the members of the council shall choose one of their number to be mayor during the term or until he ceases to be a member. Four votes for the same member shall be necessary for the choice. If one or more members be absent from the first meeting, and if no mayor be chosen at that meeting, the choice shall be made at the second meeting. If no choice be made either at the first meeting, all members then being present, or otherwise at the second meeting, the city clerk shall certify that fact, together with a copy of this section and a list of members for whom votes were cast to be mayor, to the judges of the Court of Common Pleas of the County of Trumbull, and the three senior judges, or a judge, of that court shall choose a member of the council to be mayor, making the choice under the same regulations, as nearly as may be, as are prescribed in section 10.60 of this charter for their choice of a person to fill a vacancy in the council.

#### Duties of the Mayor

Section 18.10. The mayor shall preside at meetings of the council and shall perform other duties not inconsistent with his office as mayor and member of council, imposed on him by this charter or by ordinance. He shall be recognized as the official head of the city by the governor for military purposes, by the courts for the purpose of

serving civil process, and for all representatives and ceremonial purposes. Nothing in this charter shall be construed either to deprive the mayor of his vote as a member of council or to give him any power of veto.

#### The Vice Mayor

Section 18.20. As soon as it chooses a mayor, at the same meeting, or at the first meeting after a mayor is chosen by the judges, the council shall choose another of its members to be vice mayor for the same term as that of the mayor, or until he vacates the vice-mayoralty. The choice shall be made under the provisions of section 18.00 of this charter, as though those provisions were set out in this section.

#### Absence or Disability of the Mayor; Vacancies

Section 18.30. If the mayor be absent or disabled the vice-mayor shall act as mayor during the continuance of the absence or disability. The council shall designate another of its members who shall act as mayor pro tempore during the absence or disability of both the mayor and the vice-mayor. If a vacancy occur in the mayoralty the vice-mayor shall become mayor for the remainder of the term, and the vice mayoralty shall be vacant. If vacancies in the mayoralty and the vice mayoralty exist at the same time the council shall first choose a mayor, and whenever the vice mayoralty is vacant it shall first choose a mayor, and whenever the vice mayoralty is vacant it shall choose a vice mayor, as at the beginning of a term.

#### Salary and Compensation of the Mayor

Section 18.90. In addition to his salary as a member of the council the mayor shall receive (A) for his services a mayor, a salary at the rate of one hundred and twenty dollars per year; and (B) so long as there is a mayor's court in the city of Hubbard, in which the mayor has jurisdiction to hear and determine any prosecution for the violation of an ordinance of the city, an additional compensation at the rate of one thousand eight hundred dollars per year for his services in that court. Either the salary or the additional compensation provided by this section, or both, may be changed by ordinance, under the same restrictions as apply to the change of the mayor's salary as a member of the council.

### THE CITY CLERK

#### Appointment and Term

Section 19.00. There shall be a city clerk, appointed by the council at the beginning of each councilmanic term, to serve during that term at the pleasure of the council, and thereafter until his successor is appointed.

#### Duties of the City Clerk

Section 19.10. The city clerk shall serve as secretary of the council, keep its

journal and other records, and perform other duties required of him by the Ohio Constitution or this charter or by the council consistently with this charter.

### INITIATIVE AND REFERENDUM

#### Powers Reserved to the People

Section 20.00. The electors of the City of Hubbard reserve to themselves the legislative powers of the initiative and referendum, to be exercised in accordance with the provisions of this charter. The initiative is the power to propose the enactment of measures having the force or effect of law, for the purpose of enacting new legislation, of amending or repealing pre-existing legislation, or any combination of those purposes. The referendum is the power to stay the operation of measures not exempted from the referendum by the provisions of section 20.90 of this charter (except emergency measures) and to require either the repeal of measures subject to the referendum, or the submission of the question of repealing them to the electors. The initiative and referendum provisions of this charter shall apply in any case arising under the provisions of section 1 of Article X of the Ohio Constitution. In any case of the initiative or referendum arising under the provisions of section 5, section 8, or section 9 of Article XVIII of the Ohio Constitution the provisions of the Constitution shall prevail.

#### What Measures are Exempt from the Referendum

Section 20.90. The referendum shall not be applicable to an ordinance making or transferring appropriations for current expenses of the city, to the annual tax budget or to the annual tax levy upon real and personal property, to any measure providing for the discharge of an obligation legally due from the city, to any measure under the Constitution or general laws of Ohio or under this charter submitting any measure to the vote of the electors, to any measure directing the performance of an official duty or providing for any report or investigation under the authority of this charter, to resolutions not having the force or effect of law, nor to any measure enacted more than thirty days before the filing of a referendum petition against it.

#### Initiative and Referendum Petitions

Section 22.00. An initiative or referendum petition may consist of any number of separate petition papers identical in form and content except the particulars to be placed thereon by signers and circulators. Each petition paper shall consist of a single sheet, both sides of which may be used, the text consisting of seven parts in the following order:

A caption in the proper form set forth in section 22.10 of this charter;  
A notice of penalty set forth as in section 22.11 of this charter;  
A printed list of five electors of the city who shall constitute a committee to represent the petitioners in the circulation, filing, and consideration of the petition;  
The prayer of the petitioners, including the title, style, and text of the measure initiated,

or the identification of the measure sought to be repealed or referred to the electors, in the appropriate form set forth in section 22.13 or section 22.14 of this charter;  
A certificate by which every signer of the petition attests the genuineness of his signature, in the form set forth in section 22.15 of this charter;  
The headings set forth in section 22.16 of this charter, and a convenient number of spaces for the signatures and identifying particulars of the petitioners; and  
A certificate form set forth in section 22.17 of this charter.

If spaces for signatures appear on both sides of the petition paper, the certificate required by paragraph (e) and the headings required by paragraph (f) of this section shall be printed also at the top of the second side. The circulator's certificate required in paragraph (g) of this section shall be printed immediately under the last space for a petitioner's signature, and shall apply to every signature on either side of the petition paper.

Except as is otherwise provided in section 22.11, section 22.15, and section 26.10 of this charter an initiative or referendum petition may be printed in any color contrasting with red.

#### The Captions

Section 22.10. (a) The caption of an original initiative petition shall begin with the words **ORIGINAL INITIATIVE PETITION** and shall be concluded with apt language fairly expressing the subject of the proposed measure;

(b) The caption of an additional initiative petition shall begin with the words **ADDITIONAL INITIATIVE PETITION**, Pursuant to the **ORIGINAL INITIATIVE PETITION** Filed (here insert date) Under the Caption (here insert the caption of the original petition);

The caption of an original referendum petition shall begin with the words **ORIGINAL REFERENDUM PETITION** and shall be concluded with apt language identifying the measure subjected to the referendum by the petition, by its number, title, and the date of its enactment;

The caption of an additional referendum petition shall consist of the words **ADDITIONAL REFERENDUM PETITION** Pursuant To The **REFERENDUM PETITION** Filed (here insert date). Under the Caption (here insert the caption of the original referendum petition).

#### Penalty Notice for False Signers

Section 22.11. The notice of penalty on an initiative or referendum petition paper shall be printed in red, in the following words and form:

#### NOTICE OF PENALTY

WHOMEVER signs this petition more than once, signs a name other than his own, or signs when he is not a voter of the City of Hubbard, is subject to prosecution and punishment.

#### The Petitioners' Committee

Section 22.12. The electors constituting the committee of the petitioners shall be listed in the following form:

#### PETITIONERS' COMMITTEE

Each signer of this petition designates the persons named here to represent him in the circulation, filing, and consideration of this petition.

Name.....  
Residence.....

· (Here insert names and addresses of five members of committee)

#### Prayer of the Initiative Petitioners

Section 22.13. The prayer in an initiative petition shall consist of the following words, together with apt deletions and insertions, as are indicated within parentheses in this section, to complete the statement of the measure proposed to be enacted:

To the Council of the City of Hubbard, State of Ohio:

The undersigned your petitioners, each being a voter of the city, respectfully require you either to pass the ordinance (or to adopt the resolution, as the case may be) set forth herein, or to submit the question of its passage (or adoption, as the case may be) to the voters of the City of Hubbard, in accordance with the provisions of the city charter applicable in this case:

AN ORDINANCE (or Resolution, as the Case May be) (here complete the statement of the title, clearly indicating the purpose or content of the measure).

Be It Ordained (or Resolved, as the case may be) by the people of the City of Hubbard, State of Ohio:

Section 1. (Here insert the text of the measure, complying with the provisions of sections 15.00 and 15.05 of this charter).

#### Prayer in the Referendum Petition

Section 22.14. The prayer in a referendum petition shall consist of the following words, together with apt deletions and insertions, as are indicated within parentheses in

this section, to identify the measure proposed to be repealed or referred to the electors:

To The Council of the City of Hubbard, State of Ohio:

The undersigned your petitioners, each being a voter of the city, respectfully require you either to repeal Ordinance (or Resolution, as the case may be) No. (here insert the number), passed (or adopted, as the case may be) (Here insert the date of enactment), entitled (here insert the title of the measure), or to submit the question of its repeal to the electors of the city of Hubbard, in accordance with the provisions of the city charter applicable in this case.

#### Petitioners' Certificate on Petition Paper

Section 22.15. The petitioners' certificate on an initiative or referendum petition paper shall be printed in red, in the words and form following:

#### PETITIONERS' CERTIFICATE

Each signer of this petition paper certifies for himself that he is a voter of the City of Hubbard, residing at the address stated opposite his signature; that he signed his own name and no other; that he has not signed any other petition paper for the purpose of this petition; that he has neither asked nor received any payment, favor, or reward, nor any promise of either, for signing this paper; that he has not been threatened with any harm or disfavor for not signing it; and that he signed willingly and with knowledge of the purpose of this petition.

#### Headings for Signatures and Identifications

Section 22.16. The headings and the spaces for signatures and identifications of petitioners on an initiative or referendum petition paper shall be in the words and form following:

Signature	Date Signed	Residence Street And Number	Precinct
.....	.....	.....	.....
..	.....	.....	.....

#### Circulator's Certificate on Petition Paper

Section 22.17. The circulator of an initiative or referendum petition paper shall correctly complete every blank in and then shall sign a certificate at the end of the paper, in the words and form following;

## CIRCULATOR'S CERTIFICATE

I certify under the pains and penalties of perjury that I and I alone circulated this petition paper; that it contains.....signatures; that each signature was made in my presence; that I verily believe that every signer is a voter of the City of Hubbard and signed his own name and no other; that I neither gave nor promised any signer any payment, favor, or reward, nor threatened him with any harm or disfavor for not signing the petition; and that I have not received any payment, favor, reward, or promise thereof, for circulating this petition paper.

Circulator's name, typed or clearly printed.....  
Circulator's residence.....  
.Hubbard, Ohio  
Date of this certificate.....  
  
Signed.....  
..Circulator

### What Signatures Are Not Valid

Section 11.90. No signature on an initiative or referendum petition shall be valid unless made in ink or indelible pencil by the person whose name it purports to be, nor unless the signer's certificate as to it is true in all particulars, nor unless the signer himself shall insert his residence address and the date of his signing on the same line with his signature, nor unless his precinct is correctly stated in the appropriate space before the petition is filed. No signature on an additional initiative petition paper or on an additional referendum petition paper shall be valid if the signer has previously signed an original initiative petition paper or an original referendum petition paper for the same purpose.

### Filing and Verification of Petitions

Section 24.00. The petitioners' committee named on any initiative or referendum petition shall assemble and number in consecutive order all the papers comprising that petition, and shall file them with the city clerk as a single petition. With it they shall file three blank copies of the petition papers and a certificate stating the number of purportedly valid signatures on that petition. Thereupon the city clerk shall issue his receipt for the petition filed with him. If the number of purportedly valid signatures stated in the certificate of the committee is fewer than six percent or more than nine percent in the case of an original initiative or referendum petition, or fewer than four percent or more than six percent in the case of an additional initiative or referendum petition, of the number of votes cast in the latest general municipal election in the City of Hubbard before the filing, he shall forewith notify the committee of the petitioners that the petition is insufficient, or excessive, as the case may be, and shall take no further action on it; otherwise he shall address to the council a notice of the petition and the date

of its filing, and shall proceed forthwith to examine the petition to determine as of the date of its filing whether it is in fact valid and sufficient. He may arrange with the election authorities to verify the signatures, dates of signing, addresses, and electoral qualifications of persons whose names appear on the petition, or he may make the entire examination by himself or with the aid of persons appointed by him. In any case the examination may be discontinued whenever it is ascertained that the petition does contain valid signatures equal to or exceeding the number required to make the petition effective. The city clerk, or the election authorities, shall complete the examination as early as is reasonably possible, in no case later than the tenth day after the filing of the petition, and shall thereupon make the certify to a statement of the results of the examination.

#### What Petitions Shall Be Rejected

Section 24.10. Any original referendum petition which seeks the repeal of or referendum on more than one measure, or on a measure not subject to the referendum, which bears any signature dated on or before the day on which the measure sought to be repealed was enacted, or which is filed later than the thirtieth day after the passage of the subject measure, shall be rejected. Any additional initiative petition or additional referendum petition which does not comply with the provisions of section 26.10 of this charter, or which is circulated before the beginning of the period of fourteen days specified in that section, shall be rejected.

#### What Signatures Shall Be Rejected

Section 24.20. Whoever examines any initiative or referendum petition paper shall reject all signatures thereon which do not conform with the requirements of this charter, not excepting the requirement that each signer himself place on it his address and the date of his signing; all signatures not dated; all signatures of persons who were not electors of the city on the date of signing or the date of filing; all purported signatures which appear to two or more examiners to be not genuine; all signatures on any petition paper which bears any signature dated more than forty two days before its filing; and all signatures on any petition paper which does not bear the completed, signed, and genuine certificate of the circulator thereof.

#### City Clerk's Certificate as to Petition

Section 24.30. As soon as the city clerk completes his examination of any initiative or referendum petition, or receives a statement of the results of an examination thereof by the election authorities, he shall attach a certificate of the result of the examination to the petition. If that certificate show an insufficient number of valid signatures he shall so notify the petitioners' committee, and shall take not further action on the petition. The filing of an invalid or insufficient petition shall not prejudice the

filings of a subsequent petition concerning the same subject. If the certificate show a sufficient number of valid signatures he shall certify that fact, together with a copy of the petition, to the council.

#### Effect of the Filing of Referendum Petition

Section 24.90. The timely filing of an original referendum petition which purports and appears to be valid and sufficient, against an emergency measure to which the referendum is applicable, shall suspend the operation of that measure. The timely filing of an original referendum petition which purports and appears to be valid and sufficient, against any other measure to which the referendum is applicable, shall stay the going into effect of that measure. The suspension or stay provided for in this section shall continue until and unless it is determined that the referendum petition is invalid or insufficient; otherwise until the expiration of the time limited by this charter for the filing of an additional referendum petition against the same measure, without the filing thereof; and otherwise until the result of the referendum election is determined.

#### Action By the Council

Section 26.00. Upon receiving from the city clerk a copy of an original initiative petition or of an original referendum petition, with a certificate that the petition bears a sufficient number of valid signatures, the council at the same meeting shall read the prayer of the petition and refer it to an appropriate committee, which may be the committee of the whole council. The committee shall give at least three days' public notice of a public hearing on the petition, to be held at the usual place of meeting of the council, before the next regular meeting thereof. At the hearing the committee shall afford reasonable opportunity to the petitioners' committee and other interested persons to speak in support of or in opposition to the petition, and to offer any amendment or amendments to a measure initiated by petition. The committee shall report to the first meeting of the council after concluding the hearing, transmitting all amendments offered thereat, and recommending one of the following actions:

In the case of an initiative petition, (aa) that the measure be enacted, either (ab) without amendment, or (ac) with any amendment offered at the public hearing or by the committee, or

That the measure be not enacted; and

In the case of an original referendum petition, either that the council repeal or not repeal the measure specified in the petition.

Not later than thirty five days after receiving the report of its committee the council shall vote by roll call on the enactment of the initiated measure, with or without any amendment, or on the repeal of the measure specified in the original referendum petition. If the council fails within the time so limited to vote on the question so indicated it shall be deemed to have voted contrary to the petition. No measure proposed by an original

initiative petition and enacted by the council with or without amendment shall be exempt from the referendum, nor shall it go into force or effect sooner than the thirty first day thereafter. If the council repeal any measure in compliance with an original or an additional referendum petition that action shall be effective at once, and shall not be subject to referendum.

#### Effect of Additional Petition

Section 26.10. If within the time limited by section 26.00 of this charter the council does not enact an initiated measure in its original form, or if it enacts the measure with any amendment not offered by the petitioners' committee, or if it fails to repeal the measure specified in an original referendum petition, the petitioners' committee, by an additional initiative petition or an additional referendum petition, as the case may be may require the council to submit the initiated measure to the voters, or to submit to the voters the repeal of the measure specified in the original referendum petition. The measure set forth in an additional initiative petition shall be in the same words and form as in the original initiative petition, or with any amendment to which the council shall consent within the time limited by section 26.00 of this charter for it to enact or reject the measure. An additional initiative petition including a measure differing from that in the original initiative petition shall bear, immediately before the text of the measure, a notice printed in red, as follows:

#### NOTICE OF AMENDMENT OF PETITION

This measure is not identical with that in the original initiative petition, having been amended (here state the nature of the amendment, concisely, clearly, and without argument or prejudice).

No additional initiative or referendum petition shall be valid unless it is filed with the city clerk not later than fourteen days after the council votes under the requirement of section 26.00 of this charter, or if the council fails to vote within the time limited therein, not later than fourteen days after the expiration of that time. If an additional initiative petition is filed in respect of a measure which the council has enacted with any amendment not offered by the petitioners' committee, the measure so enacted shall not go into force or effect unless and until the additional initiative petition is determined to be invalid or insufficient, or unless and until the measure set forth in the additional initiative petition is rejected by the voters at the election thereon.

#### How Questions Submitted; Ballots; Election

Section 26.20. The council at the meeting when it receives from the city clerk a copy of an additional initiative petition or of an additional referendum petition, with a certificate that the petition bears a sufficient number of valid signatures, shall by ordinance submit to the voters the question of enacting the initiated measure, or of repealing the measure specified in the original referendum petition, unless at that meeting it enacts the initiated measure in the form set forth in the additional initiative petition and

repeals it in any other form enacted after the filing of the original initiative petition, or unless in the case of an additional referendum petition it repeals the measure specified in the original referendum petition.

The ballot title or question may contain a statement of the purpose of the measure to be voted on, in concise and clear language not calculated to prejudice the voters; it shall also contain the title of the measure, and the number and date of enactment of a measure subjected to the referendum, and shall be in which ever of the following forms is applicable:

Shall an ordinance (or resolution, as the case may be) for the purpose (here state the purpose, unless not purpose clause is included) proposed by initiative petition and entitled (here state the title) be passed (or adopted, as the case may be)?

Shall Ordinance (or Resolution, as the case may be) No. (here state its number), for the purpose (here state the purpose, unless no purpose clause is included), entitled (here state the title), passed (or adopted, as the case may be) by the council of the City of Hubbard on (here state the appropriate date), be repealed in compliance with referendum petitions filed against it?

The council in the ordinance submitting the question shall provide for the election at which that question shall be submitted to the voters. That election shall be the first primary or general election which occurs in the City of Hubbard not sooner than thirty five days after the passage of the ordinance, except that if neither a primary nor a general election occurs in the question at a special election on a date specified in the ordinance not sooner than thirty five days nor later than fifty six days after the passage of the ordinance and at least four months before the next primary or general election to be held in the City of Hubbard.

#### Conduct and Result of Initiative of Referendum Election

Section 26.40. The election authorities shall conduct elections provided for under authority of section 26.20 of this charter, under the provisions of general law so far as those provisions do not conflict with the charter. If a majority of the votes cast on an initiated measure are in the affirmative, the measure shall go into force and effect at the expiration of the time limited by general law for requiring a recount of the ballots or for instituting a contest in the courts, or if a recount or a contest is had, at the conclusion thereof unless it is determined by the recount or the contest that the majority of the votes was not in favor of the initiated measure. If a majority of the votes cast on the question of repealing a measure pursuant to referendum are in favor of its repeal, that measure shall thereby be repealed at once, subject, however, to the vacation of that repeal by the results of any recount of ballots or contest in the courts, in which the supposed majority for the repeal if ascertained not to be actual.

## Preliminary Action Pending Referendum

Section 28.00. If a referendum petition is filed against a measure appropriating money, authorizing its expenditure, providing for the issuance of bonds, providing for a public improvement, or authorizing a contract, all actions preliminary to the actual expenditure of the money, actual issuance of the bonds, actual making of the public improvement, or actual execution of the contract, may be taken during the pendency of the determination of the question of the repeal of the measure.

## Rule on Conflicting Measures

Section 28.90. If two or more initiated measures approved at the same election conflict in respect of any of their provisions they shall go into force and effect in respect of such of their provisions as are not in conflict, and that measure receiving the higher or highest affirmative vote shall prevail in so far as their provisions conflict.

# GENERAL EXECUTIVE AND ADMINISTRATIVE

## The City Manager; Appointment and Qualifications

Section 30.00. The council shall appoint a city manager who shall be the chief executive and administrative officer of the city. The council shall choose him solely on the basis of his executive and administrative qualifications, with particular reference to his actual experience in and knowledge of the duties of his office as set forth in this charter. The city manager need not when appointed be a resident of the city of Hubbard or of the State of Ohio, but shall reside in the city during his continuance as city manager. No person who is a candidate for election to any regular term of office as member of the council, or who serves as member of council during any term, shall be appointed city manager until at least one year after the expiration of that term. The council shall designate some qualified officer in the administrative service of the city, not ineligible for appointment as city manager, to perform the duties of the city manager during his absence or disability and during temporary vacancies in the office of city manager.

## Tenure of the City Manager

Section 30.10. The city manager shall serve for an indefinite term, and shall be removable by the council at its pleasure, at least four members concurring in the removal. The action of the council in removing the city manager shall be final, it being the intent of this charter to vest in the council all authority and to fix in the council all responsibility for the removal. When the council acts to remove the city manager it shall enter on its journal a statement of its reasons for the removal, and shall furnish a copy thereof

forthwith to the manager. If the manager within fourteen days after his removal submits a statement in reply to the statement by the council of its reasons for removing him his statement also shall be entered on the journal of the same meeting of the council.

### Duties of the City Manager

Section 30.30. It shall be the duty of the city manager to act as chief conservator of the peace within the city' to see that the ordinances of the city and the laws of the State are enforced; to make such recommendations to the council concerning the affairs of the city as may seem to him desirable; to keep the council advised of the financial condition and future needs of the city; to prepare and submit to the council the annual tax and appropriation budgets and improvement programs of the city; and to perform such duties as are prescribed by this charter and as may be required of him by ordinance or resolution.

### Powers and Responsibilities of the City Manager

Section 30.35. The city manager shall be responsible to the council for the proper execution and administration of all affairs of the city appertaining to him as chief executive and administrative officer, and to that end, subject to the provisions of this charter, he shall have power to appoint, suspend, and remove all officers and employees of the city for whose appointment this charter makes no other provision. He shall make appointments on the basis of ability, training, experience, and fitness of the appointees in the work they are to perform.

### Council not to interfere

Section 30.39. Neither the council nor any of its committees or members shall direct or request the appointment of any person to, or his suspension, transfer, or removal from office or employment by the city manager, nor in any manner take part in or interfere with the appointment, discipline, or removal of officers and employees in the administrative service of the city. No member of the council shall intercede for or against or participate as counsel or attorney for any officer or employee of the city in any hearing or investigation having to do with the discipline or removal of that officer or employee. Except for purposes of inquiry into the affairs of the city the council and its members shall deal with that portion of the service of the city for which the city manager is responsible in no other way than through the city manager, and neither the council nor any member thereof shall give orders to any subordinate of the city manager either publicly or privately. Any violation of this section by a member of the council shall be a misdemeanor punishable as may be provided by ordinance; conviction thereof shall immediately forfeit the office of the member so convicted.

### Service in More than one Office

Section 30.40. The city manager may appoint himself and may serve as the head of any office or department, other than city attorney, director of finance, or personnel officer. He may appoint the same person as the head of more than one department or office under his supervision, other than that of city attorney, director of finance, or personnel officer.

### Attendance at Council Meetings

Section 30.44. The city manager shall attend and may take part in the discussion of any matter at any meeting of the council, and every other principal administrative officer shall be entitled to take part in discussions relating to his office or department.

### Reports to the City Manager

Section 30.47. At the end of each fiscal year the city manager shall require from each of his principal subordinates a report of the transactions of his office or department, and may require other reports at any time for his use in the discharge of his duties and powers or for responding to the requirements of the council.

### Creation of Offices and Departments

Section 30.50. The council shall not abolish any office or department established by this charter, or transfer the powers and duties conferred on it by this charter to any other office or department; but the council may confer upon it additional powers and duties germane to those conferred by this charter. The council may by ordinance establish, abolish, combine, or divide offices or departments under the supervision of the city manager, other than those established by this charter, and may prescribe their functions, powers, and duties. The city manager shall prescribe what functions, powers, and duties. The city manager shall prescribe what officers and employees shall exercise the powers of the city, so far as may be consistent with this charter and with the ordinances. No board or commission shall exercise any authority not assigned to it by or pursuant to this charter, nor shall the council create any board, commission, or other ad hoc authority.

## BUDGETS

### City Manager's Annual Appropriation Budget

Section 31.10. At or before the first meeting of the council in December of each

year the city manager shall lay before the council a comprehensive appropriation budget and budget message for the current operations of the city during the ensuing year. One section of the appropriation budget shall correspond in form to the requirements of general law as to annual appropriation ordinances. Another section or sections shall present data for the two preceding fiscal years and estimates for the current and ensuing fiscal years, exhibiting and analyzing revenues and estimates thereof by sources and by amounts; expenditures by object, operating unit, and otherwise, as the city manager shall determine or as the council shall require. So far as it is practicable to do so the appropriation budget shall state, for the same respective years, what services have been rendered and what are proposed to be rendered, in comparable units or quantities, and it shall if it be practicable to do so state the costs or prounits. It is the intent of this charter that the annual appropriation budget and message shall set forth, clearly and in readily intelligible form, language, figures, and exhibits, a concrete financial plan and operating program for the city during the following year, together with data facilitating comparisons with like data of the performances of preceding years, indicating and explaining contemplated increases or decreases in either services or expenditures and the means of defraying them. With the appropriation budget and message the city manager shall present a draft of an appropriation ordinance, which shall be deemed to be regularly introduced into the council.

#### Public Hearings on the Appropriation Budget

Section 31.20. Upon receiving the annual appropriation budget and budget message the council shall refer them to an appropriate committee for consideration and for the holding of at least two public hearings thereon, at which hearings reasonable opportunity shall be afforded to interested citizens to present their views. A sufficient number of copies shall be provided, to enable citizens before the hearings to inform themselves of the contents of the budget.

#### Annual Appropriation Ordinance

Section 31.30. After public hearings on the annual appropriation budget and after consideration thereof by the council and its committee the council shall pass the annual appropriation ordinance providing the means of operating the city services during the ensuing fiscal year. The total appropriations made by that ordinance from any fund shall not exceed the resources of that fun for that year, as officially estimated. Estimates for and appropriations from any fund may thereafter be increased whenever official estimates on which the annual appropriation was based. If the council be unable to complete public hearings on and consideration of the annual appropriation ordinance before expenditures must be commenced in any fiscal year it may pass a temporary appropriation ordinance or ordinances for a period necessary to the completion of the annual appropriation ordinance, which period shall not extend beyond the month of March. Expenditures made under a temporary appropriation ordinance shall be charged against the annual appropriations when the same are made.

## Transfers

Section 31.35. At any time during any fiscal year, on the written recommendation of the city manager, the council may by ordinance transfer moneys from any appropriation account to another account in the same fund, but may not thereby reduce any appropriation account below the amount already expended and encumbered to be paid from that account. Transfers may be made in similar manner from one fund to another, except that no transfer shall be made from a fund for the payment of interest on and principal of the city debt so long as the city has any bonded debt outstanding or interest due thereon; nor from a bond fund or fund arising out of a special levy of taxes for a particular purpose to any other fund until the purpose for which the bonded indebtedness or the special levy was authorized is accomplished or abandoned, and then only to a fund for the payment of the principal of and interest on the city debt if any there be, and then only to an appropriate public improvement fund; nor from a fund arising from the operation of a public utility by the city to any other fund so long as the city operates that public utility.

## PURCHASING, STOREROOMS, INVENTORIES, CONTRACTING

### City Purchasing Agent

Section 35.00. The city manager or one of his subordinates designated by him shall act as city purchasing agent and as such shall purchase or contract for all supplies, materials, and equipment for the city and shall sell all property, real and personal, of the city not needed for public use or unsuitable therefor, or which has been condemned as useless. He shall have charge of all general storerooms and warehouses of the city, and shall advertise all purchases, sales, and invitations to bid on contracts for which advertising is required, and shall receive, open, and record all bids. The city manager shall adopt written regulations governing the business of the purchasing agent, and the council may pass ordinances on the same subject.

### Purchasing Regulations, Etc.

Section 35.10. Before making any purchase or sale or contract therefor the city purchasing agent shall give opportunity for competition under regulations made by the city manager or by ordinance, unless in conditions which are exceptional and emergency in nature and are made of record. Supplies required by any department or office may be furnished on requisition from stores under the control of the purchasing agent, and whenever so furnished shall be paid for by warrant or transfer to the credit of the stores account or fund from an appropriation to the requisitioning department or office.

## General Inventory of City Property

Section 35.20. A general inventory of real property, automotive equipment, machinery, tools, other equipment, and other durable property shall be maintained in the form and detail which the city manager shall prescribe.

## Authority to make Contracts and Agreements

Section 35.50. The annual appropriation ordinance and supplements thereto shall be sufficient authority for the city manager to enter into any contract or agreement the consideration of which is to be paid from moneys appropriated therein. No other contract or agreement binding the city shall be entered into unless the ordinance appropriating money to be paid thereunder authorize the contract, or unless the contract be authorized by a separate ordinance. But the council shall have no power by ordinance or particular person, firm, or corporation as a condition of authorizing that contract, or otherwise. But every contract or agreement to which the parties are the city of Hubbard and any other government or governmental subdivision shall be specifically authorized by ordinance, and public utility franchise contracts and rate regulatory contracts shall be entered into by ordinances setting out the terms thereof, accepted by the other parties thereto.

## Competition for Contracts

Section 35.60. Opportunity for competitive bidding shall be given before the award of any contract, so far as it is practicable. No contract or agreement involving the expenditure of more than one thousand dollars, other than contracts for public utility services, for professional or expert services, and for the acquisition of real property or any interest therein, shall be entered into except pursuant to advertisement and competitive bidding, as may be provided by ordinance. Notwithstanding the foregoing provisions of this section, the city manager may in cases of disaster or emergency determine that immediate action is necessary to preserve the public property, health, or safety, or to restore or replace essential facilities, machinery, or equipment which may have been destroyed or become unusable, and thereupon to enter into contracts, agreements, or obligations without competitive bidding or without advertising, or with informal bidding, as in his judgment is for the best interest of the city and the public service. He shall report every contract, agreement, or obligation so entered into to the council at its next meeting, stating the circumstances and his reasons.

## Award of Contracts

Section 35.70. The city manager shall award every contract as to which competitive bidding is required or obtained to the lowest and best bidder therefor, except that contracts pertaining to investigations or audits made by or under the direction of the city council shall be awarded by the council. The city manager shall execute all contracts

to which the city shall be a party, except franchise and rate regulatory contracts, and except that the purchasing agent may be authorized by ordinance or by written order of the city manager to execute contracts and agreements for the purchase or sale of supplies, materials, and equipment or any of the same, and except that bonds and notes of the city shall be executed by the mayor and the director of finance.

## GENERAL OFFICES AND DEPARTMENTS

### The Law Officer

#### City Attorney

Section 41.00. There shall be a city attorney, who shall be an attorney-at-law admitted to practice in the State of Ohio.

#### Duties of the City Attorney

Section 41.10. The city attorney shall

Be the chief law officer of the city, and the legal advisor of and attorney for the city and for all its officers and departments in all matters relating to their official powers and duties;

Give his advice or opinion to them in writing when requested to do so;

Be responsible for the preparation of all contracts, bonds, and other instruments in writing in which the city is concerned, and endorse on each his approval of the form and correctness thereof;

Collect, by any appropriate means, all delinquent special assessments and other moneys due to the city which are not collected by others to or through whom the same are ordinarily payable;

Bring any appropriate action to compel any officer, board, or commission to perform his or its duties; to prevent the illegal payment of money belonging to the city; to restrain the misapplication of its funds or other property; to recover money illegally paid out; to restrain the execution or performance of any contract or agreement made in contravention of law or procured by corruption or fraud; to compel the specific performance of any contract, agreement, or obligation which is being violated or evaded, or to forfeit the same, as the nature of the case requires;

Prosecute or defend or direct the prosecution or defense, as each case requires, in all suits or causes in which the city is a party;

Prosecute in the appropriate court for all offenses against the City of Hubbard and for such offenses against the State of Ohio as general law requires city solicitors to prosecute for;

Perform duties imposed on the chief law officers of municipalities by general law beyond the competence of this charter to alter; but he shall not act as law officer for any

board of education unless under such terms and conditions as may be agreed on by that board and the city manager acting under authority of the council; and  
Perform any other duties of legal nature for the city, which the council shall prescribe by ordinance or require by resolution or motion.

#### Taxpayers' Suits

Section 41.20. If the city attorney, being requested by any taxpayer of the city to do so, fails or refuses within a reasonable time to bring any action which under the provisions of paragraph e of section 41.10 of this charter he should bring, that taxpayer may institute the appropriate action in his own name in behalf of the city. But no court shall entertain the taxpayer's action unless he shows that he has requested the city attorney to do so and that after a reasonable time the city attorney has failed or refused to comply, nor until the taxpayer has given security for the costs of the proceeding. The court hearing a taxpayer's suit shall make such order therein as equity and the justice of the case demand, and may allow the taxpayer his costs, but shall not include in them compensation for his attorney unless judgment is finally entered in favor of the taxpayer.

#### Finance

##### The Department of Finance

Section 42.00. There shall be a department of finance, comprising the city treasury and such other divisions or units as the council by ordinance or the city manager by regulation shall establish therein.

##### The Director of Finance

Section 42.05. There shall be a director of finance who shall be the fiscal officer of the city and the head of the department of finance. He shall be a person skilled or experienced in financial administration and affairs.

##### General Duties of Director of Finance

Section 42.10. The director of finance shall have charge of:

The administration of the financial affairs of the city, including  
The keeping and supervision of accounts;  
The Administration of the city treasury;  
The receipt and collection of taxes, assessments, fees, and other revenues of the city;  
The administration of any tax imposed by the city and not administered for the city by county or State officers;  
The issuance of all licenses and the collection of all fees therefor, subject to regulations and conditions provided by ordinance;  
The exercise of the powers and the performance of the duties of the city and its officers in connection with the payment of the principal of and interest on bonds and notes of the

city, and with the administration of any fund established and maintained for the purpose; The control over expenditures of city moneys, to prevent payments thereof not authorized by legal appropriations; The assistance of the city manager in preparing budgets, improvement programs, and financial management; The duties more particularly set forth in other sections of this charter; and Other duties of financial nature required of him by ordinance or by the city manager.

#### The Keeping of Accounts, Generally

Section 42.20. The director of finance shall keep accounts showing all financial transactions of the city and of all its offices and departments. The forms of all accounts of those transactions, whether kept in the department of finance or elsewhere, shall be those prescribed by the director of finance, and no account shall be kept in any other office or department of the city unless it be authorized by the director of finance. Regulations of the director of finance under the foregoing provisions of this section, and changes made therein, shall be subject to the approval of the city manager, and shall be public records. The accounts and accounting procedures of the city shall be adequate to exhibit the condition of all funds and of all appropriations and expenditures therefrom and encumbrances thereof at all times; to record all receipts and disbursements of money; to record all revenues accrued and all liabilities incurred; to record all transactions affecting the acquisition, custody, and disposition of values; and for making all reports of the financial transactions and condition of the city which may be required by general law or by ordinance.

#### Appropriation Accounts

Section 42.23. An account shall be kept for each item of appropriation made by the council, and for any subdivision of any item required by the city manager to be subdivided or allotted for accounting purposes. Every warrant drawn on the city treasury shall state specifically against which appropriation item it is drawn. Every account of an appropriation item shall show the amount appropriated to it, the amount expended from it, the unpaid obligations charged against it, and the unencumbered balance remaining to its credit.

#### Financial Statements and Reports

Section 42.28. The director of finance shall prepare and submit to the city manager and to the council, not later than the fifteenth day of each month, a summary statement of the revenues, expenditures, and unencumbered balances of the funds and appropriations of the city for the next preceding month, so as to show the exact financial condition of the city and of each fund and appropriation as of the last day of the month for which the statement is made. As soon as may be after the end of each fiscal year, and in no case later than eight weeks thereafter, he shall submit to the city manager and the council a complete report of the finances and financial operations of the city for that year. That report shall be in such form and detail as the city manager prescribes, or as is

required by ordinance, or both. Whenever the city manager or the council shall so require the director of finance shall forthwith prepare and submit to the authority so requiring it a report of any information concerning the finances of the city, or of any office, department, bureau, division, board, commission, or officer thereof, for such period of time, and in such form and detail, as the requiring authority shall prescribe.

### The Treasury and the Moneys in It

Section 42.30. All moneys received by any officer or employee of the city, for or in connection with the affairs of the city, including moneys deposited as prepayments or to secure future or contingent obligations which are subject in whole or in part to reimbursement, shall be deposited in or paid into the city treasury without delay. Public moneys, other than those of the city, coming into the hands of an officer or employee of the city, shall be deposited in the treasury and administered as other moneys therein, except as may be otherwise required by law or ordinance. All moneys in the treasury shall be deposited in those responsible banking institutions which agree to receive the same under terms and conditions the most advantageous to the city, in respect of interest, security against loss, service to and convenience for the city, and other considerations specified by the city, always excepting amounts limited by ordinance and retained in the offices of the city for use in its daily transactions, and excepting amounts invested in obligations of the city or of other governments in lieu of deposits. Contracts relating to the deposit of city moneys shall be awarded pursuant to open competitive bidding and shall not continue longer than three years. Investments made in lieu of deposits, and the sale or conversion of those investments, shall be made by the concurrence of the city manager, the city attorney, and the director of finance, subject to regulations prescribed by ordinance, and in no case shall any investment be made which would in their judgment hinder or embarrass the city's financial operations thereafter. The council may in its ordinance adopt provisions of general law on treasury investments, with or without modifications; but no general law shall defeat the authority of the city to make investments of money in the treasury not needed for use in the immediate future. All interest on city moneys deposited or invested shall accrue to the benefit of the city.

### Fees Belong to the City

Section 42.31. All fees pertaining to any office or received by any officer or employee of the city in connection with his duties or with its affairs shall be paid into the treasury and shall belong to the city.

### Custody of Securities and Instruments of Value

Section 42.35. All securities owned by the city or held by it in trust or on deposit, all instruments of title, all instruments in writing insuring or indemnifying the city against loss or liability, and all other instruments of value shall be recorded by the director of finance, and shall be kept in some safe deposit vault or vaults at all times when it is not

necessary to remove them in connection with the business of the city.

#### All City Bonds to be Recorded

Section 42.40. No bond or note of the city hereafter issued shall be valid in the hands of any purchaser unless and until it shall have been recorded in the office of the director of finance, nor unless and until the fact of its recording is endorsed on it over the signature of the director of finance.

#### What Interest Belongs to Debt Payment Funds

Section 42.45. Interest and earnings arising from the deposit or investment of reserves and resources of any fund for the retirement of the debts of the city, interest and earnings arising from the deposit or investment of unexpended balances of the proceeds of bonds and notes, and premiums and accrued interest received on the issuance of bonds, notes, and other obligations of the city shall be paid into a fund or funds for the retirement of the debts of the city or for the payment of interest thereon.

#### No Disbursements or Obligations Except Pursuant to Appropriations

Section 42.50. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation ordinance, of a supplementary or a temporary appropriation ordinance, or of a lawful appropriation from funds not comprehended in the annual appropriation ordinance. Moneys in funds for purposes other than those of current operation may be appropriated in furtherance of public improvements which will not be completed in the year when the appropriation is made, and in that case the appropriation shall continue in force until the purpose for which it was made is accomplished or abandoned. At the close of each fiscal year any unencumbered balance of an appropriation from a fund for the purposes of current operation shall lapse and shall be subject to appropriation in and for the following year.

#### Certification of Contracts and Obligations of the City

Section 42.53. No contract, agreement, or other obligation, involving the expenditure of money out of appropriations made by the council, for objects other than salaries, wages, or other periodic personal compensation, shall be entered into, nor shall any order for expenditures pursuant to it be valid unless the director of finance shall first certify that the money required for that contract, agreement, or obligation is in the treasury to the credit of the appropriation from which the money is to be paid, and that it is otherwise unencumbered; but if general law authorize the certification of any contract, agreement, or other obligation after the same is entered into or incurred, the director of finance may certify it subject to the conditions prescribed therefor by general law. Each certificate required by this section shall be endorsed on the instrument evidencing the contract, agreement, or other obligation, shall be filed by copy or record in the office of the director of finance, and the sum so certified as being thereby encumbered shall not

thereafter be considered unencumbered until the city is discharged from the contract, agreement, or other obligation. All unencumbered moneys in the treasury to the credit of the appropriation from which an obligation is to be paid, and all moneys applicable to its payment which, before its maturity, are officially anticipated to come into the treasury to the credit of the relevant appropriation shall, for the purpose of the certification, be deemed to be in the treasury when the certification is made.

#### Uncertified Contracts etc. Void

Section 42.55. All contracts, agreements, and other obligations entered into, and all measures enacted, contrary to the provisions of section 42.53 of this charter shall be void, and no person shall have any claim or demand whatever against the city thereunder, nor shall the council or any officer of the city waive or qualify the limitations fixed by that section or fasten on the city any liability whatever in excess of the limits fixed in it.

#### Claims and Vouchers

Section 42.57. No claim against the city shall be paid except by means of a warrant on the treasury issued by the director of finance, who shall issue no such warrant unless the claim be evidenced by a voucher approved by the head of the department or office for which the obligation was incurred.

#### Director to Audit All Claims

Section 42.58. The director of finance shall examine every payroll, bill, and other claim against the city and shall issue no warrant for its payment unless he finds the claim in proper form, correctly computed, duly approved, and legally due and payable; that an appropriation has been made therefor and has not been exhausted; and that there is money in the treasury to make payment. He may investigate any claim and for that purpose may summon before him any officer, agent, or employe of the city, any claimant, or any other person having knowledge of the circumstances on which the claim is based, and may examine him on oath or affirmation relative to it, and if he find the claim to be fraudulent, erroneous, or otherwise invalid, he shall not issue a warrant therefor. If the director of finance issue a warrant on the treasury authorizing the payment of any claim in contravention of this section he and his sureties shall be individually liable to the city for the amount of that warrant if the same be paid.

#### Special Audits Required

Section 42.60. Upon the separation from the city service of any officer or employe required under the provisions of section 43.65 of this charter to be bonded, the director of finance shall make or cause to be made an audit and investigation of the accounts of that officer and shall report the results thereof to the city manager and to the council. Either the council or the city manager may at any time provide for an examination or audit of the accounts of any officer or department of the city, and for that purpose may appoint or employ competent persons not regularly in the employ of the

city. At the death, resignation, or removal of the director of finance the city manager shall cause an audit to be made of his accounts. If, as a result of any examination or audit authorized or required by this section, any officer or employe be found indebted to the city the director of finance, or other person making the investigation or audit, shall immediately give notice of that fact to the council, the city manager, and the city attorney, and the city attorney shall forthwith proceed to collect the indebtedness for the account of the city.

#### Preparation of Special Assessments

Section 42.70. The director of finance shall have charge of the preparation and certification of all special assessments for public improvements and services; of the giving of notice of special assessments to persons liable for the payment thereof; and of all other duties connected therewith, other than the duties of boards of revision of special assessments and other than the duties which the council performs in pursuance of general law in the levying thereof; of the collection of such assessments as are payable directly to the city; and of the preparation and certification of all special assessment rolls for assessments to be collected with taxes on real property. The levy and collection of special assessments shall be accomplished under the provisions of general law except in so far as this section prescribes otherwise. If the council levies any special assessment for a purpose not covered by general law it shall do so, as nearly as is practicable, agreeable to a general law on special assessments for another purpose related in character.

### PERSONNEL AND CIVIL SERVICE

#### City Personnel Officer

Section 43.00. There shall be a personnel officer, who shall be qualified by experience or training for the duties of personnel administration specified in this charter. He shall not hold any other office or employment in the city service. Employment by another government, an educational institution, or a private enterprise shall not be deemed incompatible with his office so long as it does not interfere with the performance of his duties. He may be paid for his time devoted to the duties of his office on an hourly or other proper basis. He need not reside in Hubbard.

#### Personnel Officer's Duties

Section 43.02. Besides discharging the duties specified for him elsewhere in this charter the personnel officer shall

Administer the civil service laws of the State applying to any school district to the extent that this duty is devolved by general law on the city, except any part thereof assigned by

this charter to the city board of personnel review; the council may by ordinance make it a condition of this duty that the board of education of the district pay its proportionate share of the joint cost, determined under general law;

Examine every payroll before its payment, and disallow the payment of any compensation to any person not appointed to or holding his position agreeably to the requirements of this charter;

Plan and conduct, or assist in planning and conducting personnel training programs required or approved by the city manager or by ordinance;

Administer and enforce all other provisions of this charter and of ordinance and rule, pertaining to personnel, except those assigned to the city board of personnel review, the council, the city manager, or other appointing authority;

Keep a roster current of officers and employees in the city service;

Preserve all records pertinent to the service of officers and employees of the city;

Maintain a journal, open to public inspection, in which he shall record all actions taken by him in his official capacity; and

Perform other duties relating to personnel administration required of him by ordinance or by the city manager, not inconsistent with this charter.

#### Personnel Rules

Section 43.04. The personnel officer shall make, amend, and enforce necessary and proper rules complementary and supplementary to and not inconsistent with this charter or ordinance, including but not limited to classification of positions, character and qualifications of applicants, examinations, eligibility lists, residence, citizenship, discipline, layoffs, demotions, reductions, suspensions, transfers, reinstatements, removals, discharges, sick leaves, other leaves, work conditions, and other matters affecting the good order, morale, and efficiency of the city service. The council may by ordinance supersede or modify the rules relating to residence, citizenship, sick leaves, other leaves, and variances from those rules. Neither rule nor ordinance shall make or permit any discrimination or disqualification on grounds of race, color, national origin, religion, or political affiliation.

#### The Board of Personnel Review

Section 43.08. There shall be a city board of personnel review, consisting of three electors of the city none of who holds any other public office or employment, or any position as officer, employee, or committee member of any political party or association. The mayor shall appoint members of the board by and with the advice and consent of the council, and each shall serve for a term of six years and until his successor is appointed

and qualified, except as is otherwise provided in this section. In 1962 he shall appoint one member for a term ending in 1964, one for a term ending in 1966, and one for a term ending in 1968; their terms shall begin with their appointments. The regular terms of their successors shall begin on the first day of February and end on the thirty first day of January of every sixth year thereafter.

Whenever the personnel officer and the city board of personnel review administer the civil service law of Ohio for a school district the board of education of that district shall appoint the member of the board of personnel review whose term ends in 1966 or any sixth year thereafter, but if it fails to appoint that member before the first day of March next after the beginning of the term, the mayor shall appoint. The mayor or the board of education, as each case requires, shall appoint a qualified person to fill a vacancy in the board during the unexpired term. No personal shall be appointed to the board if at the time of his appointment he is affiliated with a political party to which both other members belong.

#### The City Service

Section 43.10. All offices and positions in the city service are divided into two general services, to wit,

The unclassified service and  
The classified service.

#### The Unclassified Service

Section 43.11. The unclassified service consists of

Members of council;  
Members of boards and commissions established by or pursuant to this charter;  
The city clerk and other employees of the council;  
Persons appointed by the council or the city manager to conduct or to assist in investigations or audits authorized under this charter;  
Consultants and experts employed for professional services and for limited times;  
The city manager, the city attorney, the personnel officer, the head or director of every other principal department or office established by this charter or by ordinance;  
Under authority certified in each case by the city manager to the personnel officer, one assistant or secretary to any officer covered by paragraph f of this section;  
The chief of police; he shall be a citizen of the United States and shall reside in the city during his service as chief.

Persons in the unclassified service shall be selected and appointed on the basis of their merit, fitness, and capacity to perform the cuties of their respective positions, and may be appointed without formal examinations. Each of them for whom no definite term is provided by or under authority of this charter shall serve at the pleasure of the officer or body having authority to appoint a successor, and the action of that officer or body in

demoting, reducing, laying off, suspending, removing, or discharging the officer or employee shall be final.

### The Classified Service

Section 43.13. The classified service includes all positions in the city service not included in the unclassified service, and is divided into the following groups;

- a. The competitive group, which includes all positions for which it is practicable to determine merit and fitness of applicants by competitive examination, being all not included in other groups specified in this section;
- b. The unskilled group, which includes all positions to be filled by ordinary unskilled laborers appointed pursuant to section 43.37 of this charter;
- c. The non-competitive group, which includes the positions of volunteer firemen. An applicant for appointment as a volunteer fireman shall be referred to the volunteer firemen's company or association in the service of the city. Every applicant nominated by that company or association shall be placed on a non-competitive eligible list, and may one appointed without regard to the order in which his name appears thereon, to the date of his application, or to any other priority.

### Classifications and Specifications, Classified Service

#### Section 43.17. The personnel officer

- a. Shall classify every position in the classified service, assigning it to a grade and class according to its duties, responsibilities, requirements, and essential qualifications of the person serving in it. A grade consists of one or more positions which are properly filled from the same eligible list and compensated on the same pay schedule, their duties being similar or cognate in kind or character of work, in knowledge, skills, abilities, and degrees thereof requisite for satisfactory performance of those duties; and being distinguished in one or more of those aspects from other grades and classes. A class consists of one or more grades having to do with functions of related nature and subjects, distinguished from each other by differences in degrees of requisite experience, knowledge, skill, abilities, in tasks, in responsibility for supervising or directing other employees, in securing the satisfactory and efficient performance of duties requiring the participation of persons in other positions, and in appropriate pay levels;
- b. Shall prescribe an appropriate title, designation, or number for each grade and class of positions in the city service, and no other titles, designations, or numbers therefor shall be used; and
- c. Shall prepare and amend accurate specifications and descriptions of the positions in each grade and class, and shall apply them in assigning employees performing the duties of their several positions to their appropriate grades and classes.

## Competitive Examinations

Section 43.20. Whenever there is no sufficient eligible list from which to appoint a person to a position in the competitive group, whether the position be new, vacant, or anticipated to become vacant, the personnel officer shall appoint a place and a time for holding a competitive examination to establish an eligible list from which the appointment may be made. He shall advertise the examination, shall afford opportunity for applicants to register to take the same, and shall admit to it every applicant qualified as to age, sex, education, character, experience, physical condition, residence, and citizenship. He shall conduct or direct the examination at the time appointed, which examination shall be germane to the duties of the grade or class, and shall include any apt means of ascertaining the merit, fitness, ability, and character of the persons examined, whether by written, oral, or practical tests, by records or evidence of qualify of service and performance in prior employment, or of other significant nature, as he determines. No fee shall be charged to any applicant for registration, examination, or appointment, but the personnel officer by rule or the council by ordinance may authorize a physician to charge for his own use a fee not exceeding an amount specified in rule or ordinance, for giving a physical examination required of the applicant or appointee. The personnel officer may postpone or cancel an examination if at the time appointed for it he finds an insufficient number of applicants registered to take it. Thereupon he shall reschedule and readvertise the same examination for a later date, if the appointment is still to be made. If the personnel officer determines that it is impracticable and unnecessary to examine the applicants at one place he may arrange to give an unassembled examination to them, as nearly as may be at the same time.

## Promotional Examination

Section 43.24. A promotional examination is a competitive examination given to establish an eligible list of employees in a lower grade or grades of a class or related classes for appointment to positions in a higher grade of the same class or classes. A promotional examination shall be publicly announced, and notice of it shall be posted in every city building, publicly announced, and notice of it shall be posted in every city building, but it need not be advertised. In his rules the personnel officer shall designate, or shall prescribe the manner of designating in each instance the grade or grades and the classes from which and to which any promotion may be made. No Person shall be admitted to a promotional examination who is not an employee in a class so designated or determined, or who does not fulfill the requirements of length of service and quality of performance specified in the rules. In his rules the personnel officer shall prescribe the minimum number or the manner of ascertaining the minimum number of eligible applicants requisite to hold any promotional examination. If that number do not register for any promotional examination the personnel officer shall reschedule it as a competitive examination open to employees in other grades and classes or to qualified persons not employed by the city or to both, and shall advertise it publicly.

## Grading Examinations; Eligible Lists

Section 43.27. The personnel officer shall grade or shall have another competent person grade every examination, whether it is competitive or not. The grade earned by any person in a non-promotional examination shall be increased by adding twenty percent of the earned grade (a) if the grade actually earned is at least a passing grade, (b) if the person has been honorably discharged from the armed forces of the United States within ten years next preceding the date of the examination, (c) has served in but has never been discharged from the armed forces of the United States under conditions other than honorable, and (d) has not been employed in the classified service of any government since his honorable discharge and before his first appointment in the city service. The personnel officer shall enter the names of persons who pass a competitive examination on an eligible list in the descending order of their respective grades. No person's name shall be removed from an eligible list unless he is appointed to a position in the same or a higher grade of the same class, unless he ceases to have any prerequisite qualification, or unless he requests the removal or twice refuses appointment from that list. But the personnel officer may cancel an eligible list at any time at least one year after it is established, or sooner if it contains fewer than three names. No eligible list shall be continued longer than three years after it was established.

#### Physical Examinations

Section 43.29. No applicant for appointment or promotion as a member of the police force, as a member of the fire force whether volunteer or paid, or to any other position for which the personnel officer finds that good health and physical fitness are requisite, shall be appointed or promoted unless before his examination, or before his appointment, as the personnel officer shall prescribe by rule, the applicant undergoes a physical examination by a physician designated by the personnel officer, and is found fit for service. This provision does not and the rules shall not in any way disqualify a person having a physical handicap which does not interfere with his performance of the duties of the position to which he seeks appointment.

#### Appointments in the Classified Service

Section 43.31. An appointment in the classified service is to a grade and class for which the appointee is eligible, and an employee therein may be assigned and reassigned to any position in the same grade and class. The personnel officer in his rules shall prescribe the conditions under which an employee may be transferred to a position, grade, or class other than that to which he was appointed, and in exceptional cases may authorize transfers not comprehended in the rules. No transfer shall operate to void a promotional examination, nor shall any person transferred lose thereby any right or preference to which he is entitled before transfer.

#### Certification of Eligibles

Section 43.32. When an appointment or promotion is to be made to a position in

the competitive group the personnel officer shall certify to the appointing authority the names of the three persons (if there be so many) whose names rank highest on the appropriate eligible list. If it is impossible to identify any one person as ranking third highest, by reason that two or more persons have an equal grade which would entitle either to be certified as of third rank, all having that grade shall be certified. If more than one appointment is to be made at the same time from the same list the personnel officer shall certify one additional name above three for each appointment to be made above one. The appointing authority shall appoint any one or more of the persons whose names are so certified; if any of those persons refuses the appointment tendered him the personnel officer at the request of the appointing authority shall certify another name or names, which would have been certified if the persons refusing the appointment has not been on the list. If an eligible list contains fewer than three names the appointing authority may notwithstanding that fact require it be certified to him and may appoint either person on it; or he may decline to appoint any person from an eligible list which under the provisions of section 43.27 of this charter may be cancelled, and thereupon the personnel officer shall cancel it.

#### Exceptional Appointments

Section 43.33. If when an appointment is to be made in the competitive group to a position requiring high or exceptional qualifications of educational, professional, or technical character, the personnel officer certifies to the appointing authority that after advertisement a sufficient number of applicants has not registered or that after examination he has been unable to establish an eligible list of as many as three candidates for the position, the appointing authority may appoint to that position any person who is found by non-competitive examination to be qualified for the position. A person appointed under authority of this section shall have the same rights and status as though appointed from an eligible list.

#### Provisional and Temporary Appointments

Section 43.34. When an appointment is to be made to a position in the competitive group for which there is no eligible list the appointing authority may with the concurrence of the personnel officer provisionally appoint to it some qualified person. If the position cannot be filled by regular or provisional appointment, or if the appointment is to be for a period limited to not more than sixty work days, the appointing authority may with the concurrence of the personnel officer select some qualified person to serve in the position under temporary appointment. At the request of the appointing authority the personnel officer shall give a non-competitive examination to any person given or about to be given an appointment under this section. No position filled by appointment under this section or under section 43.33 of this charter, or by continuance of any prior employee therein under section 90.90 of this charter, shall by that fact be removed from the competitive group, nor shall that fact establish a continuing non-competitive position.

#### Temporary Service Limitations

Section 43.36. No position in the competitive group shall be filled by provisional appointment or by appointment for temporary service for longer than three months. Unless within that period an insufficient number of applicants have been registered for or have passed a competitive examination for the position, and in every such case another competitive examination shall be advertised or advertised and given within each successive period of three months until an eligible list is established. An employee of the city serving under provisional or temporary appointment, or during a probationary period under other appointment, in a position other than that in which he holds a regular appointment, is on leave from his regular position during his service under provisional, temporary, or probationary appointment, and all rights attaching to his regular position for any purpose shall continue as though his service in his regular position were uninterrupted. Service under a provisional, temporary, or probationary appointment shall not operate to the prejudice or to the advantage of any person in a promotional or other competitive examination or in any appointment to a regular position. The action of an appointing authority in removing a provisional or temporary appointee from provisional or temporary service, or in removing a probationary appointee from service at the end of the probationary period, shall be final; but no such removal shall operate to terminate his service in his regular position.

#### Appointments of Unskilled Eligibles

Section 43.37. The personnel officer shall, not later than two weeks after receiving an application for appointment in the unskilled group, together with information showing the age, residence, citizenship, experience, and character of the applicant, give the latter any practical examination adapted to ascertain his fitness and qualifications for the work to be done, and shall register him on the eligible list of unskilled laborers if he is qualified.

#### Probationary Periods; Discipline; Dismissals; Appeals

Section 43.38. No appointment or promotion in the competitive group or the unskilled group shall be final until the appointee has rendered satisfactory service during a probationary period prescribed by the personnel officer in his rules. In the case of a member of the police force or the fire force the probationary period shall not be longer than the probationary period for members of those forces limited by general law; in other cases it shall be not longer than three months. The city manager, or other body having authority to appoint the successor of any employee in the classified service may demote, reduce, lay off, suspend, remove, or discharge that employee for misconduct or crime in or out of his employment, for inefficiency in or for failure or refusal satisfactorily to perform the work assigned to him, or for any other cause affecting the good order or work assigned to him, or for any other cause affecting the good order or efficient operation of the city service, including but not limited to causes stated in general law. When an appointing authority demotes, reduces, removes, or discharges an employee, or suspends him without pay for more than two weeks, or lays him off for more than two weeks for any reason other than a reduction of force or lack of work, it shall give him a written order to that effect, containing a statement of the cause of the action, and

appointing an early time at which the employee may be heard against the order. If the order removes an employee at the end of his probationary period, or an employee serving under a provisional or temporary appointment it shall be final. In other cases the employee may within seven days after the hearing appeal against the order to the city board of personnel review, and that board shall hear and decide the appeal without undue delay, impartially allowing all parties to present pertinent evidence and arguments. The decision may be to dismiss the appeal, to modify the order, or, if the action was not based on a sufficient cause or was not taken in good faith, to reverse the order and restore the appellant to his employment as of the effective date of the order or as of any later date fixed in the decision. The board shall not refuse to hear any appeal of a member of the police force or the fire force, other than the chief of police, to which he is entitled by general law; and that member may appeal from the decision of the board to the court of common pleas under conditions in which he might appeal thereto under general law. The board shall by rule, copies of which shall be available to the appellant and his counsel in the office of the city manager, prescribe the manner and procedure by which the appellant shall take his appeal to the board. No person shall be entitled to an appeal not authorized in this section. No employee restored to his employment by decision pursuant to appeal shall thereafter be demoted, reduced, suspended, laid off, removed, or discharged for the same facts.

#### Right of Chief of Police Appointed From the Force

Section 43.39. A member of the police force who is appointed chief thereof shall be on indefinite leave from the position in the force which he held before serving as chief, and shall retain his membership in the police relief and pension fund. Upon his separation from the position of chief of police he shall at his option be restored to the privileges, seniority, and rank which he held in the force at the time of his appointment as chief, and shall be assigned to duty in a position in that; if that rank has been abolished he shall be restored to an equal rank if any there be, and otherwise to the next lower rank.

#### Service Appraisals and Ratings

Section 43.40. The performance or efficiency of every officer and employee in the classified service shall be appraised and rated at least once during his probationary service and at least once in every subsequent period of six months. The personnel officer shall prescribe the manner and content of the appraisals and ratings, and the forms in which they shall be recorded and reported to him. Each officer and employee may examine and copy any report which concerns himself; it shall not be open to public inspection, or be published unless he first divulges it or any part of it. The reports and records shall be accessible to the city manager and to administrative officers designated by him, and may be produced in any appeal or investigation authorized under this charter. They may form part of the matter graded in competitive examination.

#### Number of Assistants and Subordinates

Section 43.61. The city manager shall determine the number of assistants or subordinates to be employed in or by each office or department under his supervision, but the council may by ordinance determine the minimum or maximum numbers thereof.

#### Oath of Office

Section 43.63. Every officer, every member of the police force and of the fire force, and every employee in any other position specified by ordinance, shall before entering on the duties of his office or employment take and subscribe to the following oath or affirmation, to be filed and kept in the office of the personnel officer:

I solemnly swear (or affirm) that I will support the Constitutions of The United States and the State of Ohio, and that I will in all respects Obey and comply with the provisions of the charter and ordinances of The City of Hubbard, and will faithfully discharge the duties of my Office or employment.

#### Official Bonds Required

Section 43.65. The city manager, the director of finance, and the incumbent of every other office or position designated by ordinance or by the city manager pursuant to ordinance, shall give bond in an amount specified by ordinance or by the city manager under authority of ordinance. Every surety bond shall be one issued by a company authorized to write surety and indemnity bonds in the State of Ohio, and premiums thereon may be paid from city appropriations for that purpose. Every bond shall be approved by the city attorney and the director of finance. The bond of the director of finance shall be deposited with the personnel officer; all other bonds shall be deposited with the director of finance.

#### Salaries and Compensations

Section 43.71. The salaries or compensation of the city clerk and his assistants, of the city manager, of the heads of offices and directors of departments established by this charter or by ordinance, and of members of any board or commission entitled to compensation for their services, shall be fixed by ordinance. Salaries or compensation of all other officers or employees appointed by or under the authority of the city manager shall be fixed by ordinance or by the city manager within limits provided by ordinance establishing schedules of minimum and maximum salaries or compensation for each class or grade within the city service, or specific rates. Salary or pay schedules shall provide uniform compensation for like service, and in fixing individual salaries the city manager shall take into consideration the length of service and the efficiency of the employee.

## Allocation of Pay

Section 43.73. The salaries of members of council, city clerk, city manager, city attorney, personnel officer, or directors of departments, and of employees, whose work partakes of operations chargeable to two or more funds shall be allocated among those funds in reasonable proportions under rules or regulations made by ordinance.

## Participation in the Social Security System

Section 43.87. If there is presented to the council a petition signed by not fewer than sixty percent of all the officers and employees of the city, praying that the city and its officers and employees participate in the Social Security System of the United States, comprising old age insurance, survivorship insurance, unemployment insurance, and any other similarly benefits which are included in that system, the council may by ordinance authorize the direct that application be made in the names of the city and its officers and employees for participation in the social security system, and may accept and agree in the name of the city to all the conditions laid down by United States law therefor. The council may provide that at the time of commencing participation in the social security system every officer and employee not a signer of the petition mentioned in this section may choose for himself whether to enter the social security system or not. Participation in the social security stem may be in addition to or in lieu of participation in any retirement or pension system established by ordinance or by or pursuant to the general law of Ohio, as may be provided by ordinance.

## Offenses and Penalties Related to Personnel

Section 43.99. The provisions of general law defining and punishing offenses against the civil service laws of the State apply to the same offenses, committed in relation to the civil service of Hubbard. The council may be ordinance not in conflict with general law define and punish other offenses affecting the civil service of the city.

## Public Safety

### The Department of Public Safety

Section 44.00. There shall be a department of public safety, comprising the police force, the fire force, and other divisions, bureaus, officers, and employees, as may be provided for by or pursuant to ordinance.

### The Director of Public Safety

Section 44.10. There shall be a director of public safety who shall be the principal officer in the department of public safety

## The Police Force

Section 44.20. The city shall maintain a police force consisting of a chief directly in charge thereof and of such number of other officers, patrolmen, and employees as may be fixed in accordance with the provisions of section 43.61 of this charter. In case of riot or other danger to the public peace, order, or safety the city manager may appoint additional officers and patrolmen for temporary service who need not be in the classified service of the city. The chief of police shall control the stationing and other disposition of all members of the force, under rules and regulations which he may establish with the approval of the director of safety.

## Police Powers of Other City Personnel

Section 44.21. The council may by ordinance provide for the exercise of police powers in the course of their employment, by officers and employees of the city other than those in the regular police force.

## Private Police Subject to City Control

Section 44.28. No person shall act as a special or private policeman, special or private detective, or other special or private police officer for any purpose whatsoever, except upon the written authority of the chief of police or of the director of public safety. That authority shall be exercised only under the direction and control of the officer by whom it is granted and for a specified time not to exceed six months.

## The Fire Force

Section 44.30. The city shall maintain a fire force consisting of a chief in charge thereof and of such number of other officers, firemen, and employees as may be fixed in accordance with the provisions of section 43.61 of this charter. In case of conflagration, riot, or other extraordinary danger, the city manager may appoint additional officers and firemen for temporary service who need not be in the classified service of the city. The chief of the fire force shall have control of the stationing and other disposition of all members of the fire force, under such regulations as he may establish with the approval of the director of safety. The members of the fire force may be either volunteers or regularly employed firemen. The council by ordinance or the manager by regulation may provide for the training, equipment, and assignment of police officers and patrolmen to aid and participate in fighting fires within the city.

## Building Regulation and Inspection

Section 44.50. Without derogating from the power of the city by its own ordinances to regulate the materials, structure, and construction of buildings and other improvements in the interest of safety and of sanitary conditions for their inhabitants and other persons, and of the safety of other properties, and to provide for the examination and approval or disallowance of plans, and for the requirement of permits before the

construction or erection of buildings or other improvements, and for inspecting the same during and after construction, it shall be lawful by ordinance to adopt by reference, as the building regulations of the City of Hubbard or part thereof, all or any designated part of the general laws on the same subject, or all or any designated part of the regulations of any other Ohio city on the same subject, or all or any designated part of any volume or code of building regulations prepared, adopted, published, or promulgated by any association or organization of persons qualified as authorities in the field of building regulation or inspection. Copies of any volume or code of regulations adopted under authority of this section shall be kept available in the office of the city manager or of the director of public safety and in that of the officer in charge of issuing building permits, open to reading and copying by any interested person. Contracts or agreements may be entered into with another Ohio city or with the board of county commissioners of the County of Trumbull, to obtain the services of officers or employees of that city or county in the examination of plans for buildings and improvements in the City of Hubbard, and in the inspection thereof during and after construction.

#### Examining Boards for Craftsmen

Section 44.58. The building regulations may provide for examining boards to determine the qualifications of persons desiring to engage as journeymen or master craftsmen in occupation and crafts connected with the construction or operation of buildings and improvements and appurtenances thereof, and of apprentices in those occupations and crafts, and to recommend the granting or denial of permits or licenses to persons examined.

#### Parks and Recreation

##### Public Parks and Recreation to be Fostered

Section 47.00. The council shall provide for the preservation and maintenance of the public parks and recreation facilities of the city. The city manager shall assign the administration and operation thereof to some qualified officer or employee, or to some department or unit, under his general management. But the council may by ordinance designate the department to which park and recreation functions shall be assigned. The council may authorize agreements or contracts with the board of county commissioners of the County of Trumbull, with the board of education of the school district having authority in the City of Hubbard, or with any other Ohio city or village, whereby parks or recreation facilities or both, belonging to either or both parties, are owned or operated jointly, or by either party to the agreement in behalf of the other party or parties, under terms of reimbursement or compensation and allowance, as may be provided in the agreement or contract.

## Public Health

### Relations with Trumbull County General Health District

Section 48.00. The council and mayor of the Village of Hubbard are hereby empowered at any time after the adoption of this charter to enter into an agreement or contract with the advisory council of the general health district of the county of Trumbull, as fully as the officers of a city may do, within the authority conferred on that advisory council and the council of a city, for the union of the general health district of the county and the city health district, or for any other joint arrangement authorized by general law in the premises. Any agreement so entered into should take effect whenever the Village of Hubbard becomes a city, and should continue until the end of the year 1963, unless it is sooner terminated by agreement between the authorities having authority to renew or extend it. Any member of the advisory council of a general health district or of a board of health, subject under general law to be appointed by the mayor of a city, shall be appointed by the mayor, with the advice and consent of the council.

### Health Powers of the City Preserved

Section 48.50. Nothing in this charter or in the laws of Ohio shall be construed to impair or to derogate from the power of the city of Hubbard to make by ordinance local sanitary and similar regulations not in conflict with general laws. The council may by ordinance confide the enforcement of those regulations to any board of health established pursuant to general law and having jurisdiction within the city of Hubbard, or may provide for their enforcement by or under the direction of the city manager.

## CITY PLANNING, ZONING, PLATTING

### The City Plan Commission

Section 50.00. There shall be a city plan commission which shall consist of seven members, to wit:

- a. A member of council chosen by the council for his term;
- b. The city manager; and
- c. Five electors of the city who hold no elective public office; they shall be appointed by the mayor with the advice and consent of the Council.

The city plan commission shall be deemed to be a continuation of the village Planning commission of the Village of Hubbard as the same was constituted at the time of the adoption of this charter, and persons serving as citizen members of the village planning commission on the last day of December, 1961, for terms expiring thereafter, shall continue as members of the city plan commission during the terms for which they were respectively appointed; but vacancies in those terms shall not be filled unless their filling is necessary to maintain the number of elector members at five. Regular terms of

elector members shall be for five years, each ending with the last day of February. But the terms of elector members first appointed shall be so arranged that not more than one shall ever expire in the same year. An elector member appointed to fill a vacancy shall serve during the remainder of the unexpired term. The commission shall choose its chairman from among the elector members. Members of the city planning commission shall receive no compensation as such, but shall be reimbursed for their necessary and reasonable expenses incurred incidentally to the performance of their duties.

### Official City Plans and Maps

Section 50.20. The city plan commission shall make and from time to time amend, extend, add to, and revise the official plan of the city, subject to the provisions of this charter. That plan shall consist of maps, charts, exhibits, and text, as the city plan commission shall determine. It shall show and state the recommendations of the commission about the location and dimensions of all public ways, parks, playgrounds, buildings, and works; about the removal, relocation, extension, widening, narrowing, vacation, abandonment, or change of use of any of the foregoing; about the location of public utilities whether publicly or privately owned; about the marking of historical sites; about the location or relocation of statuary in public places, and about its removal therefrom; about the improvement, rehabilitation, development, redevelopment, or reconstruction of areas or neighborhoods which are destroyed or seriously damaged by disaster, or in which housing and other buildings and other structures, and public works in which housing and other buildings and other structures, and public works and facilities, do not conform to reasonable standards in respect of sanitation and sanitary facilities, open spaces, access to light or air, or other conditions of wholesome living or work.

The official city plan shall consist of the plans, charts, maps, exhibits, and text declared to be such by ordinance passed after recommendation by the city plan commission and in accordance with the provision of this section and section 50.25 of this charter. If the council desires to make, amend, extend, add to, or revise the official city plan in a way not previously recommended by the commission, or to amend or modify any plan or action recommended by the commission before declaring it to be or to change the official city plan, the council shall before acting to that effect refer the draft ordinance which it desires to pass to the commission, and subsequent action thereon shall be subject to the provisions of section 50.25 of this charter.

### Procedure in City Planning Legislation

Section 50.25. When the council refers any measure to the city plan commission under the provisions of section 50.20, 50.30, 50.40, 50.50, or 50.55 of this charter the city plan commission shall within twenty one days (unless the council extend that period) consider the same and report to the council whether the modification, amendment, or measure referred conforms to the city plan or to the zoning plan or to the platting rules and regulations, as the case may be, and whether the commission approve or disapprove the same, the reasons for its approval or disapproval, and if it disapprove, any

recommendations it may have for the modification of the matter referred so that it may be approved. If the commission do not report within the time limited by this section or if it approve the measure or matter referred, the affirmative votes of four members of the council shall suffice to enact the same. If the commission timely disapprove any measure or part thereof or any other matter so referred to it the affirmative votes of five members of the council shall be required for its enactment notwithstanding the commission's disapproval.

### Improvement and Similar Measures

Section 50.30. Every measure by which it is proposed to acquire property for, locate, relocate, remove, construct, reconstruct, extend, widen, narrow, vacate, abandon, dispose of, improve, or change the use of any public way, park, playground, building, ground, or real property, public utility, marker, or statuary, or to improve, develop, redevelop, or rehabilitate any area or neighborhood, shall upon its introduction into the council be referred to the city plan commission, and subsequent action thereon shall be subject to the provisions of section 50.25 of this charter.

### Zoning

Section 50.40. The city plan commission shall on the basis of the official city plan and of studies, investigations, and surveys made by it or under its authority make and prepare plans and regulations for the zoning and from time to time the rezoning or the amendment, modification, or revision of the existing zoning of all the territory within, and which shall hereafter be brought within the city of Hubbard. The zoning regulations shall govern the use and occupancy of premises and buildings; the requirements of open spaces and areas, and the dimensions thereof, between property lines or lot lines and buildings on the properties or lots; the height and bulk of buildings, and setbacks in buildings in reference to height or to distance from property or lot lines or any thereof; all for the protection, preservation, and promotion of the public health, safety, order, and convenience of the city and its inhabitants. Whenever the city plan commission has made or prepared any plan, regulation, amendment, or revision for the zoning or rezoning of the city or any part thereof it shall recommend the same and a draft ordinance embodying it to the council, and subsequent action thereon shall be subject to the provisions specified as to city plan measures in section 50.20, and to the provisions of section 50.25, of this charter.

### Board of Zoning Appeals

Section 50.45. The zoning regulations may provide for a board of zoning appeals of three members, and may authorize that board to hear and investigate into appeals for relief from undue hardship which would result from the literal application of the zoning regulations to any particular property, and to allow variations in such cases, not inconsistent with the principles of the zoning regulations. The mayor, with the advice and consent of the council, shall appoint the members of the board of zoning appeals, who shall have the same qualifications as elector members of the city plan commission;

at least one but not all members of the board shall be elector members of the city plan commission; their terms shall be fixed by ordinance; each member may be paid a reasonable compensation for time actually devoted to his duties as member of the board. An appellant for relief may be required to pay or to secure the payment to the city of the expense of the city incidental to the hearing and investigation of his appeal.

#### Zoning of Annexed Territory

Section 50.48. Upon the annexation to the City of Hubbard of any territory in which any zoning regulations or ordinances are in effect at the time of that annexation, the same zoning regulations or ordinances shall continue in effect as though made under the provisions of this charter, for a period not longer than two years, subject at any time to be amended, modified, or superseded by ordinance passed under the provisions of this charter.

#### Platting

Section 50.50. The city plan commission shall be the platting commission of the city. It shall prepare and recommend to the council rules and regulations governing the platting and subdivision of land within the city and of land outside the city which by general law is subject to the platting jurisdiction of the city; prescribing requirements for the provision, location jurisdiction of the city; prescribing requirements for the provision, location, width, and improvement of streets and other ways and other public grounds, including among other particulars sewers and drainage, or prescribing security to be given to assure that the required improvements will be made, as conditions for the approval of plats and subdivisions or for the acceptance of the streets, ways, or grounds. Rules and regulations relating to platting and subdivision, and amendments or revisions thereof shall be passed as ordinances by the council. Any such ordinance, not previously approved by the city plan commission, shall be referred to it and subsequent action thereon shall be subject to the provision of section 50.25 of this charter.

#### Acceptance and recording of Plats

Section 50.55. No plat of any subdivision of land within the city of Hubbard or subject to its platting jurisdiction, nor any instrument dedicating land to any public use of the city of Hubbard, shall be accepted or recorded or have any validity unless it be accepted by ordinance. The council shall refer any ordinance proposing to accept any such plat or instrument or to approve or accept any subdivision, or to accept any ways or grounds dedicated thereby or therein, to the city plan commission, and subsequent action thereon shall be subject to the provisions of section 50.25 of this charter. The dedication of any lands or ways or public grounds required to be accepted or approved by the council shall be deemed to convey to the city, or to another government having jurisdiction over the territory in which the land dedicated is situated, the title thereof in fee simple.

## City Planning Staff

Section 50.80. The city plan commission shall appoint its own secretary and other employees; with the consent of the city manager it may appoint in its service, for part time or irregular time, employees in that part of the city service for which the city manager is responsible. On this request of the city plan commission the city manager may assign officers or employees under his supervision to the temporary service of the commission, or may cause those officers or employees to prepare studies, maps, charts, plans, or data in compliance with the request of the city plan commission. The commission may employ or contract with experts and consultants who need not be in the classified service of the city.

## Other Powers and Functions

Section 50.90. The council may by ordinance confer on the city plan commission such other powers and functions as appertain by nature or general law to planning authorities, and as do not appertain by this charter to the council or to the city manager.

# CITY ELECTIONS

## County Election Authorities; General Election Laws

Section 80.00. The election authorities of the County of Trumbull shall hold and conduct all elections for members of the council and all elections on questions and issues submitted to the electors of the city of Hubbard. The general election laws of Ohio shall govern all those elections save only as it is otherwise provided in the Ohio Constitution, in this charter, and in ordinance agreeably to this charter and the constitution of Ohio.

## Time of Holding City elections

Section 80.05. A regular municipal election for the election of members of the council shall be held and conducted on the first Tuesday after the first Monday in November in each odd-numbered year. Special elections for any purpose authorized by the Constitution or laws of Ohio or by this charter may be held and conducted on any day fixed in accordance with the provisions under which they are authorized. No primary elections shall be held for the nomination of candidates for any office of the City of Hubbard.

## Nomination of Candidates for the Council

Section 80.10. Candidates for election as members of the council shall be nominated only by non-partisan petition. Any elector of the City of Hubbard shall be a candidate for election to the council, who is nominated therefor by a petition bearing valid signatures of at least one hundred and not more than one hundred fifty electors of the city. NO nominating petition shall be valid unless each separate petition paper therein bears a declaration in writing over the name of the candidate, that he is a

candidate and accepts the nomination, nor unless before the petition is circulated he signs and swears to or certifies that declaration on one petition paper. No signature on any nominating petition shall be counted if it is made before the date of the candidate's declaration of his candidacy, or if it is made earlier than the fifteenth day of June next preceding its filing. If any signature appears on more than seven nominating petitions it shall be counted on only the seven petitions first filed of those on which it appears. No signature on a nominating petition shall be withdrawn. Every petition nominating a candidate for election to the council shall be filed with the election authorities of the County of Trumbull not earlier than the first day of July, nor later than 4:00 o'clock p.m. on the third Wednesday in September, next preceding the election of members of the council. No candidate who has signed a declaration of candidacy may withdraw his candidacy, but if he dies or loses any qualification of an elector before the election his name shall be omitted from or cancelled or covered on the ballot. The provisions of general law governing the nomination of independent or nonpartisan candidates for city councils, by petition, are hereby adopted as supplementary to this section, and shall apply to nominations of candidates for the council except that the provisions of this section shall prevail over any provision of general law to the extent that general law conflicts with or is rendered inapplicable by any provision of this section.

#### Ballots and Voting

Section 80.20. If paper ballots are used in the election of members of the council they shall not bear the names of candidates for any other office, nor any question or issue. Names of candidates for the council shall appear on ballots or on voting machines or devices without party marks or designations. If two or more candidates at the same election for members of the council have the same name or similar names the election authorities shall place his residence address with the name of each candidate thereby affected on the ballots or voting machines or devices. Names of candidates shall be alternated from ballot to ballot or from one to another voting machine or device agreeably to the provisions of section 2a of Article V of the Ohio Constitution as applied in nonpartisan elections. Each elector shall vote for not more than seven candidates. Provision shall be made at each election for members of the council to permit any elector to vote for two eligible persons whose names do not appear on the ballot or on the voting machine or device.

#### How to Determine Who are Elected

Section 80.50. At each general municipal election seven members of the council shall be elected from the city at large, to serve in the council during the next regular term. If any elector votes or attempts to vote for more than seven persons for the council his vote shall not be counted for any of them. No vote shall be counted for any person who is not eligible for the council on the day of the election, and living at the hour when the election begins; except that a person not of voting age on that day, who will be of voting age at the beginning of the next council term, shall be deemed to be eligible. The seven eligible candidates for member of the council who receive the seven greatest numbers of votes respectively shall be deemed to be elected. If it be impossible to determine which

seven candidates receive the seven greatest numbers of votes, by reason that one or more receive the same number of votes, the provisions of general law applicable in such cases shall be applied to determine which candidates shall be deemed to be elected.

## MISCELLANEOUS

### Official Investigations

Section 90.20. The council, the city manager, or any committee or person authorized by either of them, shall have the power to inquire into the conduct of any department, office, officer, or employee of the city and to make investigation as to any affair of the city, and for that purpose may subpoena witnesses, administer oaths or affirmations, and compel the giving of testimony and the production of books, papers, records, accounts, and other evidence. The council shall provide by ordinance the penalty or penalties for contempt in refusing to obey any subpoena issued under authority of this charter, or to produce books, papers, records, accounts, other evidence.

### Hubbard Union Cemetery

Section 90.30. The union of the village of Hubbard and the township of Hubbard is not impaired by the adoption of this charter or by the change of the village into the city. The director of finance shall be a member of the board of cemetery trustees representing the city. So long as the city is entitled to representation by two members of that board, the mayor, with the advice and consent of the council, shall appoint an elector of the city to be a member of the board for a term ending with the thirty first day of March in the second even-numbered year after the year of his appointment. If the Hubbard Union Cemetery becomes the responsibility of the city alone its administration will devolve on the city manager or another administrative officer under the city manager.

### Continuance of Contracts and Legislation

Section 90.40. All contracts and agreements entered into by the Village of Hubbard or for its benefit, prior to the taking effect of this charter, shall continue in force and effect and shall bind the City of Hubbard as fully as the Village of Hubbard. Public improvements for which legislative steps have been taken by the Village of Hubbard before this charter takes effect may be carried to completion by the City of Hubbard in accordance with general laws or with the provisions of this charter as in each case the council shall determine. All ordinances and resolutions of the Village of Hubbard in force and effect when this charter takes effect, not inconsistent with this charter, shall continue in force and effect as ordinances and resolutions of the City of Hubbard until they are amended or repealed; prosecutions for their violation shall not lapse or fail by reason of this charter or by reason of the change of the Village of Hubbard into the City of Hubbard. Civil actions and causes of action by or against the Village of Hubbard shall continue or shall survive by or against the City of Hubbard unimpaired by the taking effect of this charter or by the change of the Village of Hubbard into the City of Hubbard.

## Authentic Text of This Charter

Section 90.60. Any one of seven original engrossed copies of this charter, identical except that each bears a different identifying number, 1,2,3,4,5,6, or 7, authenticated by the signatures of members of the charter commission elected by the voters of Hubbard November 3, 1959, and deposited by the charter commission with the village clerk of the Village of Hubbard, shall be deemed to be the correct and authentic text of this charter, and no variance therefrom, or error, in any other copy shall be deemed to alter the meaning or to derogate from the force and effect of this charter. If any typographic error, unmistakably such, occurs in the authentic text of this charter it shall not alter the true and manifest intent hereof, and an accurate correction shall be indicated in official copies made thereafter. In this charter each center caption not within a section relates to a series of sections following it and each marginal caption relates to the section next following it. Captions are inserted into this charter for convenience only and are not part of the text. No caption shall be given any effect of interpretation or construction in relation to the meaning of any provision of this charter.

## Official Distribution of Copies

Section 90.65. Upon the adoption of this charter the village clerk of the Village of Hubbard shall attach to each authentic copy of this charter deposited with him a copy of the certificate of the election authorities declaring the result of the election thereon, and his own certificate attesting its authenticity, and shall retain the copies numbered 1,2, and 3, respectively, in his office for official use, and to be delivered to the city clerk upon his appointment, to be preserved as the official copies of the city. He shall then distribute the remaining copies of the authentic text to the several recipients next designated, to be deposited and preserved in the official records of the respective recipients, to wit,

To the Secretary of State of Ohio, copy number 4;  
To the librarian of the Supreme Court of Ohio, copy number 5;  
To the clerk of courts of the County of Trumbull, copy number 6; and  
To the county recorder of the County of Trumbull, copy number 7.

Whenever this charter is amended the city clerk shall certify true copies of the amendment or amendments to the several recipients of the authentic copies. Any copy of this charter or of its amendments, certified to be a true copy by the village clerk or by the city clerk, shall be *prima facie* evidence of the authentic text of this charter in all courts and elsewhere, for all purposes.

## Time of Going into Effect; Effects of Adoption; Schedules

Section 90.90. Schedule A. For the purpose of nominating and electing members of the council and for all purposes connected therewith and for purposes of sections 48.00 and 90.65 this charter shall take effect and be in force from and after its adoption.

Schedule B. For all other purposes this charter shall take effect and be in force on and after the first day of January, 1962.

Schedule C. Members of the council elected under the provisions of this charter November 7, 1961, shall meet at 7:30 o'clock p.m. on the fifteenth day of November, 1961, and may then effect a temporary or provisional organization, adjourn from time to time, and take any steps and complete any preparation preliminary to the going into effect of this charter which in their judgment will facilitate the choice of a city manager and the institution of the offices established by this charter and the rendition of city services under the provisions of this charter. But they shall not be deemed to have entered into office as members of the council, or to have any of the powers of the council, until the council meets on the first day of their term as provided in this charter.

Schedule D. The council provided for in this charter shall be the successor in all things of the council of the Village of Hubbard, and a continuation thereof. The officers of mayor, clerk, treasurer, and marshal, and all boards and commissions, of the Village of Hubbard, existing on the thirty first day of December, 1961, and not expressly continued or provided for by this charter are hereby abolished as of the end of the year 1961. Any person who on December 31, 1961, holds the position of village engineer, superintendent of streets, or superintendent of public utilities, shall continue in the city service in that position, with the same tenure as he would have if he were appointed to it on January 1, 1962 as a temporary appointee under the provisions of section 43.34 of this charter. The marshal or chief of police of the village serving as such on December 31, 1961, shall continue as chief of police of the city, in the unclassified service. Persons who on December 31, 1961, hold other positions in the village service, which belong in the classified service of the city, shall continue in the same or similar positions in the city service; each of them who on December 31, 1961, had completed six months or more of continuous service in the village position he held then, shall have tenure in that position as though he had been originally appointed from an eligible list and had completed his probationary period before January 1, 1962; each of the remainder of them shall have probationary tenure in the same or a similar position until a date not earlier than March 31, 1962, nor later than six months after the commencement of his service in the same position under the village, which date the personnel officer shall fix in each case at least one month in advance. If a director of finance is not appointed on January 1, 1962, the city manager may authorize the last village clerk to serve as acting director of finance during the pleasure of the city manager.

ATTESTION OF MEMBER OF THE CHARTER COMMISSION OF THE VILLAGE  
OF HUBBARD, Elected November 3, 1959:

DONE in seven identical engrossed copies respectively numbered 1,2,3,4,5,6, and 7, in the charter commission of the Village or City of Hubbard, State of Ohio, this eleventh day of July, Anno Domini 1960, and in the year of the independence of the

United States of America the one hundred and eighty fifth. IN WITNESS WHEREOF  
we have hereunto subscribed our names

Thomas Crowe

William Mason

George Evans

Oscar Mitchell

John Glod

Harold McCort

Robert Hogg

Walter Scott

Francis Keenan

Richard Scullin

A. Ray Kyle

George A. Stiver

Peter Mageros

Attest Bernard M. Schneider, M.D., Chairman

Attest George W. Hopes, Secretary