

CITY CHARTER

EDITOR'S NOTE: The Worthington Charter was initially adopted at the general election held on November 6, 1956. Comprehensive amendments to the Charter were approved at the general election held on November 8, 1983. Those sections or section headings with no dates or histories respectively at the end thereof indicate those provisions were amended on November 8, 1983. Dates appearing in parentheses following a section heading indicate those provisions were amended, enacted or repealed on the date given.

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**CHARTER OF
THE CITY OF WORTHINGTON, OHIO
PREAMBLE**

We, the people of the City of Worthington, Ohio, in order to provide a democratic and efficient form of governmental organization, to secure for ourselves the benefits of municipal home rule, and to exercise all the powers of local self-government, do hereby adopt for our Municipality the following Charter.

Article I
INCORPORATION - POWERS

SECTION 1.01 INCORPORATION.

The inhabitants of the City of Worthington, Franklin County, Ohio, within the corporate limits as now established or as hereafter established in the manner provided by law shall continue to be a municipal corporation in perpetuity under the name of the "City of Worthington".
(Amended November 8, 1960.)

SECTION 1.02 POWERS.

The Municipality shall have all powers, general and special, governmental or proprietary, of local self-government and home rule and all other powers that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of the State of Ohio. All such powers shall be exercised in the manner prescribed by this Charter, or to the extent not prescribed herein, then in such manner as the Council may determine, and only when not prescribed in this Charter or determined by Council, such powers shall be exercised in such manner as may now or hereafter be provided by the laws of the State of Ohio.

SECTION 1.03 INITIATIVE AND REFERENDUM.

Except as limited by this Charter and the laws of the State of Ohio, the powers of initiative and referendum on all matters upon which the Council is competent to legislate are reserved to the people to be exercised in the manner provided by the laws of the State of Ohio.

SECTION 1.04 REFERENDUM AND EFFECTIVE DATE ON ZONING ORDINANCES OR OTHER ZONING MEASURES.

(A) Notwithstanding any other provision of this Charter, the power of referendum on any ordinance or other measure passed by the Council amending the City's zoning code or changing the zoning for any property in the City may be exercised in the manner provided by the laws of the State of Ohio except that the petition may be filed upon passage of any ordinance or other measure by Council and within sixty (60) days following publication in order to afford an opportunity during the period for the filing of referendum petitions thereon.

(B) Notwithstanding any other provision of this Charter, no ordinance or other measure passed by the Council amending the City's zoning code or changing zoning for any property in the City shall go into effect until sixty (60) days following publication in order to afford an opportunity during that period for the filing of referendum petitions thereon; nor shall any such ordinance or measure be passed on an emergency basis.
(Enacted November 3, 2015)

Article II THE COUNCIL

SECTION 2.01 POWERS, NUMBER, SELECTION AND TERM.

Except as otherwise specifically provided in this Charter, all powers of government and control of the Municipality shall be vested in an elective Council which shall constitute the governing body of the Municipality and shall enact ordinances and resolutions and exercise all legislative power and executive authority, including the determination of general policies, now or hereafter vested in municipal officials by law and in the Council by this Charter. The Council shall consist of seven members, elected at large on a nonpartisan ballot, for four year overlapping terms.

SECTION 2.02 QUALIFICATIONS.

All members of Council shall have been residents and qualified electors of the Municipality continuously for at least two (2) years prior to their election and shall continue to be residents and qualified electors thereof throughout their respective terms of office. Except as otherwise provided by this Charter or by ordinance enacted thereunder, a member of Council shall not hold any incompatible public office but may be a notary public, a member of the State or National Guard or of a reserve component of the United States, or may occupy an office held by virtue of such member being a member of Council. Any member of Council who shall cease to possess or who violates any of the qualifications herein provided shall immediately forfeit the office but failure to maintain such qualifications shall not render void or ineffective any action of Council in which such member has participated. The Council shall be the judge of the election and the qualifications, as set forth herein, of its members. (Amended November 5, 1996.)

SECTION 2.03 VACANCIES.

Vacancies in the office of member of Council shall be deemed to occur upon and as of the time of the presentation of a resignation to the President or President Pro-tem of Council, the death of a member of Council, a determination by Council that a member of Council ceases to possess or has violated any of the qualifications for the office of Council as provided in Sec. [2.02](#) of this Article, the retirement from office after being recalled as provided in Sec. [8.01](#) of this Charter, or upon removal from office as provided by law. Any vacancy in the office of Council member shall be filled by the election of a person qualified as provided in Sec. [2.02](#) of this Article by a majority of the remaining members of Council. The person so elected shall serve until the next regular municipal election, occurring not less than ninety days thereafter when a successor shall be elected by the electors for the remainder of the unexpired term, if any; if not, for a full term.

SECTION 2.04 SALARY.

The salary of Council members and the President of Council may be established by non-emergency ordinance one time prior to the general election held in November 2019. After such one-time increase, the salary of the members of Council shall be established by non-emergency ordinance, provided that no salary of a Council member shall be increased during that member's term of office and no salary shall be decreased during such term of office except with the consent of such member of Council. (Amended November 8, 2016)

SECTION 2.05 PRESIDENT OF COUNCIL, PRESIDENT PRO-TEM OF COUNCIL, MAYOR AND VICE-MAYOR.

At its organizational meeting after each election of Council members, the Council shall elect a President of Council and a President Pro-tem of Council, from among its members, for a term of two (2) years. The process for such election may be included in rules adopted by Council pursuant to Section [2.15](#) of this Charter. The President Pro-tem of Council shall act as President of Council in the absence of the President of Council.

At said organizational meeting, the Council shall also elect as Mayor and Vice-Mayor suitable persons from among citizens of this Municipality, qualified to serve on Council, for a term of two (2) years. A member of

Council may not be elected either as Mayor or as Vice-Mayor.

The Mayor shall serve as judge of the Mayor's Court to hear and determine misdemeanor cases arising under the ordinances of this Municipality, as provided by the laws of the State, unless and until another and different court is required by State legislative act. So long as there is a Mayor's Court, the Mayor and Vice-Mayor shall each be an attorney admitted to the Bar of Ohio and be in good-standing with the Supreme Court of Ohio. Nothing in this Section [2.05](#) shall limit the City Council from appointing a magistrate to preside over Mayor's Court in the absence of the Mayor and Vice-Mayor. City Council shall establish the qualifications of a magistrate and shall make such appointment by resolution.

The Mayor shall further be recognized as the ceremonial head of the Municipality but shall have no administrative duties. The Vice-Mayor shall act as Mayor during the absence of the Mayor. A vacancy in the office of Mayor or Vice-Mayor shall be deemed to occur for the same reasons set forth for a vacancy in the office of member of Council as provided in Section [2.03](#) hereof. Upon a vacancy in the office of Mayor, the Vice-Mayor shall serve for the unexpired term or until a Mayor is elected, whichever first occurs.
(Amended November 8, 2016.)

SECTION 2.06 SALARY OF MAYOR AND VICE-MAYOR.

The salaries of Mayor and Vice-Mayor shall be established by ordinance, and neither salary shall be increased or decreased during the Mayor's or Vice-Mayor's term of office.
(Amended November 8, 2016)

SECTION 2.07 SPECIFIC POWERS OF COUNCIL.

In addition to its legislative power and its executive authority and its power to prescribe by ordinance or resolution the manner in which any power of the Municipality may be exercised, the Council shall have the authority to:

- (1) Appoint and remove the City Manager, appoint an Acting City Manager in the event the position of City Manager is vacant, and establish the salary for such positions by ordinance;
- (2) Establish administrative departments, define their duties and procedures, and confirm the appointment of officers in unclassified positions and fix the salaries and wages for all employees;
- (3) Adopt the municipal budget;
- (4) Appoint and remove the members of the Municipal Planning Commission, the Board of Zoning Appeals, and of any board, commission, or committee created or authorized by this Charter or by ordinance or resolution of Council;
- (5) Adopt and modify the official map of the Municipality;
- (6) Regulate and restrict the use of public and private real estate in the interests of the health, safety, morals, and welfare of the people by establishing use zones and limiting area, land use, and building heights therein;
- (7) Adopt and approve subdivision plats and establish subdivision regulations therefor;
- (8) Authorize the levy and collection of taxes and the issuance of notes and bonds as provided in this Charter or as otherwise authorized by the laws of the State of Ohio;
- (9) Authorize an audit of the accounts of the Municipality or any officer or department thereof in such manner and means as Council shall deem necessary and appropriate;
- (10) Establish an Architectural District and appoint an Architectural Review Board, in accordance with Sec. [6.03](#)(7) of this Charter, to exercise such powers within the Architectural District as are established by ordinance.
- (11) Adopt, and review at least annually, a policy on the investment of funds held by the City.

The Council may delegate the administration of any and all municipal affairs to the City Manager who shall be responsible to the Council for the performance thereof.
(Amended November 8, 2016)

SECTION 2.08 APPOINTMENT OF CITY MANAGER.

The Council shall appoint by ordinance an officer of the Municipality who shall have the title of City

Manager, who shall have the administrative powers and responsibilities of the Municipality and who shall perform the duties set forth in this Charter or by ordinance. The Council may authorize and its President may execute on behalf of the Municipality an employment agreement with the City Manager in which is set forth such salary, benefits, and conditions of employment, including a provision for severance pay, of the City Manager as Council may determine and as are not inconsistent with this Charter. If deemed appropriate to do so, Council may authorize severance pay for the City Manager in the absence of an employment agreement with the City Manager. No Council member or Mayor shall be appointed as City Manager during the term of office for which such Council member or Mayor has been elected or appointed or for one year thereafter.

SECTION 2.09 TENURE OF OFFICE OF CITY MANAGER.

The City Manager shall be appointed by and serve at the pleasure of Council which shall have the absolute right to remove the City Manager. If removed after six months of service, the City Manager shall have the right to request and receive written reasons for the removal and to be heard thereon at a public hearing. Prior to and during said hearing, Council may suspend the City Manager from office. Any action of Council hereunder shall be final and shall not be subject to referendum or initiative petition. Council shall have the authority to appoint an Acting City Manager in the case of a vacancy in the office of City Manager.

SECTION 2.10 COUNCIL RELATIONS WITH CITY MANAGER.

Except for the purpose of inquiry, the Council and its members shall deal solely and directly through the City Manager with respect to any matter related to the administrative affairs of the Municipality which are within the scope of the power, duty, authority and responsibility of the City Manager. Except to confirm the City Manager's appointment of officers in unclassified positions of the Municipality, the Council and its members shall not otherwise interfere with the appointment of officers in unclassified positions or employees in the administrative service.

(Amended November 8, 2016.)

SECTION 2.11 CLERK OF COUNCIL; SALARY.

The Council shall elect as an officer of the City an individual, not a member of Council, who shall have the title of Clerk of Council and shall serve at the pleasure of Council. The Clerk of Council shall give notice of Council meetings, keep the journal of its proceedings, authenticate by signature and record at length in books kept for such purpose all ordinances and resolutions passed or adopted by Council, and perform such other duties required by this Charter or by ordinance. The compensation of the Clerk of Council shall be fixed by ordinance.

SECTION 2.12 ADMINISTRATIVE CODE.

Subject to the provisions of this Charter, and after consultation with the City Manager, the Council shall adopt an administrative code which shall provide in detail the organization of the municipal government, define the powers and duties of each organization unit, and determine the administrative procedures to be followed. The Council shall have authority to delegate to the City Manager, and the City Manager to the heads of departments, power to make rules and regulations, consistent with the administrative code, to govern management practices.

Amendments to and revisions of the administrative code shall be made by Council after consultation with the City Manager.

SECTION 2.13 INDUCTION OF COUNCIL; ORGANIZATIONAL MEETINGS; MEETINGS.

On the first Monday in January following a regular municipal election, or on the succeeding day if the first Monday is a legal holiday, City Council shall hold its organizational meeting. At such meeting, newly elected members of Council shall take the oath of office, and Council shall elect a President of Council and President Pro-tem of Council as well as a Mayor and Vice-Mayor. A member of Council elected to fill a vacancy pursuant

to Section [2.03](#) of this Charter shall take office immediately.

Meetings of Council shall be held at such times and under such circumstances as are established by ordinance. Regular and special meetings of Council shall be open to the public, subject to the right of Council to meet, but not take action, in a non-public executive session held during a regular or special meeting and under such circumstances as are prescribed by ordinance.

(Amended November 6, 2007.)

SECTION 2.14 ELECTION CONTESTS.

The Council shall be the judge of the election and qualification of its members and for such purpose shall have the power to subpoena witnesses and require the production of records and documents.

SECTION 2.15 RULES; JOURNAL.

The Council shall determine its own rules, procedures and order of business, not inconsistent with the provisions of this Charter. It shall cause the Clerk of Council to keep a journal of its proceedings which shall constitute the official and sole record of its proceedings and which shall be open to public inspection.

SECTION 2.16 ORDINANCES AND RESOLUTIONS; PROCEDURE IN ADOPTION OF RESOLUTIONS.

Every action of the Council establishing any offense, providing for the levy of a fine or the imposition of a penalty, providing for the levy of any tax or assessment, authorizing the appropriation of public funds, contracting any indebtedness, determining to proceed with any public improvement, purchasing, leasing or transferring property, as well as all actions so required by this Charter shall be taken by ordinance as hereinafter provided. All other actions of the Council may be taken by resolution or motion.

Resolutions shall be introduced in writing and together with motions may be adopted by a majority of a quorum of Council upon introduction and without notice or waiting period. Resolutions shall take effect upon adoption or at such other time as the Council may provide and shall not require publication.

SECTION 2.17 PROCEDURE IN THE PASSAGE OF ORDINANCES.

Each proposed ordinance shall be in writing, shall contain a title and an opening clause: "Be It Ordained by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:", and shall set forth at length therein the action to be taken. Each ordinance shall contain but one subject which shall be summarized in its title. At a regular or special meeting of Council, a proposed ordinance shall be read by title only and may thereupon be introduced by a member of Council. At the option of the President of Council, a title may be read in summary fashion, which shall include the ordinance number and a succinct description of the action to be considered. Upon its introduction and in the absence of it being declared an emergency ordinance as hereinafter provided, a public hearing date on the ordinance shall be scheduled for a subsequent regular or special meeting of the Council as it shall determine. The Clerk of Council shall cause a notice of public hearing on the ordinance to be published, in a manner determined annually by Council, once in a newspaper of general circulation in the Municipality prior to the scheduled hearing date, and/or posted on at least one electronic medium. Such notice shall contain the title of the ordinance or a succinct summary of the title, the time, date, and place of the public hearing, and a statement that the ordinance is on file for public inspection in the office of the Clerk of Council. At the public hearing, the ordinance shall be read a second time by title only, or by a succinct summary of the title only as may be determined by the President of Council, and, thereafter, the public hearing commenced under such rules as Council may provide. At the conclusion of the public hearing, the Council shall vote to adopt, with or without amendment, or reject the ordinance. The adoption of an ordinance shall require the affirmative vote of a majority of the members of Council and the attestation by signature thereon of the President and the Clerk of Council.

In addition to those categories of ordinances specifically set forth in Section [2.19](#) of this Charter, an ordinance necessary for the immediate preservation of the public health, safety, and welfare of the Municipality may be passed as an emergency measure to be immediately effective upon its passage and publication either: (1) upon

introduction, provided the notice of public hearing on the ordinance is waived and the ordinance is declared to be immediately effective upon its passage and publication; or (2) at the conclusion of the public hearing thereon provided the ordinance is declared to be immediately effective upon its passage and publication. A six-sevenths (6/7) vote of the members of Council shall be required to waive the waiting period, to declare the immediate effectiveness of the ordinance, and to pass the ordinance.

(Amended November 8, 2016.)

SECTION 2.18 PUBLICATION OF ORDINANCES.

Public notice of the passage of an ordinance shall be published the Thursday following passage by one or more of the following methods:

- 1) By posting copies thereof in not less than four (4) of the most public places in the Municipality as determined by City Council, and on the City website;
- 2) By posting copies thereof in the office of the Clerk of Council;
- 3) By publication of a notice, one time, in a newspaper of general circulation in the Municipality and/or on the electronic medium determined by Council pursuant to Section [2.17](#) of this Charter, setting forth the title and effective date of the ordinance and a statement that the ordinance is on file in the office of the City Clerk;
- 4) By publication at length, one time, in a newspaper of general circulation in the Municipality and/or on the electronic medium determined by Council pursuant to Section [2.17](#) of this Charter;
- 5) In accordance with the provisions of Section [4.05](#) of this Charter in the case of the annual appropriations budget ordinance;
- 6) By setting forth their provisions at length in the Codified Ordinances made available for public inspection in libraries and in courts.

Publication of the passage of an ordinance shall be made by method one (1) above unless a provision of said ordinance provides another method.

(Amended November 8, 2016.)

SECTION 2.19 EFFECTIVE DATE OF ORDINANCES.

Ordinances raising revenue, those appropriating money for current operations, those directing an election or a question to the electorate, those authorizing annual tax levies, and those declared to be emergency ordinances as provided in Section [2.17](#) of this Charter shall be effective upon passage and publication. Except as may be provided in Section [1.04](#) of this Charter, all other ordinances shall take effect on the twentieth (20th) day following publication in order to afford an opportunity during that period for the filing of referendum petitions thereon.

(Amended November 8, 2016.)

SECTION 2.20 PASSAGE OF ORDINANCES BY REFERENCE.

The Council may pass, with or without amendment, standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating and air conditioning, housing, health, and other similar matters by reference to the date and source of the code and without reproducing the same at length in the ordinance. In all such cases, publication of the code at length shall not be required. At least three copies of each code shall be kept in the office of the Clerk of Council for reference by interested persons and additional copies be kept available for sale by the Clerk.

SECTION 2.21 ORDINANCE DETERMINING TO PROCEED WITH PUBLIC IMPROVEMENT; RIGHT OF REFERENDUM.

In addition to or in conjunction with any other ordinance necessary to make or pay for any public improvement, City Council shall pass an "Ordinance Determining to Proceed" with each public improvement which shall be the only ordinance that is subject to the filing of a referendum petition on said public improvement.

For purposes of this section, "public improvement" means the construction or reconstruction of any public

street, highway, road, alley, bikeway, sidewalk, waterline, watercourse, storm sewer, sanitary sewer, parking lot, street lighting, fence, building, structure, or other public facility.

There shall be no right of referendum on any ordinance related to any public improvement requested by a petition of property owners as authorized by the laws of the State; or on any public improvement which is immediately necessary for the preservation of the public health, safety or welfare and is authorized by the passage of an emergency ordinance pursuant to [Section 2.17](#) of the Charter.

(Adopted November 5, 1996.)

Article III THE CITY MANAGER

SECTION 3.01 CITY MANAGER; QUALIFICATIONS.

The City Manager shall be chosen by the Council on the basis of its judgment of such person's executive and administrative qualifications and abilities as evidenced by such person's training and experience in public administration or otherwise. At the time of such person's appointment, the City Manager need not be a resident of the Municipality or State, but within six months after appointment shall become and remain a resident of the Municipality for the duration of such person's tenure as City Manager.

SECTION 3.02 CITY MANAGER: POWERS AND DUTIES.

The City Manager shall be the chief executive and administrative officer of the Municipality, shall be responsible to the Council for the proper administration of the affairs of the Municipality and, to that end and subject to the provisions of this Charter, shall have power and be required to:

- (1) Appoint and, when necessary, remove any of the classified and unclassified employees of the Municipality.
- (2) Prepare and submit to the Council annual appropriations budget estimates and lawfully administer the budget adopted by Council.
- (3) Prepare and submit to the Council and to the public an annual report including, but not limited to, the financial and administrative affairs and activities of the Municipality for the preceding year.
- (4) Inform the Council of the current financial condition and future financial needs of the Municipality.
- (5) Appoint such temporary advisory committees as are necessary and desirable.
- (6) Delegate to subordinate officers and employees of the Municipality such duties conferred upon the City Manager by this Charter or by action of the Council as are necessary or appropriate for the efficient and effective operation of the Municipality.
- (7) Perform such other duties, not inconsistent with this Charter, as may be required by the Council.
- (8) Execute, upon authorization of the Council, contracts, leases, deeds, easements, conveyances and agreements as are necessary and appropriate to the efficient and effective operation of the City.
- (9) Execute, without having to obtain additional authorization from Council, contracts for the expenditure of funds from the General Fund which have previously been appropriated by Council as part of the annual operating budget process or amendments thereto;
- (10) Execute contracts for the construction of public improvements or the acquisition of capital assets only upon the specific authorization of Council at the time it appropriates funds from the Capital Improvement Fund for such construction or acquisition.

(Amended November 8, 2016.)

SECTION 3.03 CITY MANAGER: ABSENCE OR DISABILITY.

The City Manager may designate, by letter filed with the Clerk and President of Council, any qualified administrative officer of the Municipality to perform the duties of the City Manager during a disability or specific period of absence. The person so designated shall have during such period such power and authority of the City Manager as is necessary and appropriate. Council may, by resolution, alter or amend the designation made by the City Manager or may appoint a qualified administrative officer of the Municipality to perform such duties in the event that the Manager does not make a designation as provided herein.

SECTION 3.04 ADMINISTRATIVE DEPARTMENTS.

The Council shall have the authority to create, abolish and combine departments of government and specify their functions and duties for the Municipality as Council determines to be necessary and appropriate and such authority shall be exercised by ordinance after consultation with the City Manager.

SECTION 3.05 DEPARTMENT DIRECTORS.

At the head of each department shall be a Director, responsible to and appointed by the City Manager with the approval of the Council, and who shall be an unclassified officer of the Municipality. The Director shall have supervision and control, subject to the direction of the City Manager, of the department and shall faithfully discharge those duties of the office and observe and enforce the provisions of this Charter and the ordinances of this Municipality. Two or more departments may be headed by the same officer and the City Manager may serve as head of one or more departments in addition to serving as City Manager, if approved by Council. (Amended November 8, 2016.)

Article IV FINANCE

SECTION 4.01 FISCAL YEAR.

The fiscal year of the Municipality for budget, accounting, and all other similar purposes shall be the calendar year.

(Adopted November 6, 1956.)

SECTION 4.02 PREPARATION AND SUBMISSION OF BUDGET ESTIMATES.

The City Manager, at least sixty days prior to the beginning of each budget year, shall submit to the Council an operating budget estimate and an explanatory budget message after consultation with the head of each department or agency who shall fully cooperate with the City Manager in assisting in the preparation of the budget estimate and message. In addition, the City Manager shall prepare, at such time as Council directs, descriptions and budget estimates of needed capital expenditures. The Department of Finance shall furnish statements of balances available for appropriation, estimates of probable revenues from all sources, and expenditure estimates for debt service and other fixed items. The City Manager shall prepare, revise and adjust the budget estimates for the Council as may be required in order to produce a balanced budget.

SECTION 4.03 PUBLIC HEARING ON BUDGET ESTIMATES.

At the meeting of the Council at which the budget estimates are submitted by the City Manager, the Council shall schedule a public hearing on the budget. A notice of public hearing shall be published once in a newspaper of general circulation in the Municipality and/or on the electronic medium determined by Council pursuant to Section [2.17](#) of this Charter, at least seven (7) days before the hearing. Such notice shall state that the budget estimates and message are on file for public inspection in the office of the Clerk of Council. On the date and at the time and place advertised, the Council shall hold a public hearing on the estimates as submitted and may continue such hearing. After the hearing, the Council shall adopt by ordinance the estimates as submitted, or as amended, as the appropriations budget of the Municipality for the ensuing budget year. Adoption of the budget ordinance shall require a majority vote of the members of Council.

(Amended November 8, 2016.)

SECTION 4.04 DATE OF FINAL ADOPTION: FAILURE TO ADOPT.

The appropriations budget ordinance for the ensuing fiscal year shall be adopted not later than December 26 of the current fiscal year. Should the Council fail to adopt said budget ordinance or an interim budget ordinance by such date, the budget shall be deemed to have been adopted finally by the Council as submitted by the City Manager.

SECTION 4.05 BUDGET AS AN APPROPRIATION.

Upon adoption, the appropriations budget ordinance shall become effective as of the first day of the budget year and shall constitute an appropriation of the items therein without further legislation. A copy of the budget ordinance, certified as correct by the City Manager and the Clerk of Council shall be filed with the Director of Finance and filed as may otherwise be required by law.

SECTION 4.06 APPROPRIATIONS.

The appropriations made by the budget ordinance for debt service and other fixed charges shall become available for expenditure upon the filing of the certified copy thereof with the Director of Finance. Appropriations for capital improvements shall become available as Council shall provide by Ordinance. Appropriations for current operations shall become available for encumbrance only when approved by the City Manager as being in conformity with the budget appropriations. Any unencumbered balance of any appropriation item shall lapse at the end of the budget year. Upon a showing of necessity by the City Manager, Council may reduce or revise appropriations during the course of the fiscal year or make transfers.

SECTION 4.07 TRANSFERS OF APPROPRIATIONS.

The Council, after consultation with the City Manager, may by resolution transfer any unencumbered balance of an appropriation as it deems necessary and proper. Further, the Council may at any time amend or revise the budget by ordinance provided the budget as amended does not authorize the expenditure of more revenue than will be available.

SECTION 4.08 CERTAIN CONTRACTS AND EXPENDITURES PROHIBITED.

No officer, department or agency shall, during any fiscal year, expend or contract to expend any funds or incur any liability, or enter into any contract which by its terms involves the expenditure of money on behalf of the Municipality for any purpose in excess of the amounts appropriated for such expenditures or obligations. Any such obligation, oral or written, made in violation hereof shall be void. The officer or employee who knowingly attempts or purports to create such an obligation shall be removed and shall be disqualified from holding further office or employment with the Municipality. This section shall not prevent the making of contracts not to be fully performed within the fiscal year when such contract is authorized by the Council.

SECTION 4.09 FEES.

All fees received by any official, officer, or employee of the Municipality in connection with such person's employment or under color of such person's office with the Municipality shall be accounted for and paid immediately into the General Fund of the Municipality unless otherwise provided by this Charter or by law.

SECTION 4.10 PURCHASING.

The Council shall establish by ordinance a purchasing procedure for the City departments which may include a procedure for making emergency purchases by certain officers and employees of the Municipality. (Amended November 8, 2016.)

SECTION 4.11 SUPPLIES, MATERIALS AND EQUIPMENT; CONSTRUCTION OF IMPROVEMENTS.

Purchase of supplies, materials and equipment and the construction of public improvements for the Municipality shall be made by any method authorized by the State of Ohio for public entities, pursuant to such procedures and subject to such threshold amounts as the Council shall determine by ordinance. (Amended November 8, 2016.)

SECTION 4.12 EMERGENCY APPROPRIATIONS.

At any time during the fiscal year, the Council may make an appropriation to meet emergency needs for the protection of the public health, safety, or welfare of the inhabitants of the Municipality, even though such appropriation is in excess of available revenues. Such appropriation may be made only by the favorable votes of at least five of the members of Council and the ordinance shall set forth explicitly the character of the emergency and shall indicate clearly the source of the funds from which the expenditure is to be financed.

SECTION 4.13 SHORT TERM BORROWING.

At any time in the fiscal year when the Council determines that revenues will be insufficient, to meet authorized expenditures, it may, by ordinance, direct the issuance of notes of three different types: (1) those issued to finance emergency appropriations under Sec. [4.12](#) of this Charter, when unappropriated available revenues are insufficient for such purpose; (2) as permitted by law, those issued in anticipation of the collection upon real and personal property; (3) those issued in anticipation of the collection of other types of revenue. The total amount of the notes issued in each case shall not exceed a reasonable estimate of the applicable revenues to be received during the fiscal year and the succeeding year and all such notes shall be redeemed not later than the end of the next fiscal year after their issuance. (Amended November 8, 2016.)

SECTION 4.14 CHARACTERISTICS OF SHORT TERM NOTES.

Notes issued pursuant to the provision of Sec. [4.13](#) of this Charter shall be signed by the President of Council and the Director of Finance and shall be negotiable. They may be sold at public or private sale by the Director of Finance at the lowest net cost to the Municipality, shall be payable on demand or at fixed dates, no later than the end of the next fiscal year, and may in the latter case be either subject to redemption prior to maturity or non-callable at the option of the Municipality. No renewal or extension shall extend the maturity date beyond the end of the next fiscal year following their issuance.

(Amended November 8, 2016)

SECTION 4.15 ACCOUNTING STANDARDS.

The Council shall establish by ordinance accounting concepts, principles, standards, and guidelines for the effective financial management of the Municipality taking into consideration current recommendations and practices established by the Office of the Auditor of the State of Ohio and by such other local, State or national agencies or organizations as will serve the fiscal needs of the Municipality.

Article V
TAXATION AND BORROWING

SECTION 5.01 LIMITATION ON PROPERTY TAX RATE.

Pursuant to the provisions of the Ohio Revised Code, Sec. 5705.18, the Council shall have the authority to levy not more than eight mills of general property tax for all municipal purposes, as specified in the annual budget, without a further popular vote than the approval of this Charter. Additional levies, beyond those herein authorized to be made by vote of the Council, may be made by popular vote in the manner provided by law. (Amended Nov. 7, 1961.)

SECTION 5.02 POWER TO INCUR INDEBTEDNESS.

The Municipality may incur indebtedness, upon authorization of the Council, by issuing its negotiable bonds and notes in anticipation of bonds, to finance the construction of any capital improvement or the acquisition of any capital asset. Council shall, by ordinance, determine that which constitutes a “capital improvement” or “capital asset”.

(Amended November 5, 1996.)

SECTION 5.03 ISSUANCE OF BONDS OR NOTES.

The Council shall authorize the issuance of bonds or notes by ordinance, passed by the affirmative votes of a majority of its members. No such ordinance shall be passed as an emergency ordinance.

SECTION 5.04 PROCEDURE IN BOND OR NOTE ISSUES.

In all respects not provided for otherwise in this Charter the procedure followed in authorizing and issuing bonds and notes and applying the proceeds shall be in accordance with the provisions of the Uniform Public Securities Act as established by the Revised Code of Ohio.

(Amended November 8, 2016.)

SECTION 5.05 FISCAL AGENT.

The Council shall designate the fiscal officer or trustee for the Municipality in all transactions under the Uniform Public Securities Act.

(Amended November 8, 2016.)

Article VI BOARDS AND COMMISSIONS

SECTION 6.01 AUTHORITY OF COUNCIL TO CREATE BOARDS, COMMISSIONS AND COMMITTEES AND TO APPOINT AND REMOVE MEMBERS.

Council shall have the authority to create, by ordinance or resolution and in addition to the boards and commissions which are required by this Charter, any board, commission, or committee which it deems necessary or appropriate. Council shall have the authority to appoint and remove the members of boards, commissions and committees whether created by this Charter or by ordinance or resolution.

(Adopted November 5, 1996.)

SECTION 6.02 MUNICIPAL PLANNING COMMISSION.

There shall be a Municipal Planning Commission consisting of six members. The five voting members shall each be a qualified elector of the Municipality and shall be appointed by Council to serve a term of three years except when appointed to fill a vacancy in which case to serve the unexpired term. Such terms shall be overlapping. The sixth member shall be a member of Council designated by it to serve a term of one year and such sixth member shall have no vote. Except as provided in Section [6.04](#) of this Charter, the voting members of the Commission shall hold no other municipal office or employment. The Commission shall elect its own officers annually and shall follow the Rules of Procedure for Boards and Commissions provided by ordinance.

SECTION 6.03 POWERS AND DUTIES OF MUNICIPAL PLANNING COMMISSION.

The Municipal Planning Commission shall have the power to:

- (1) Review and recommend any revisions to the Master Plan, official map, area plans, and development standards of the City as often as necessary but not less frequently than every five (5) years;
- (2) Recommend to Council the disposition of requests for subdivision platting;
- (3) Recommend to Council amendments to the zoning plan and ordinance of the Municipality;
- (4) Recommend to Council zoning changes and zoning for newly annexed areas;
- (5) Determine or recommend to Council, as provided by ordinance, the disposition of requests for conditional use permits;
- (6) Cooperate with the regional planning commission and the planning commissions of area municipalities;
- (7) Act as the Board of Architectural Review as provided by ordinance. The Council shall annually appoint as additional voting members of the Board of Architectural Review two representatives of the Architectural Review District, one or both of whom shall be a resident freeholder of said District;
- (8) Perform such other duties, not inconsistent with this Charter, as may be required by ordinance.

In rendering a decision or recommendation, the Municipal Planning Commission shall articulate its basis therefor, in writing, by reference to the relationship that decision or recommendation has to the overall comprehensive planning goals of the City, which may be found in the Master Plan, the zoning map, a course of zoning or subdivision practices by the City, or any other acknowledged comprehensive strategy or goals previously established at the time of the decision or recommendation. (Amended November 8, 2016.)

SECTION 6.04 BOARD OF ZONING APPEALS.

There shall be a Board of Zoning Appeals consisting of five members, one of whom shall be a member of the Municipal Planning Commission designated by it annually. The remaining four members shall each be a qualified elector of the Municipality and shall be appointed by Council to serve a term of three years except when appointed to fill a vacancy in which case to serve the unexpired term. Such terms shall be overlapping. Except as provided in this Section, the members of the Board shall hold no other municipal office or employment. The Board shall elect its own officers annually and shall follow the Rules of Procedure for Boards and Commissions provided by ordinance.

SECTION 6.05 POWERS AND DUTIES OF BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall have the power to hear and decide appeals from the refusal, issuance, or revocation of a building permit, occupancy certificate, or certificate of compliance by a municipal official; and to permit exceptions to and grant variances from zoning area regulations in individual cases when it is determined that practical difficulty exists. The practical difficulty standards to be applied in such cases shall be established by ordinance.

(Amended November 8, 2016.)

SECTION 6.06 PARKS AND RECREATION COMMISSION.

There shall be a Parks and Recreation Commission composed of nine (9) voting members at least seven (7) of which shall be residents of the City appointed by City Council as specified by ordinance. The Commission shall act in an advisory capacity to City Council and to the Director of the Department of Parks and Recreation on such community parks and recreational matters as City Council or the Director may request, as the Commission may identify on its own initiative, or as may be set forth by ordinance. The Commission shall issue an Annual Report of its activities to City Council. The terms, and specific powers and duties of the Commission shall be specified by ordinance.

(Amended November 6, 2007.)

SECTION 6.07 COMMUNITY RELATIONS COMMISSION.

There shall be a Community Relations Commission composed of nine (9) voting members at least seven (7) of which shall be residents of the City appointed by City Council as specified by ordinance. The Commission shall act in an advisory capacity to City Council and to the City Administrative Staff on community issues related to fair and equal treatment for all persons. The Commission shall promote educational and other programs and opportunities to foster understanding, positive relationships, and a strong sense of community among people of diverse educational, racial, ethnic, cultural and economic backgrounds. The Commission shall issue an Annual Report of its activities to City Council. The terms, and specific powers and duties of the Commission shall be specified by ordinance.

(Amended November 6, 2007.)

Article VII
NOMINATIONS AND ELECTIONS

SECTION 7.01 MUNICIPAL ELECTIONS.

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

(Adopted November 6, 1956.)

SECTION 7.02 CONDUCT OF ELECTIONS.

Both regular and special municipal elections shall be conducted by the Board of Elections of Franklin County under the provisions of this Charter. Where the Charter is silent, the provisions of the State election law shall be followed.

(Adopted November 6, 1956.)

SECTION 7.03 NOMINATIONS.

There shall be no primary election for municipal offices. Nominations for the office of member of Council shall be made by petition only, signed by not less than fifty resident registered electors, on the forms for the nomination of nonpartisan candidates for such office, filed with the Board of Elections of Franklin County under such regulations and at such time as are prescribed by the State elections laws.

(Amended November 8, 2016.)

SECTION 7.04 BALLOTS.

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

SECTION 7.05 WATCHERS AND CHALLENGERS.

At each election for Council, each candidate shall be entitled to designate a watcher and challenger as provided by the election laws of the State.

SECTION 7.06 PLURALITY: TIE VOTES.

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

SECTION 7.07 STATEMENT OF EXPENSES; FAILURE TO FILE.

Each successful and unsuccessful candidate for Council shall file with the Clerk of the Municipality an exact copy of the statement of receipts and expenditures required by law to be filed with the Board of Elections of Franklin County and shall do so on or before the date required by State law for filing with the Board of Elections. In addition to such other penalties as may be prescribed by State law, failure to file such statement with the Clerk of the Municipality shall disqualify a successful candidate from receiving the oath of office or from continuing in office if said oath of office has been administered.

Article VIII RECALL

SECTION 8.01 RECALL.

The voters of the Municipality shall have power to recall and remove from office any member of the Council before the expiration of such member's term, such power being known as the recall. A recall may be started by filing with the City Clerk a petition signed by qualified voters equal in number to twenty-five percent of those who cast ballots for the member of Council receiving the highest number of votes at the last preceding municipal election, requesting that a Council member, named in the petition be removed from office. If the City Clerk finds the petition sufficient, the City Clerk shall certify to the Board of Elections of Franklin County, to be placed on the ballot at the next succeeding municipal or State election occurring not less than ninety days thereafter, the question: "Shall John or Jane Doe (using the name of the Councilperson named in the petition) be recalled from office as member of Council in the Municipality of Worthington? Yes_ No_ ". If, at the election, a majority of votes cast on the question shall be in favor of recall, the Council member shall forthwith retire from the office, and the Council shall fill the vacancy thus created in the manner provided in this Charter. No recall petition shall be filed against a Council member during such member's first six months in office. If a Council member against whom a petition is filed is continued in office by the vote at the election, no further recall petitions may be filed against such member for a period of one year.

SECTION 8.02 FORM OF PETITIONS: COMMITTEE.

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

SECTION 8.03 FILING AND EXAMINATION OF PETITIONS.

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

(Adopted November 6, 1956.)

SECTION 8.04 AMENDMENT OF PETITIONS.

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

(Adopted November 6, 1956.)

Article IX GENERAL PROVISIONS

SECTION 9.01 OATH OF OFFICE.

Every officer and employee of the Municipality shall, before entering upon the duties of office or employment, take and subscribe to the following oath or affirmation, which may be administered by the City Manager, or designee, and filed and kept in the office of the Clerk:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio and will obey the laws thereof and that I will, in all respects, observe the provisions of the Charter and ordinances of this Municipality, and will faithfully discharge the duties of _____, upon which I am about to enter."

(Amended November 8, 2016.)

SECTION 9.02 OFFICIAL BONDS.

Council shall determine which officers and employees of the Municipality whose duties require them to handle or be concerned with the management of its money or other property, shall furnish to the Clerk a corporate surety bond issued by a company authorized to do business in Ohio, to protect the Municipality against loss due to their acts. The amount of such bond shall, in each case, be determined by the Council. The premiums of such bonds shall be paid from the funds of the Municipality.

SECTION 9.03 PERSONAL INTEREST.

No member of the Council or any officer or employee of the Municipality shall have a financial interest, direct or indirect, in any contract with or sale to the Municipality of any materials, supplies or services, or any land or interest in land, as prescribed by ordinance of Council. A person who knowingly violates this section shall be guilty of having an unlawful interest in a public contract, and upon conviction thereof shall be fined in accordance with law prescribing the penalty for such offense, and shall be removed from office. Any contract or agreement made in violation of this section shall be voidable at the election of the Council.

(Amended November 5, 1996.)

SECTION 9.04 AMENDMENTS TO THE CHARTER.

This Charter may be amended in the manner provided in Section 9 of Article XVIII of the Constitution of Ohio. The Council shall appoint, as often as necessary but not less frequently than every ten (10) years, a Charter Review Commission whose purpose shall be to review this Charter and to recommend any Charter amendments which it deems necessary or appropriate.

(Amended November 5, 1996.)

Article X

TRANSITIONAL PROVISIONS

SECTION 10.01 FISCAL SUCCESSION.

The Municipality of Worthington is hereby declared to be the only legal successor of the City of Worthington and as such the Municipality has title to all property real and personal, owned by the City including all monies on deposit and all taxes in the process of collection together with all accounts receivable and rights of action. All tax levies voted for a term of years shall remain in effect for the full term provided in such vote. The Municipality also is liable for all outstanding orders, contracts and debts of the City and for any other obligations for which it may be held liable, as successor to the City, by any court of competent jurisdiction.

SECTION 10.02 CONTINUATION OF ORDINANCES, RESOLUTIONS, CODES, RULES, AND REGULATIONS.

All ordinances, rules and regulations of the City of Worthington, in effect at the time of the adoption of this Charter or any amendment thereto, shall remain in effect, except as superseded by the provisions of this Charter, until amended or repealed.

SECTION 10.03 CONTINUATION OF OFFICERS AND EMPLOYEES.

All persons holding office or employment at the time this Charter or any amendment thereto takes effect shall continue in office and in the performance of their duties until provision shall have been made, in conformity with the Charter, for the performance of such duties by a successor, or the office or employment is abolished.

SECTION 10.04 TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of the City shall be transferred and delivered promptly to their successors when designated.

SECTION 10.05 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.

All contracts entered into by the City or for its benefit, prior to the taking effect of this Charter or any amendment thereto, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter or any amendment thereto, takes effect shall be completed, as nearly as practicable, under the provisions of such laws.

SECTION 10.06 PENDING ACTIONS AND PROCEEDINGS.

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

Article XI MERIT SYSTEM

SECTION 11.01 MERIT SYSTEM ESTABLISHED.

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

(Amended November 4, 1958.)

SECTION 11.02 CLASSIFIED AND UNCLASSIFIED SERVICE.

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

- (1) The Clerk of Council.
- (2) The City Manager.
- (3) The Assistant City Manager.
- (4) The directors, assistant directors, and deputy directors of departments.
- (5) The Administrative Assistants.
- (6) The Assistant to the City Manager.
- (7) The Executive Assistant to the City Manager.
- (8) Seasonal, temporary, and part-time employees.
- (9) The Chief Building Inspector.
- (10) The Clerk of the Mayor's Court.

Appointment to and removal from the offices of City Council, Mayor, Vice-Mayor and members of boards, commissions and committees shall be made in accordance with the specific applicable terms of this Charter and ordinances of the City, and shall not be subject to the provisions of Sections [11.01](#) and this Section [11.02](#).

(Amended November 8, 2016.)

SECTION 11.03 PERSONNEL DEPARTMENT.

There shall be established a Personnel Department and the City Manager shall appoint, with the approval of the Council, a suitably qualified person to serve part or full time as Director of Personnel who shall:

- (1) Recruit qualified persons;
- (2) Prepare, schedule and hold examinations;
- (3) Create eligible lists;
- (4) Certify eligibles to the City Manager, as the appointing authority, for appointment;
- (5) Classify positions and establish job classifications;
- (6) Develop and conduct training programs;
- (7) Prepare and recommend to City Council, through the City Manager, for approval and publication, necessary rules to establish and maintain the merit system in the Municipality;
- (8) Perform such other duties relating to personnel matters as the City Manager may direct.

(Amended November 8, 2016.)

SECTION 11.04 PERSONNEL APPEALS BOARD.

There shall be a Personnel Appeals Board of three members, appointed annually by the Council, to serve for the purpose of this Article. Each member of the Personnel Appeals Board shall be a qualified elector, known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any other public office or employment and shall not be a member of any local, State or national committee of a political party or an officer in any partisan political club or organization.

SECTION 11.05 DUTIES OF PERSONNEL APPEALS BOARD.

The Personnel Appeals Board shall serve without compensation and shall hear appeals (1) whenever any officer or employee in the competitive service feels aggrieved by any action of the appointing authority or is suspended, reduced, or removed, and requests such hearing or (2) whenever otherwise required by law to do so.

The Board shall have power to subpoena witnesses and require the production of records.

SECTION 11.06 SOLICITATION; COMPLIANCE WITH OHIO ETHICS AND ELECTION LAWS.

Unless otherwise provided in this Charter or by Ordinance of City Council, the laws of the State of Ohio pertaining to conflicts of interest, criminal behavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

No employee of the City shall solicit or contribute money to support the nomination or election of a candidate for the office of member of City Council. A candidate for the office of Member of City Council may solicit and contribute funds to his or her own campaign and to the campaign of any other candidate for the office of member of City Council. For purposes of this Charter section, a City Council member shall not be considered to be an "employee of the City."

(Amended November 6, 2007.)

Article XII
THE VILLAGE GREEN

SECTION 12.01 HISTORY AND PRESERVATION.

The Village Green, originally platted and dedicated in 1803 by those persons who first came to and settled in Worthington, is held by this Municipality in trust for the benefit of its residents. As such, the Village Green is, to this community, of great historical value and interest, essential to and defining of its heritage and character, and an integral part of its quality of life. Therefore, the Village Green shall be preserved.

(Adopted November 5, 1996.)

SECTION 12.02 BOUNDARIES.

The Village Green is bounded on the:

- a. North by the northernmost right-of-way lines of the northeast and northwest Village Green Drives extended directly across High Street;
- b. South by the southernmost right-of-way lines of the southeast and southwest Village Green Drives extended directly across High Street;
- c. East by the easternmost right-of-way lines of the southeast and northeast Village Green Drives extended directly across Dublin-Granville Road; and
- d. West by the westernmost right-of-way lines of the southwest and northwest Village Green Drives extended directly across Dublin-Granville Road.

(Adopted November 5, 1996.)

SECTION 12.03 CONTROL OF USE.

The Village Green shall not be used for any purpose other than the enjoyment of the populace. The City Manager shall establish rules and regulations governing the use of the Village Green. The affirmative vote of six-sevenths of the members of Council, by ordinance, shall be required to:

- a. Construct, install, erect or place a permanent structure on the Village Green; or
- b. Remove any living, non-damaged and/or non-diseased, tree located on the Village Green which is more than five (5) inches in diameter measured three (3) feet above the ground; or
- c. Install any new hard surface ground material on the Village Green; or
- d. Alter, either by widening or narrowing, any of the paved surfaces of any roadway, street or drive located within the boundaries of the Village Green.

(Adopted November 5, 1996.)

CODIFIED ORDINANCES OF WORTHINGTON