

Presented here is a copy of the Charter with the proposed amendments incorporated and a chart that provides a quick summary of the Commission's recommended amendments and indicates into which of the three categories each amendment falls.

ARTICLE II. INTERGOVERNMENTAL RELATIONS

SEC. 5. INTERGOVERNMENTAL COMMITTEES AND CONTRACTS.

City Council may by resolution authorize or require an officer or officers of the City to participate with officers of the County of Delaware and of the City School DistrictS of the City of Delaware, **BUCKEYE VALLEY, OLENTANGY, OR ANY OTHER SCHOOL DISTRICT WITHIN THE CITY OF DELAWARE, OHIO**, or with other cities, villages, and political subdivisions in committees and organizations for studying or coordinating programs of finance, taxation, public improvements, and other official activities of all such public authorities, for the purpose of improving public services and facilities by them rendered to the public and for the purpose of effecting economies therein. City Council may **BY RESOLUTION** authorize contracts with other governmental subdivisions in relation to the performance of the functions of the City, as may be authorized by the Constitution and general laws of Ohio. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the United States or any agency thereof or with any one or more states, or subdivisions or agencies thereof.

ARTICLE III. CITY COUNCIL

SEC. 9. OATH OF OFFICE.

At 12:01 a.m., on the second Monday following their election, duly elected Council members shall be deemed qualified to assume the duties of office. Each member elected to Council shall publicly take and subscribe to the oath or affirmation of office at the first regular meeting of the term for which he/she was elected, as provided in Section 16 of this Charter or, if he/she be unable to attend that meeting and be excused therefrom by a majority of all the members elected to Council, at the first meeting which he/she shall be able to attend. **IF THERE IS A RECOUNT, THEN THAT COUNCIL PERSON SHALL TAKE THEIR OATH OF OFFICE ON THE NEXT MONDAY FOLLOWING THE BOARD OF ELECTION'S CERTIFICATION OF THE ELECTION RESULTS.** The oath or affirmation of office shall be in the form provided by Section 123 of this Charter.

SEC. 12. COUNCIL MAY DECLARE SEATS OF MEMBERS VACANT.

Council shall declare vacant the seat of any person elected to Council who during the term for which he/she was elected shall hold any other employment in the service of the City of Delaware or who shall cease to possess the qualifications of his/her office, or who shall be convicted of **A FELONY, bribery, corruption, or any other crime involving moral turpitude OR A CRIME INVOLVING AN ETHICS VIOLATION**, or who shall be absent from three consecutive regular meetings of Council unless one or more of absences shall have been excused by Council, or who shall forfeit his/her office by the operation of any other provision of this Charter.

The seat of any Council member shall be vacated upon the swearing in of the member to another elected public office.

SEC. 15. COMPENSATION OF COUNCIL, MAYOR, AND VICE-MAYOR.

Each member of Council shall receive a salary payable at such times as may be prescribed by ordinance. No ordinance increasing the salaries of members of Council shall be passed as an emergency measure, ~~nor shall any increase made thereby be put into effect before the first day of January next occurring more than ninety days after the passage of such ordinance.~~ **BEGINNING JANUARY 1, 2026 AND NOT LESS THAN ONCE EVERY FIVE (5) YEARS AFTERWARDS, A MARKET STUDY WILL BE CONDUCTED BY STAFF TO REVIEW AND RECOMMEND ADJUSTMENTS, AS APPROPRIATE, TO COUNCIL COMPENSATION. SUCH MARKET STUDY SHALL INCLUDE COMPARATORS OF SIMILARLY SITUATED REGIONAL COUNCIL-MANAGER COMMUNITIES. BEGINNING WITH PAY THAT INCLUDES JANUARY 1, 2027, FOR EACH NON-MARKET STUDY YEAR, EACH MEMBER OF COUNCIL SHALL RECEIVE A COST OF LIVING ADJUSTMENT EQUAL TO THAT AUTHORIZED FOR MANAGEMENT PAY PLAN EMPLOYEES NOT ELIGIBLE FOR THE MERIT INCENTIVE PROGRAM.**

FOR HIS/HER SERVICES AS MAYOR AND VICE MAYOR, THE MAYOR AND VICE MAYOR SHALL RECEIVE ADDITIONAL COMPENSATION TO BE SET BY ORDINANCE.

ARTICLE IV. ORDINANCES AND RESOLUTIONS GENERALLY

SEC. 21. MUNICIPAL CODE AND SUPPLEMENTS.

Any ordinance enacting a complete municipal code or code of ordinances of the City of Delaware, which shall supersede or repeal all general ordinances prior thereto, and any ordinance enacting a complete revision or re-enactment 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 re-enactments or revisions of such code. The ordinance enacting such code and any ordinance enacting a complete revision or re-enactment thereof, shall be made available to the public **BY POSTING ON THE CITY'S WEBSITE. POSTING SHALL ALSO BE MADE BY ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF DELAWARE OR** in a manner determined by Council.

SEC. 26. PUBLICATION.

Every ordinance and resolution shall upon its final passage or adoption be recorded. Penal and regulatory ordinances, other than those published in the Ohio Revised Code or supplements thereto, shall be published by title with such further statement as may be necessary to indicate the nature of their provisions and penalties if any, and with their respective numbers and dates. Publication shall be made by **POSTING ON THE CITY'S WEBSITE. POSTING SHALL ALSO BE MADE BY** advertisement in a newspaper of general circulation in the City of Delaware ~~or by posting on the City of Delaware website~~ **OR IN A MANNER DETERMINED BY COUNCIL.**

ARTICLE VII. MAYOR AND VICE MAYOR

SEC. 45. SALARY OF MAYOR.

~~For his/her services as Mayor the Mayor shall receive additional compensation to be set by ordinance, which may be changed agreeably to the provisions of Section 15 of this Charter governing the change of salaries of members of Council.~~

ARTICLE VIII. GENERAL EXECUTIVE AND ADMINISTRATIVE OFFICERS

SEC. 46. CITY MANAGER; QUALIFICATIONS, ABSENCE OR DISABILITY.

Council shall appoint a City Manager who shall be the chief executive and administrative officer of the City. The appointee shall be chosen by Council solely on the basis of executive and administrative qualifications and with special reference to actual experience in, or knowledge of the best practices in respect of the duties of the office as set forth in this Charter. The City Manager need not when appointed be a resident of the City of Delaware or of the State of Ohio, but shall reside in the City **BEFORE BEING SWORN INTO OFFICE AND SHALL CONTINUOUSLY RESIDE IN THE CITY DURING HIS/HER TENURE** while performing the duties of the office. No person who serves as a member of Council during any term, shall be appointed City Manager until at least one year after the expiration of such term. Council shall designate or provide by ordinance for the designation of some qualified officer in the administrative service of the City who shall perform the duties of the City Manager during absence or disability, or during temporary vacancies in the office of City Manager.

ARTICLE IX. CITY ATTORNEY AND CITY PROSECUTOR

SEC. 59. TAXPAYER'S SUIT FOR ENFORCEMENT.

In case the City Attorney, upon the written request of any taxpayer of the City, shall fail or refuse to make any application provided for in ~~either of the three sections next preceding~~ **SECTIONS 56, 57 AND 58**, such taxpayer

may institute suit or proceedings for such purpose in his/her own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request shall first have been made to the City Attorney, nor until the taxpayer shall have given security for the costs of the proceedings.

ARTICLE XV. CONTRACTS

SEC. 73. COMPETITIVE BIDDING REQUIRED; EXCEPTIONS; REPORT OF CONTRACTS.

Opportunity for competitive bidding shall be given before the awarding of any contract, so far as circumstances render it practicable. No contract or agreement shall be entered into except pursuant to advertisement and competitive bidding if such contract or agreement exceeds the amount established from time to time by State law for competitive bidding. Procedures for advertisement and bidding shall be established by ordinance, or in the absence thereof by the general laws of Ohio. **CONTRACTS FOR PROFESSIONAL DESIGN SERVICES, AS THE TERM "PROFESSIONAL DESIGN SERVICES" IS DEFINED IN THE OHIO REVISED CODE, SHALL FOLLOW A QUALIFICATIONS-BASED SELECTION PROCESS.** Contracts for professional **SERVICES OTHER THAN THE PREVIOUSLY MENTIONED PROFESSIONAL DESIGN SERVICES** or expert services or contracts for the acquisition of real property or any interest therein, shall not require advertisement and competitive bidding. But 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, safety, or to restore or replace essential facilities, machinery, or equipment, which have been destroyed or rendered unusable, and thereupon may enter into contracts, agreements, or obligations without competitive bidding or without advertising, as in his/her judgment shall be for the best interest of the City and the public service. He/she shall report every contract, agreement, or obligation so entered into to Council at its next meeting, together with a statement of the reasons and circumstances therefor.

SEC. 74. MANNER OF AWARDING CONTRACTS; EXECUTION.

The City Manager shall award every contract as to which competitive bidding is required or obtained to the bidder with the lowest, **RESPONSIBLE, AND RESPONSIVE** and best bid, except that contracts pertaining to investigations or audits made by or under the direction of Council shall be awarded by Council. The City Manager shall execute all contracts and agreements to which the City shall be a party, except that the City Purchasing Agent may be authorized to execute contracts and agreements for the purchase of supplies, materials, and equipment or any of the same, by ordinance or by written order of the City Manager, and except that bonds and notes of the City shall be executed as may be provided by general law. The City has authority to use alternative construction project delivery methods, including but not limited to design-build, construction manager at risk, or single prime contractor.

SEC. 75. AUTHORITY TO MAKE CONTRACTS AND AGREEMENTS.

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 monies appropriated therein. No other contract or agreement shall be entered into unless the ordinance appropriating money to be paid thereunder shall authorize such contract, or unless such contract shall be authorized by a separate ordinance. **ANY CONTRACT OR AGREEMENT THE CONSIDERATION OF WHICH \$0.00 IS TO BE APPROPRIATED MAY BE AUTHORIZED BY RESOLUTION.** Council shall have no power by ordinance or otherwise to direct or require the City Manager to award any contract to any particular person, firm, or corporation as a condition of authorizing such contract, or otherwise. ~~Every c-ContractS~~ to which the parties are the City of Delaware and any other governmental subdivision or subdivisions of the State of Ohio shall ~~shall~~ **MAY** be specifically authorized by **RESOLUTION OR** ordinance, ~~except routine contracts for the services or products of public utilities, and final grant agreements once the grants have been approved by Council.~~

ARTICLE XVI. APPROPRIATION BUDGETING

SEC. 77. HEARINGS; COPIES OF BUDGET.

Upon receipt of the City Manager's annual appropriation budget and message Council shall cause the same to be referred to an appropriate committee for consideration and for the holding of not fewer than two public hearings thereon by such committee or by Council, at which hearings reasonable opportunity shall be afforded to interested citizens to present their views. The annual appropriation budget shall be made available, on the City's website, electronically, or ~~via another method determined by Ordinance~~ **IN A MANNER DETERMINED BY COUNCIL**, to enable such citizens to inform themselves as to the contents thereof, before such hearings.

SEC. 78. APPROPRIATION ORDINANCE, TEMPORARY AND ANNUAL.

After public hearings on the City Manager's annual appropriation budget and message, and after consideration thereof by Council and its committee, and before the beginning of the ensuing fiscal year, Council shall pass an annual appropriation ordinance providing the means of operating the City services during such ensuing fiscal year. The total appropriations made by such ordinance from any fund shall not exceed the total resources of such fund for such year, as determined by official estimates. Such estimates for, and the appropriations from any fund may thereafter be increased whenever within such year the resources and receipts in such fund actually exceed the official estimates upon which the annual appropriation was based. ~~It~~ **SHOULD** Council be unable to complete **THE REQUIRED NUMBER OF** public hearings ~~upon~~ and its consideration of the annual appropriation ordinance ~~before~~ **PRIOR TO THE TIME** expenditures must be commenced in any fiscal year, it may pass a temporary appropriation ordinance or ordinances for such period not ~~longer than~~ **TO EXCEED** three months ~~as it may find to be necessary~~, and expenditures made thereunder shall be charged against the annual appropriations when the same are made **AND PASSED**.

ARTICLE XVIII. DEPARTMENT OF FINANCE

~~SEC. 84. FINANCE DIRECTOR PROHIBITED FROM HOLDING OTHER POSITION~~

~~Except as otherwise provided in the Charter, if the Director of Finance shall accept appointment by the City Manager to any office other than that of Director of Finance he/she shall thereupon be deemed to have vacated the office of Director of Finance.~~

ARTICLE XXI. CITY PLANNING, ZONING AND PLATTING

SEC. 104. PROCEDURE IN CITY PLAN LEGISLATION.

When Council refers any measure to the City Planning Commission under the provisions of Sections 103, 105, 106, **OR** 107, ~~or 108~~ of this Charter, the City Planning Commission shall within twenty-five days (unless Council shall extend such period) consider the same and report to Council whether such measure or plat conforms to the City Plan or to the zoning plan or to the platting rules or regulations, as the case may be, and whether the Commission approves or disapproves the same, the reasons for its approval or disapproval, and if it disapproves, any recommendation it may have for the modification of the measure so that it may be approved. If the Commission approves such measure, either in its original form or as modified, the affirmative votes of four members of Council shall suffice for its passage or adoption. If the Commission disapproves, the affirmative votes of five members of Council shall be required for its passage or adoption notwithstanding such disapproval.

SEC. 105. PLANNING COMMISSION REVIEW AND RECOMMENDATION OF PLANS FOR DEVELOPMENT.

All Council actions relating to planning, development, redevelopment, ~~subdivision~~, zoning, rezoning and zoning text amendments of private or public owned property shall be referred to the City Planning Commission for review and recommendation prior to any such action by Council.

SEC. 108. RECORDATION AND ACCEPTANCE OF PLATS.

~~No plat of any subdivision or land within the City of Delaware or subject to its platting jurisdiction, nor any instrument dedicating land to any public use of the City of Delaware, shall be accepted or recorded or shall have any validity unless it be first submitted to Council for its acceptance or rejection. Upon any such submission Council shall refer any measure proposing to accept such plat or instrument or to approve or accept such subdivision, or to accept any ways or grounds dedicated thereby or therein, to the City Planning Commission, and subsequent actions thereon shall be subject to the provisions of Section 104 of this Charter. The dedication of any such lands for ways or public grounds shall be deemed to convey to the City the title thereof in fee simple.~~

EVERY PLAT OF ANY SUBDIVISION OR LAND WITHIN THE CITY OF DELAWARE OR SUBJECT TO ITS PLATTING JURISDICTION SHALL BE SUBMITTED TO THE CITY PLANNING COMMISSION; AND, SUBJECT TO FULFILLING ALL REQUIREMENTS SET FORTH IN THE SUBDIVISION REGULATIONS OF THE CITY OF DELAWARE PLANNING AND ZONING CODE, THE PLANNING COMMISSION SHALL GIVE FINAL APPROVAL OF ANY PLAT OR INSTRUMENT OR APPROVE OR ACCEPT SUCH SUBDIVISION OF LANDS, OR ACCEPT ANY WAYS OR GROUNDS DEDICATED THEREBY OR THEREIN THROUGH AN INSTRUMENT ONLY IN RELATION TO THE PLATTING OF LANDS. ANY INSTRUMENT DEDICATING LAND TO ANY PUBLIC USE OF THE CITY OF DELAWARE SHALL BE PRESENTED TO THE CITY MANAGER, AND RECOMMENDED TO COUNCIL THROUGH THE CITY MANAGER OR PARK BOARD, AS APPROPRIATE, UPON WHICH COUNCIL WILL MAKE THE FINAL DECISION TO ACCEPT ANY WAYS OR GROUNDS DEDICATED THEREBY OR THEREIN. THE DEDICATION OF ANY SUCH LANDS FOR WAYS OR PUBLIC GROUNDS SHALL BE DEEMED TO CONVEY TO THE CITY THE TITLE THEREOF IN FEE SIMPLE.

**CHARTER
OF THE
CITY OF DELAWARE, OHIO¹**

¹Editor's note(s)—The Delaware City Charter was adopted originally at the general election on November 6, 1951.
Dates appearing in parentheses following a section heading indicate that those provisions were subsequently adopted or amended on the date given.

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND POWERS GENERALLY

SEC. 1. INCORPORATION; PERPETUAL SUCCESSION.

The inhabitants of the City of Delaware, State of Ohio, within its corporate limits as now or hereafter established, shall continue to be a body politic and corporate by name The City of Delaware, and as such shall have perpetual succession.

SEC. 2. FORM OF GOVERNMENT; DISTRIBUTION OF POWER.

The municipal government provided by this Charter shall be known as the "council-manager government," the representative branch of which shall consist of a City Council elected by the voters of the City, and shall possess the legislative and executive powers specified in this Charter. The chief executive and administrative officer of the City shall be the City Manager, who shall be chosen by the City Council.

SEC. 3. POWERS OF CITY GENERALLY.

The City of Delaware shall have all powers of local self-government which now are or which hereafter may be granted by the Constitution or laws of the State of Ohio, either expressly or by implication, as fully as though every such power were expressly stated herein. The statement of or reference to particular powers by this Charter shall not be construed to be exclusive.

(Amended 11-6-84)

SEC. 4. EXERCISE OF POWERS.

All powers of local self-government which the City of Delaware exercises by virtue of the provisions of the Constitution of Ohio or of this Charter, or of statutes under which it is competent for the City by this Charter to regulate the manner of exercise, shall be exercised in the manner prescribed by this Charter, and, to the extent that this Charter does not specifically prescribe, in such manner as shall be prescribed by ordinance or resolution; and when not prescribed by this Charter or by ordinance or resolution, then in such manner as may now or hereafter be provided by the general laws of Ohio.

(Amended 11-6-84)

SEC. 4A. CITY PROHIBITED FROM USING EMINENT DOMAIN SOLEY FOR ECONOMIC DEVELOPMENT.

It is the intent of the City of Delaware to protect the private property of its citizens. The City of Delaware hereby recognizes and adheres to State Law restricting the use of eminent domain powers solely for economic development.

Economic Development — For purposes of this Section 4A, the term "economic development" means any activity to increase tax revenue, tax base, employment, or general economic health, when that activity does not result in (1) the transfer of land to public ownership; (2) the transfer of land to a private entity that is a common carrier, such as a railroad or utility; or (3) the transfer of property to a private entity when eminent domain will remove a harmful use of the land, such as the removal of public nuisances, removal of structures that are beyond repair or that are unfit for human habitation or use, or acquisition of abandoned property.

(Added 11-8-05; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

ARTICLE II. INTERGOVERNMENTAL RELATIONS

SEC. 5. INTERGOVERNMENTAL COMMITTEES AND CONTRACTS.

City Council may by resolution authorize or require an officer or officers of the City to participate with officers of the County of Delaware and of the City School DistrictS of the City of Delaware, **BUCKEYE VALLEY, OLENTANGY, OR ANY OTHER SCHOOL DISTRICT WITHIN THE CITY OF DELAWARE, OHIO**, or with other cities, villages, and political subdivisions in committees and organizations for studying or coordinating programs of finance, taxation, public improvements, and other official activities of all such public authorities, for the purpose of improving public services and facilities by them rendered to the public and for the purpose of effecting economies therein. City Council may **BY RESOLUTION** authorize contracts with other governmental subdivisions in relation to the performance of the functions of the City, as may be authorized by the Constitution and general laws of Ohio. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the United States or any agency thereof or with any one or more states, or subdivisions or agencies thereof.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

ARTICLE III. CITY COUNCIL

SEC. 6. POWERS GENERALLY.

The legislative and executive powers of the City, except the legislative powers reserved to the electors by this Charter, shall be vested in a Council and shall be exercised in the manner hereinafter provided.

SEC. 7. COMPOSITION; QUALIFICATIONS.

Council shall consist of seven electors of the City of Delaware elected under the provisions of Sections 111 to 118, inclusive, of this Charter. No person shall be eligible for election to Council from a ward who is not at the time of his/her nomination and of his/her election a resident of such ward. Residency is defined as the place the person has established his or her home on other than a temporary or transient basis. Any person elected to Council from a particular ward who at any time after his/her nomination for a particular term shall cease to be a resident of such ward as the same existed at the time of such nomination, shall thereupon be deemed to have forfeited his/her election to or his/her membership in Council.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 8. ELECTION FROM WARDS AND AT LARGE; TERMS OF OFFICE.

All Council members shall be elected to four year terms commencing on the second Monday in November following their election and ending at 12:01 a.m. on the second Monday in November following the general municipal election in the fourth year following his/her election.

Three members of Council shall be elected from the City at large starting with the 2017 General Municipal Election and every four years thereafter and one Council member from each of the four wards shall be elected starting with the 2019 general municipal election and every four years thereafter.

(Amended 11-4-08; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 9. OATH OF OFFICE.

At 12:01 a.m., on the second Monday following their election, duly elected Council members shall be deemed qualified to assume the duties of office. Each member elected to Council shall publicly take and subscribe to the oath or affirmation of office at the first regular meeting of the term for which he/she was elected, as provided in Section 16 of this Charter or, if he/she be unable to attend that meeting and be excused therefrom by a majority of all the members elected to Council, at the first meeting which he/she shall be able to attend. **IF THERE IS A RECOUNT, THEN THAT COUNCIL PERSON SHALL TAKE THEIR OATH OF OFFICE ON THE NEXT MONDAY FOLLOWING THE BOARD OF ELECTION'S CERTIFICATION OF THE ELECTION RESULTS.** The oath or affirmation of office shall be in the form provided by Section 123 of this Charter.

(Amended 11-7-00)

SEC. 10. COUNCIL TO JUDGE ELECTION AND QUALIFICATION OF MEMBERS.

Council shall be judge of the elections and qualifications of its own members, but before any person certified to have been elected to Council by the election authorities shall be excluded or removed from Council on the ground of nonelection or of nonqualification he/she shall be notified of the grounds alleged for disqualifying him/her, and shall be permitted to be heard 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/her behalf. No such person shall be disqualified by the votes of fewer than four members of Council, nor unless proceedings for his/her disqualification shall be commenced not later than thirty days after the occurrence or discovery of the grounds therefor. The determination of any question in any such proceeding shall not be revoked or set aside by any court except for mistake of law.

SEC. 11. DISCIPLINE AND EXPULSION OF MEMBERS.

Council may, with the consent of at least five members, discipline its members for disruptive and disorderly behavior that obstructs the administration of Council business, violations of the Delaware City Charter or Codified Ordinances, or ethics violations.

Council may, with the consent of at least five members, expel a member from office for disruptive and disorderly behavior that remains consistent or is especially disruptive, conviction of a felony or a crime involving an ethics violation, or committing or attempting to commit a violation of Section 52 of this Charter; but no member shall be expelled unless he/she first be notified by Council in writing of the grounds for such expulsion and be given an opportunity to be heard before Council thereon at the next regular meeting of Council following the provision of notice. At the hearing, a member facing expulsion may be represented by legal counsel, present evidence and witness testimony in his/her favor, and cross-examine any witness testimony presented by Council before Council holds a vote on expulsion.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 12. COUNCIL MAY DECLARE SEATS OF MEMBERS VACANT.

Council shall declare vacant the seat of any person elected to Council who during the term for which he/she was elected shall hold any other employment in the service of the City of Delaware or who shall cease to possess the qualifications of his/her office, or who shall be convicted of ~~A FELONY, bribery, corruption, or any other crime involving moral turpitude~~ **OR A CRIME INVOLVING AN ETHICS VIOLATION**, or who shall be absent from three

consecutive regular meetings of Council unless one or more of absences shall have been excused by Council, or who shall forfeit his/her office by the operation of any other provision of this Charter.

The seat of any Council member shall be vacated upon the swearing in of the member to another elected public office.

(Amended 11-7-00; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 13. MANNER OF FILLING VACANCIES, GENERALLY.

When the office of any member of Council becomes vacant, notice shall be provided to the public. The remaining members of Council shall by the concurrence of at least four votes appoint his/her successor from the applicants, who shall qualify and serve during the remainder of the unexpired term or until a successor is elected. If a vacancy occurs more than ninety days before the next general election for Council members, a successor shall be chosen at that election to fill the unexpired term agreeably to the provisions of Sections 111 to 118, inclusive, of this Charter. Any person so elected to fill any vacancy shall qualify as a member of Council at the first regular or special meeting thereof occurring after the election authorities shall have certified his/her election. He/she shall be notified of any such special meeting, agreeably to the provisions of Section 16 of this Charter. When a successor is so elected and qualified, the prior appointment by Council for such vacancy shall thereupon be terminated.

(Amended 11-3-70; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 14. MANNER OF RESOLVING TIE VOTES OF APPOINTMENTS TO FILL VACANCIES.

If any vacancy shall happen more than **NINETY (90) DAYS** ~~three months~~ before the expiration of the regular term in which it happens and if by reason of the failure of any person to receive as many as four votes it shall not be filled by Council during the first or second meeting of Council at which it might be filled, lots shall be drawn to determine which of the persons who shall have received the same and the highest number of votes at the last roll call on such appointment shall be deemed to be chosen to fill such vacancy. All such lots shall be drawn under the supervision of the City Attorney, at the usual place of meeting of Council. Council may direct such lots to be drawn prior to the second meeting at which the vacancy could be filled by a majority vote. Any person deemed to be chosen to be a member of Council pursuant to any such lot shall qualify as such member agreeably to the provisions of Section 13 of this Charter relating to the qualification of persons elected by the people to fill vacancies in Council.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 15. COMPENSATION OF COUNCIL, MAYOR, AND VICE-MAYOR.

Each member of Council shall receive a salary payable at such times as may be prescribed by ordinance. No ordinance increasing the salaries of members of Council shall be passed as an emergency measure, ~~nor shall any increase made thereby be put into effect before the first day of January next occurring more than ninety days after the passage of such ordinance.~~ **BEGINNING JANUARY 1, 2026 AND NOT LESS THAN ONCE EVERY FIVE (5) YEARS AFTERWARDS, A MARKET STUDY WILL BE CONDUCTED BY STAFF TO REVIEW AND RECOMMEND ADJUSTMENTS, AS APPROPRIATE, TO COUNCIL COMPENSATION. SUCH MARKET STUDY SHALL INCLUDE COMPARATORS OF SIMILARLY SITUATED REGIONAL COUNCIL-MANAGER COMMUNITIES. BEGINNING WITH PAY THAT INCLUDES JANUARY 1, 2027, FOR EACH NON-MARKET STUDY YEAR, EACH MEMBER OF COUNCIL SHALL RECEIVE A COST OF LIVING ADJUSTMENT EQUAL TO THAT AUTHORIZED FOR MANAGEMENT PAY PLAN EMPLOYEES NOT ELIGIBLE FOR THE MERIT INCENTIVE PROGRAM.**

FOR HIS/HER SERVICES AS MAYOR AND VICE MAYOR, THE MAYOR AND VICE MAYOR SHALL RECEIVE ADDITIONAL COMPENSATION TO BE SET BY ORDINANCE.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 16. MEETINGS.

The first regular meeting of each regular term of Council shall convene at 7:00 p.m. on the second Monday following the November municipal election. Council shall meet at the usual place for holding meetings of the Council, and shall proceed to elect a Mayor and Vice Mayor as provided in Section 42 of this Charter. Thereafter Council shall meet at such times as may be prescribed by rule of Council or by ordinance, not fewer than twelve times each year. The Mayor or any three members of Council may call special meetings of the Council upon at least twelve hours' notice to each member of Council. Such notice shall state the subjects to be considered at such special meeting and no other subject shall be considered thereat. All meetings of Council or of committees thereof shall be public, except for executive sessions limited to such subjects and subject to such procedures as are now or hereafter provided by the general laws of Ohio.

(Amended 11-7-00; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 17. RULES OF ORDER AND JOURNAL OF PROCEEDINGS.

Council shall determine its own rules and order of business and shall keep a journal of its proceedings, in a form determined by Council, which shall be open to public inspection at all reasonable times. The journal need only reflect the general subject matter of discussions in executive sessions and the opening and closing time of such sessions.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 18. QUORUM; ATTENDANCE; MANNER OF VOTING GENERALLY.

Four members of Council shall be a quorum to do business, but a less number may adjourn from time to time and compel the attendance of the 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 pass any ordinance or to adopt any resolution. The vote upon the passage of every ordinance, upon the adoption of every resolution having any force or effect of law, upon every appointment or choice and upon every removal made by Council, and upon any action taken under the provisions of Section 10, Section 11, or Section 12 of this Charter, shall be taken upon a roll call and the vote of every member of Council thereon shall be entered upon the journal.

ARTICLE IV. ORDINANCES AND RESOLUTIONS GENERALLY

SEC. 19. ALL ACTION BY ORDINANCE; EXCEPTION.

Every measure enacted by 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.

SEC. 20. SINGLE SUBJECT; READINGS BEFORE PASSAGE; STYLE.

Every proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which 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 upon any other subject. No ordinance shall be passed until it has been read at three separate meetings, unless upon a roll call this requirement shall have been dispensed with by the affirmative votes of at least five members of

Council, and the vote of every member thereon shall be entered on the journal. The final reading shall be in full unless a written or printed copy of the ordinance shall have been furnished to each member of Council at least three hours prior to the commencement of the meeting of Council. The style of all ordinances passed by Council shall be "Be It Ordained by The Council of The City of Delaware, State of Ohio."

SEC. 21. MUNICIPAL CODE AND SUPPLEMENTS.

Any ordinance enacting a complete municipal code or code of ordinances of the City of Delaware, which shall supersede or repeal all general ordinances prior thereto, and any ordinance enacting a complete revision or re-enactment 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 re-enactments or revisions of such code. The ordinance enacting such code and any ordinance enacting a complete revision or re-enactment thereof, shall be made available to the public **BY POSTING ON THE CITY'S WEBSITE. POSTING SHALL ALSO BE MADE BY ADVERTISEMENT IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF DELAWARE OR** in a manner determined by Council.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 22. MANNER OF AMENDING AND REPEALING.

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 unless the ordinance or resolution making such revision or amendment set forth the full text of the ordinance, resolution, or section as revised or amended; and the ordinance, resolution, or section as it existed prior to such revision or amendment shall be deemed to be repealed. The repeal of any ordinance, resolution, or section whereby another ordinance, resolution, or section was expressly repealed shall not have the effect of reviving or re-enacting such prior ordinance, resolution, or section.

SEC. 23. EMERGENCY MEASURES GENERALLY.

No ordinance or resolution shall be passed or adopted as an emergency measure unless it shall have been introduced as such and unless it shall set forth in the final section thereof a declaration of the circumstances constituting the emergency which exists, necessitating the immediate going into effect of the ordinance or resolution in order to provide for the preservation of the public peace, property, health, safety, or welfare from an immediate danger, or to provide for the usual daily operation of a department or an office of the City. A separate roll call vote shall be had upon such emergency declaration after the third reading and before the final vote upon the passage or adoption of the measure, and if five members of Council affirmatively so vote, the emergency declaration shall stand as part of the measure, and the affirmative votes of five members of Council shall be required for its passage or adoption. If fewer than five members of Council vote in favor of the emergency declaration it shall not thereafter stand as part of the measure; and the measure as it then stands shall have the same status as though 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 for its service by any public utility, shall ever be passed as an emergency measure.

SEC. 24. EFFECTIVE DATE.

An emergency measure, or a measure to which the referendum is not applicable, shall take effect and be in force on and after the date of its passage as such or on and after such later date as shall be specified in its terms. Every other ordinance or resolution shall take effect and be in force on and after the thirtieth day following its passage or adoption, unless before such time a referendum petition be filed against such measure, or unless a later date therefor be specified in its terms.

SEC. 25. RECONSIDERATION.

The vote by which any measure was passed or adopted may be reconsidered at the same meeting, and the vote by which any measure which does not go into force and effect until a later date shall have been passed or adopted, may be reconsidered at any time before the date of its going into force and effect, but not later than the twenty-ninth day after the vote by which it was passed or adopted. A vote by which any measure failed of passage or adoption may be reconsidered not later than the next regular meeting of Council after such vote.

SEC. 26. PUBLICATION.

Every ordinance and resolution shall upon its final passage or adoption be recorded. Penal and regulatory ordinances, other than those published in the Ohio Revised Code or supplements thereto, shall be published by title with such further statement as may be necessary to indicate the nature of their provisions and penalties if any, and with their respective numbers and dates. Publication shall be made by **POSTING ON THE CITY'S WEBSITE. POSTING SHALL ALSO BE MADE BY** advertisement in a newspaper of general circulation in the City of Delaware ~~or by posting on the City of Delaware website~~ **OR IN A MANNER DETERMINED BY COUNCIL.**

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

ARTICLE V. INITIATIVE AND REFERENDUM; RECALL

SEC. 27. POWERS RESERVED; DEFINITIONS.

The electors of the City of Delaware hereby reserve to themselves the legislative powers of the initiative and referendum, to be exercised in accordance with the provisions of this Charter, the Ohio Constitution, Article II, Section 1f, and the general laws of the State of Ohio. The initiative is the power reserved to the electors to require the submission to the electors of the question of the passage of ordinances or the adoption of resolutions having the force or effect of law. The referendum is the power reserved to the electors to require the submission to the electors of the question of repealing ordinances passed or resolutions adopted by Council. But nothing in this Charter shall be construed to derogate in any way or to any extent from the operation and effect of Section 5, Section 8, or Section 14 of Article XVIII of the Constitution of Ohio, in respect of measures within the contemplation of such sections.

All initiative and referendum petitions shall be filed with the City Clerk, who shall be responsible for transmittal and certification thereof to the Board of Elections as required by state law. Upon receipt of an initiative or referendum petition, the Clerk of Council shall, within ten days after such receipt, notify Council thereof, and provide each member of Council with a copy of such petition.

(Amended 11-3-92)

SEC. 28. INITIATIVE PETITION; REQUIREMENTS GENERALLY.

Editor's note(s)—Former Section 28 was repealed by the voters on November 3, 1992.

SEC. 29. INITIATIVE PETITION; FORM AND CONTENT.

Editor's note(s)—Former Section 29 was repealed by the voters on November 3, 1992.

SEC. 30. INITIATIVE PETITION; FILING AND VERIFICATION; SUPPLEMENTAL PETITIONS.

Editor's note(s)—Former Section 30 was repealed by the voters on November 3, 1992.

SEC. 31. INITIATIVE PETITION; ACTION BY COUNCIL.

Editor's note(s)—Former Section 31 was repealed by the voters on November 3, 1992.

SEC. 32. INITIATIVE PETITION; PROCEDURE WHERE COUNCIL FAILS TO PASS ORDINANCE OR RESOLUTION.

Editor's note(s)—Former Section 32 was repealed by the voters on November 3, 1992.

SEC. 33. VERIFICATION OF AND ACTION ON ADDITIONAL PETITIONS.

Editor's note(s)—Former Section 33 was repealed by the voters on November 3, 1992.

SEC. 34. REFERENDUM GENERALLY; FORM AND CONTENT; INVALIDITY OR INSUFFICIENCY; ACTION.

Editor's note(s)—Former Section 34 was repealed by the voters on November 3, 1992.

SEC. 35. REFERENDUM; SUSPENSION OF EFFECTIVE DATE OF NONEMERGENCY MEASURES.

Editor's note(s)—Former Section 35 was repealed by the voters on November 3, 1992.

SEC. 36. REFERENDUM; EFFECT ON OTHER MEASURES; EFFECTIVE DATE OF REPEAL.

Passage as an emergency measure shall not exempt any measure from the referendum, but the filing of a referendum petition shall not suspend or postpone the going into force or effect of an emergency measure. The referendum shall not be applicable to ordinances making or repealing appropriations or to ordinances transferring items of appropriations of money, to the annual tax budget or to the annual tax levy upon tangible real and personal property, to any measure providing for the discharge of any obligation legally due from the City, to any measure under the Constitution or laws of Ohio or under this Charter submitting any question or measure to the vote electors, to measures directing the performance of any official duty or providing for any investigation or report under the authority of this Charter, to resolutions not having the force or effect of law, to any repealing measure passed by Council in compliance with a referendum petition, or to any measure relating to any public improvement subsequent to the measure determining to proceed therewith, nor to any measure passed or adopted more than twenty-nine days prior to the filing of a referendum petition against it. No referendum petition shall be received against any measure to which the referendum is not applicable. The timely filing of a referendum petition, which purports and appears to be valid and sufficient, against any measure to which the referendum is applicable, shall, if such measure be not an emergency measure, stay the going into effect of such measure until it shall be determined that such referendum petition is invalid or insufficient, and otherwise until the result of the referendum election thereon shall be determined. If a majority of those voting on the question disapprove the measure sought to be repealed it shall be thereby immediately repealed.

SEC. 37. BALLOTS AND ELECTIONS.

Editor's note(s)—Former Section 37 was repealed by the voters on November 3, 1992.

SEC. 38. PRELIMINARY ACTION PENDING REFERENDUM.

Editor's note(s)—Former Section 38 was repealed by the voters on November 3, 1992.

SEC. 39. EFFECTIVE DATE OF MEASURES.

Editor's note(s)—Former Section 39 was repealed by the voters on November 3, 1992.

SEC. 40. CONFLICTING MEASURES.

If two or more initiated or referendum 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 highest affirmative vote shall prevail in so far as their provisions conflict.

SEC. 40A. RECALL.

Any Council member may be removed from office by the qualified voters of the City of Delaware. No such Council member may be removed unless he or she has served a minimum of one (1) year of his or her term of office. No Council member may be subject to recall more than twice a term. A petition for a subsequent recall may not be filed sooner than one year from the date of the certification of the previous recall election.

A petition demanding that the question of removing a Council member be submitted to the electors shall be addressed to Council and filed with the Clerk of Council. Such petition shall be circulated by a resident or residents of the City and shall be signed by the qualified voters of the City. In the case of a Council member elected at large, such petition must be signed by at least twenty percent (20%) of the total number of qualified voters registered to vote in the City at the time of the last general election; further, a minimum of at least one-fourth (1/4) of these required signatures must be from each of the four wards. In the case of a Council member elected from a ward, such petition must be signed by at least twenty percent (20%) of the total number of qualified voters registered to vote in the ward at the time of the last general election. Such petition shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal.

If the Clerk of Council shall find the petition sufficient, the Clerk shall promptly certify to Council and shall deliver a copy of such certificate to the Council member whose removal is sought, and make a record of such delivery. If such Council member shall not resign within five (5) days after such delivery shall have been made, the Council shall fix a day for holding a recall election not less than thirty (30) days nor more than forty-five (45) days from the date of delivery.

The ballots at such recall shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office of City Council by recall?" Immediately following each such question, there shall appear on the ballot the two propositions in the order set forth: "For the recall of (name of person)", "Against the recall of (name of person)". Electors may vote for either proposition.

(Added 11-7-00)

ARTICLE VI. CITY CLERK

SEC. 41. APPOINTMENT; DUTIES GENERALLY; TERM.

Council shall appoint a City Clerk, whose duty it shall be to keep the journal and other records of Council and to perform such other duties as Council may require, consistently with the provisions of this Charter. The City Clerk

and other employees of Council shall serve during the pleasure of Council. Council shall make provision by ordinance for the appointment of an Acting Clerk who shall perform the duties of the City Clerk during absence or disability, or during temporary vacancies in the office of the City Clerk.

(Amended 11-3-92)

ARTICLE VII. MAYOR AND VICE MAYOR

SEC. 42. SELECTION; TERM.

At the first regular meeting of each regular term of Council, Council by the concurrence of at least four votes shall choose one of their number elected from the City at large, to be Mayor, for a term ending with the second Monday following the November municipal election. If no Mayor shall be chosen on the day so appointed therefor, Council shall meet again not later than 7:30 p.m. on the next day and shall then proceed to choose a Mayor. If on such day no person shall have been chosen Mayor before 9:00 p.m. a Mayor shall forthwith be chosen by lot, under the rules applying to the filling of a vacancy in Council by lot. Immediately upon the choice of Mayor another member of Council, likewise elected from the City at large, shall be chosen to be Vice Mayor, in the same manner as the Mayor, to serve during the same term.

(Amended 11-7-00)

SEC. 43. POWERS AND DUTIES OF MAYOR.

The Mayor shall preside at meetings of Council and shall perform such other duties not inconsistent with his/her office as Mayor and as member of Council as may be imposed upon him/her by this Charter or by Council. He/she shall be recognized as the official head of the City for all ceremonial purposes, by the Governor for military purposes, and by the courts for the purpose of serving civil process. Nothing in this Charter shall be construed either to deprive the Mayor of his/her vote as a member of Council or to give him/her any power of veto.

SEC. 44. ABSENCE OR DISABILITY OF MAYOR; SUCCESSION IN CASE OF VACANCY; PRESIDENT PRO TEM.

If the Mayor shall be absent or disabled the Vice Mayor shall act as Mayor during the continuance of the absence or disability of the Mayor. If a vacancy shall happen in the office of Mayor the Vice Mayor shall succeed to the office of Mayor for the unexpired term. If a vacancy shall happen in the office of Vice Mayor Council shall forthwith choose a Vice Mayor for the unexpired term, agreeably to the provisions for the choice of a Mayor. If both the Mayor and the Vice Mayor be absent or disabled, Council shall choose one of its members to be president pro tempore and to act in the stead of the Mayor.

SEC. 45. SALARY OF MAYOR.

~~For his/her services as Mayor the Mayor shall receive additional compensation to be set by ordinance, which may be changed agreeably to the provisions of Section 15 of this Charter governing the change of salaries of members of Council.~~

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

ARTICLE VIII. GENERAL EXECUTIVE AND ADMINISTRATIVE OFFICERS

SEC. 46. CITY MANAGER; QUALIFICATIONS, ABSENCE OR DISABILITY.

Council shall appoint a City Manager who shall be the chief executive and administrative officer of the City. The appointee shall be chosen by Council solely on the basis of executive and administrative qualifications and with special reference to actual experience in, or knowledge of the best practices in respect of the duties of the office as set forth in this Charter. The City Manager need not when appointed be a resident of the City of Delaware or of the State of Ohio, but shall reside in the City **BEFORE BEING SWORN INTO OFFICE AND SHALL CONTINUOUSLY RESIDE IN THE CITY DURING HIS/HER TENURE** while performing the duties of the office. No person who serves as a member of Council during any term, shall be appointed City Manager until at least one year after the expiration of such term. Council shall designate or provide by ordinance for the designation of some qualified officer in the administrative service of the City who shall perform the duties of the City Manager during absence or disability, or during temporary vacancies in the office of City Manager.

(Amended 11-3-92; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 47. TERM, SUSPENSION AND REMOVAL OF CITY MANAGER.

The City Manager shall be appointed for an indefinite term, and shall be removable by Council at its pleasure, at least four members concurring therein. Council may at any time suspend the City Manager from the exercise of the duties and powers of his/her office, for not longer than forty days. Any action of Council to remove the City Manager shall be effective at such time as Council shall determine, except that if the City Manager demands a public hearing thereon, the City Manager shall continue in office but under suspension from the exercise of the powers and duties of his/her office until the completion of such hearing, which shall be begun and diligently proceeded with between seven and thirty five days, as set by Council, unless the City Manager consents to an earlier day. At such hearing Council shall hear the testimony of the City Manager and of witnesses in his/her behalf and adverse to him/her, and shall receive writings and exhibits in evidence supporting or contradicting the grounds which may be alleged for his/her removal, and the City Manager may have process to compel the attendance and testimony of witnesses and the production of books, papers, records, accounts, and exhibits in his/her behalf. The action of Council in removing the City Manager shall be final, it being the intent of this Charter to vest all authority and fix all responsibility for such removal in Council. If the City Manager submits a written statement in response within two weeks of his/her removal, the statement shall be included with the records relating to the removal.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 48. DUTIES GENERALLY OF CITY MANAGER.

It shall be the duty of the City Manager to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that the ordinances of the City and the laws of the State are enforced; to make such recommendations to Council concerning the affairs of the City as may seem to him/her desirable; to keep Council advised of the financial condition and future needs of the City; to prepare and submit to Council the annual tax and appropriation budgets of the City; to prepare and submit to Council an annual report and such other reports as may be required; and to perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution.

SEC. 49. RIGHT OF CITY MANAGER AND OTHER OFFICERS TO TAKE PART IN COUNCIL MEETINGS.

The City Manager shall have the right to take part in the discussion of all matters coming before Council, and the other administrative officers shall be entitled to take part in all discussions relating to their respective departments and offices.

SEC. 50. APPOINTMENT, SUSPENSION AND REMOVAL OF SUBORDINATES OF CITY MANAGER.

The City Manager shall be responsible to Council for the proper execution and administration of all affairs of the City appertaining to him/her as chief executive and administrative officer, and to that end, subject to the civil service provisions of this Charter, he/she shall have power to appoint, suspend, and remove all officers and employees in the service of the City, for whose appointment this Charter makes no other provision. The City Manager may authorize the head of a department or office responsible to him/her to appoint, suspend, and remove subordinates in such department or office. Appointments made by or under the authority of the City Manager shall be made on the basis of executive ability and on the training, experience, and fitness of such appointees in the work which they are to perform.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 51. DUAL CAPACITY OF DEPARTMENT HEADS AND CITY MANAGER; EXCEPTION.

The City Manager may appoint the same person as the head of more than one department or office under the City Manager's supervision, except that neither the City Attorney nor the Director of Finance shall be appointed to any other office or employment under the City other than Acting City Manager. The City Manager may also act as the head of any department or office, except as City Attorney or Director of Finance.

(Amended 11-3-92)

SEC. 52. COUNCIL NOT TO INTERFERE WITH THE ADMINISTRATIVE SERVICE.

Neither Council nor any of its members or committees shall direct or request the appointment of any person to, or his/her removal or transfer from, office or employment by the City Manager or by any of his/her subordinates, or in any manner take part or interfere in the appointment, discipline, transfer, or removal of officers and employees in that part of the administrative service of the City for which the City Manager shall be responsible. No member of Council shall intercede for or participate as counsel or attorney for any officer or employee subordinate to the City Manager, in any hearing or investigation having to do with the discipline or removal of such officer or employee, except in hearings before Council. Except for purposes of inquiry, Council and its members shall deal with that portion of the service of the City for which the City Manager is responsible solely through the City Manager. Neither Council nor any member thereof shall give orders to any subordinate of the City Manager except as provided in Article XVIII, Section 89, either publicly or privately, either directly or indirectly.

(Amended 11-6-84)

SEC. 53. AUTHORITY OF COUNCIL OVER DEPARTMENTS AND OFFICES; AUTHORITY OF CITY MANAGER TO PRESCRIBE POWERS.

Council may not abolish any department or office established by this Charter, or diminish or transfer to any other office or department powers and duties conferred upon any office or department by this Charter. Council may confer powers and impose duties upon such departments and offices in addition to those conferred and imposed by this Charter. Council may by ordinance establish, abolish, divide, or combine departments or offices under the City Manager not enumerated in this Charter, and may by ordinance prescribe the functions, powers, and duties of such departments and offices. 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.

SEC. 54. AUTHORITY OF CITY MANAGER TO REQUIRE REPORTS.

The City Manager shall annually, and at such other times as he/she may require or as may be required by action of Council, require a report from each of his/her principal subordinates of the transactions of his/her office or department.

ARTICLE IX. CITY ATTORNEY AND CITY PROSECUTOR

SEC. 55. APPOINTMENT; ASSISTANTS; QUALIFICATIONS; DUTIES GENERALLY.

The City Manager shall appoint a City Attorney who shall be the chief law officer of the City, and such assistants, employees, and special counsel as shall be required by the work of the office. The City Attorney shall be an attorney-at-law admitted to practice in the State of Ohio. He/she shall be the legal advisor of and attorney and counsel for the City and for all officers and departments thereof in all matters relating to their official duties and powers, and shall, when so requested, give his/her opinion or advice as such in writing. He/she shall prosecute or defend or direct the prosecution or defense, as the case may require, in all civil suits or cases in which the City may be a party. He/she shall be responsible for the preparation of all contracts, bonds, and other instruments in writing in which the City is concerned, and shall endorse on each his/her approval of the form and correctness thereof. He/she shall collect all delinquent special assessments not collected by the County Treasurer as the same may be due. The City Manager shall appoint a City Prosecutor and such assistants, employees, and special counsel as shall be required by the work of the office. The Prosecutor shall prosecute in the Municipal Court, or similar court which may be established by law, for the City of Delaware, for all offenses against the ordinances of the City and for such offenses against the laws of the State as State law may require City solicitors to prosecute for. The City Attorney and the City Prosecutor shall perform such other duties of a legal nature as Council by ordinance or resolution may require. They shall also perform any other duties imposed upon the chief legal officers of municipalities by the general law of the State of Ohio, beyond the competence of this Charter to alter. The City Attorney shall not represent or provide services to the local school district.

(Amended 11-6-84)

SEC. 56. DUTY TO PREVENT MISAPPLICATION OF FUNDS.

The City Attorney shall apply, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the City in contravention of law, or which shall have been procured by fraud or corruption.

SEC. 57. ENFORCEMENT OF CONTRACTS; PREVENTION OF ILLEGAL PAYMENT OF FUNDS.

When a contract, agreement, or obligation entered into on behalf of the City granting a right or easement, or creating a public duty, is being violated or evaded, the City Attorney shall likewise apply for the specific performance or for the forfeiture thereof as the nature of the case shall require. When money belonging to the City is about to be paid out without legal authority he/she shall institute appropriate proceedings to prevent such payment, and when money belonging to the City shall have been paid out without legal authority he/she shall institute appropriate proceedings to recover the same.

SEC. 58. DUTY TO COMPEL PERFORMANCE OF DUTIES.

In case any officer or commission of the City shall fail to perform any duty required by or pursuant to law or this Charter, the City Attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

SEC. 59. TAXPAYER'S SUIT FOR ENFORCEMENT.

In case the City Attorney, upon the written request of any taxpayer of the City, shall fail or refuse to make any application provided for in ~~either of the three sections next preceding~~ **SECTIONS 56, 57 AND 58**, such taxpayer may institute suit or proceedings for such purpose in his/her own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request shall first have been made to the City Attorney, nor until the taxpayer shall have given security for the costs of the proceedings.

SEC. 60. ORDER OF COURT; ALLOWANCES.

If the court hearing any such action be satisfied that the taxpayer had good cause to believe that his/her allegations were well founded, or that they were sufficient in law, it shall make such order as the equity and justice of the case may demand. In such case the taxpayer may be allowed his/her costs, and if judgment be finally entered in his/her favor, he/she may be allowed as part of the costs a reasonable compensation for his/her attorney.

ARTICLE X. DEPARTMENT OF PUBLIC SAFETY

SEC. 61. ESTABLISHMENT: APPOINTMENT OF DIRECTOR; COMPOSITION.

There is hereby established a Department of Public Safety, the principal officer in which shall be a Director of Public Safety who shall be appointed by the City Manager. The Department of Public Safety shall comprise the police department, the fire department, and such other divisions, bureaus, offices, officers and employees as shall be provided by or pursuant to ordinance.

(Amended 11-4-08)

SEC. 62. POLICE FORCE.

The City shall maintain a police department consisting of a Chief directly in charge thereof and of such number of other officers, police officers, and employees, as may be fixed in accordance with the provisions of Section 121 of this Charter. In case of riot or like emergency the City Manager may appoint additional police officers for temporary service who need not be in the classified service of the City. The Chief of the police department shall have control of the stationing and other disposition of all members of the force, under such rules and regulations as he/she may establish with the approval of the Director of Public Safety.

(Amended 11-4-08)

SEC. 63. POLICE POWERS OF CITY OFFICERS AND EMPLOYEES.

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 of the regular police force.

SEC. 64. PRIVATE POLICE AND DETECTIVES.

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 City Manager. Such authority shall be exercised only under the direction and control of the Chief of Police and for a specified time, not to exceed six months.

SEC. 65. FIRE FORCE.

The City shall maintain a fire department consisting of a Chief in charge thereof and of such number of other officers, fire fighters and employees as may be fixed in accordance with the provisions of Section 121 of this Charter. In case of riot, conflagration, or other emergency, the City Manager may appoint additional officers and fire fighters for temporary service who need not be in the classified service of the City. The Chief of the fire department shall have control of the stationing and other disposition of all members of the fire department, under such rules and regulations as he/she may establish with the approval of the Director of Public Safety.

(Amended 11-4-08)

ARTICLE XI. PUBLIC WORKS

SEC. 66. ADMINISTRATION OF PUBLIC WORKS.

Council shall provide for the administration of the public works. Such public works shall be administered by such department, division, bureau, or office under the City Manager as shall be determined by or pursuant to ordinance.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 67. DUTIES OF DIRECTOR OF PUBLIC WORKS.

Editor's note(s)—Former Section 67 was repealed by the voters on November 8, 2016.

ARTICLE XII. PUBLIC PARKS AND RECREATION

SEC. 68. MAINTENANCE AND CONDUCT OF FACILITIES; ADMINISTRATION.

Council shall provide for the maintenance and conduct of the public parks and public recreation facilities of the City. Such parks and recreation facilities shall be administered by such department, division, bureau, or office under the City Manager as shall be determined by or pursuant to ordinance.

ARTICLE XIII. PUBLIC UTILITIES

SEC. 69. ADMINISTRATION; RATES.

Public utilities belonging to the City shall be administered and operated by such department, division, bureau, or office as in each case shall be determined by or pursuant to ordinance. Rates to be charged for the product or service of any such public utility shall be fixed by ordinance.

ARTICLE XIV. PURCHASING AND INVENTORY

SEC. 70. DESIGNATION AND DUTIES GENERALLY OF PURCHASING AGENT.

The City Manager or one of his/her subordinates designated by the City Manager shall act as City Purchasing Agent. Any purchase or contract for supplies, materials, and equipment for the City shall be in accordance with policies and regulations made by the City Manager or by ordinance or both, and who shall, in accordance with such regulations, sell all property, real and personal, of the City not needed for public use, or which may have become unsuitable for public use, or which may have been condemned as useless under such regulations. All advertising of purchases, sales, and contracts shall be approved by the Purchasing Agent, and all bids shall be received and opened by him/her or his/her designee.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 71. PURCHASING REGULATIONS.

Before making any purchase or sale or contract therefor the City Purchasing Agent shall give opportunity for competition under such policies and regulations as may be made by the City Manager or by ordinance.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 72. INVENTORY OF CITY PROPERTY.

An inventory of all property belonging to the City shall be maintained in such form and detail as the City Manager shall determine.

ARTICLE XV. CONTRACTS

SEC. 73. COMPETITIVE BIDDING REQUIRED; EXCEPTIONS; REPORT OF CONTRACTS.

Opportunity for competitive bidding shall be given before the awarding of any contract, so far as circumstances render it practicable. No contract or agreement shall be entered into except pursuant to advertisement and competitive bidding if such contract or agreement exceeds the amount established from time to time by State law for competitive bidding. Procedures for advertisement and bidding shall be established by ordinance, or in the absence thereof by the general laws of Ohio. **CONTRACTS FOR PROFESSIONAL DESIGN SERVICES, AS THE TERM "PROFESSIONAL DESIGN SERVICES" IS DEFINED IN THE OHIO REVISED CODE, SHALL FOLLOW A QUALIFICATIONS-BASED SELECTION PROCESS.** Contracts for professional **SERVICES OTHER THAN THE PREVIOUSLY MENTIONED PROFESSIONAL DESIGN SERVICES** or expert services or contracts for the acquisition of real property or any interest therein, shall not require advertisement and competitive bidding. But 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, safety, or to restore or replace essential facilities, machinery, or equipment, which have been destroyed or rendered unusable, and thereupon may enter into contracts, agreements, or obligations without competitive bidding or without advertising, as in his/her judgment shall be for the best interest of the City and the public service. He/she shall report every contract, agreement, or obligation so entered into to Council at its next meeting, together with a statement of the reasons and circumstances therefor.

(Amended 11-6-84)

SEC. 74. MANNER OF AWARDING CONTRACTS; EXECUTION.

The City Manager shall award every contract as to which competitive bidding is required or obtained to the bidder with the lowest, **RESPONSIBLE, AND RESPONSIVE** and best bid, except that contracts pertaining to investigations or audits made by or under the direction of Council shall be awarded by Council. The City Manager shall execute all contracts and agreements to which the City shall be a party, except that the City Purchasing Agent may be authorized to execute contracts and agreements for the purchase of supplies, materials, and equipment or any of the same, by ordinance or by written order of the City Manager, and except that bonds and notes of the City shall be executed as may be provided by general law. The City has authority to use alternative construction project delivery methods, including but not limited to design-build, construction manager at risk, or single prime contractor.

(Amended 11-3-92; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 75. AUTHORITY TO MAKE CONTRACTS AND AGREEMENTS.

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 monies appropriated therein. No other contract or agreement shall be entered into unless the ordinance appropriating money to be paid thereunder shall authorize such contract, or unless such contract shall be authorized by a separate ordinance. **ANY CONTRACT OR AGREEMENT THE CONSIDERATION OF WHICH \$0.00 IS TO BE APPROPRIATED MAY BE AUTHORIZED BY RESOLUTION.** Council shall have no power by ordinance or otherwise to direct or require the City Manager to award any contract to any particular person, firm, or corporation as a condition of authorizing such contract, or otherwise. ~~Every contract~~ **S** to which the parties are the City of Delaware and any other governmental subdivision or subdivisions of the State of Ohio ~~shall~~ **MAY** be specifically authorized by **RESOLUTION OR** ordinance, ~~except routine contracts for the services or products of public utilities, and final grant agreements once the grants have been approved by Council.~~

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

ARTICLE XVI. APPROPRIATION BUDGETING

SEC. 76. BUDGET MESSAGE AND ORDINANCE; FORM AND CONTENT OF BUDGET.

On or before November 15 of each year the City Manager shall lay before Council a comprehensive annual appropriation budget and budget message for the ensuing year. One section of the annual 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 fiscal year and the ensuing fiscal year, exhibiting and analyzing revenues and estimates thereof by amounts and by sources; expenditures by object, operating unit, and otherwise, as the City Manager shall determine or as Council shall require. So far as it may be practicable to do so the annual appropriation budget shall state, for the same respective years, what services have been rendered and are proposed to be rendered, in comparable units or quantities, and shall if practicable state the costs or proposed costs thereof for each such service during each such year, both in total and in unit costs. It is the intent thereof that the annual appropriation budget and message shall set forth, clearly and in readily intelligible form, language, figures, and exhibits, a concrete financial and operating plan for the City during the ensuing 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 such annual appropriation budget and message the City

Manager shall present a draft of an annual appropriation ordinance, which shall be deemed to be regularly introduced into Council.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 77. HEARINGS; COPIES OF BUDGET.

Upon receipt of the City Manager's annual appropriation budget and message Council shall cause the same to be referred to an appropriate committee for consideration and for the holding of not fewer than two public hearings thereon by such committee or by Council, at which hearings reasonable opportunity shall be afforded to interested citizens to present their views. The annual appropriation budget shall be made available, on the City's website, electronically, or ~~via another method determined by Ordinance~~ **IN A MANNER DETERMINED BY COUNCIL**, to enable such citizens to inform themselves as to the contents thereof, before such hearings.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 78. APPROPRIATION ORDINANCE, TEMPORARY AND ANNUAL.

After public hearings on the City Manager's annual appropriation budget and message, and after consideration thereof by Council and its committee, and before the beginning of the ensuing fiscal year, Council shall pass an annual appropriation ordinance providing the means of operating the City services during such ensuing fiscal year. The total appropriations made by such ordinance from any fund shall not exceed the total resources of such fund for such year, as determined by official estimates. Such estimates for, and the appropriations from any fund may thereafter be increased whenever within such year the resources and receipts in such fund actually exceed the official estimates upon which the annual appropriation was based. ~~It~~ **SHOULD** Council be unable to complete **THE REQUIRED NUMBER OF** public hearings ~~upon~~ and its consideration of the annual appropriation ordinance ~~before~~ **PRIOR TO THE TIME** expenditures must be commenced in any fiscal year, it may pass a temporary appropriation ordinance or ordinances for such period not ~~longer than~~ **TO EXCEED** three months ~~as it may find to be necessary~~, and expenditures made thereunder shall be charged against the annual appropriations when the same are made **AND PASSED**.

(Amended 11-6-84)

ARTICLE XVII. CAPITAL IMPROVEMENT BUDGET AND PROGRAMS

SEC. 79. CAPITAL PROGRAM.

The City Manager shall prepare and submit to the City Council on or before August 15 a five-year capital improvements program. The capital improvements program shall include, but not be limited to, the following:

1. A clear general summary of contents.
2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
3. Cost estimates, available funds, proposed method of financing and recommended time schedules for the implementation of each such improvement.
4. The estimated annual cost of operating and maintaining the facilities to be constructed, acquired or developed.

The above information shall be in such form as determined by the City Manager and shall be revised and extended each year with regard to capital improvements still pending or in process of construction, acquisition or development.

(Amended 11-6-84)

SEC. 80. ACTION BY COUNCIL ON CAPITAL IMPROVEMENTS PROGRAM.

Council shall consider the five-year capital program submitted by the City Manager as required by Section 79 of this Charter, and shall, by resolution, on or before October 15 adopt the same as the City's future public improvement program, either in its original form or as Council may modify it by additions, deletions or otherwise. In adopting a five year program, Council shall consider existing master plans and may refer the plan to the City Planning Commission or other City planning agencies or advisory groups for comment and/or review. Upon adoption of the five year plan, Council shall take such actions as may be necessary or appropriate to finance proposed improvements, subject to the provision or availability of monies therefor.

(Amended 11-6-84)

SEC. 81. PRESENTATION OF ANNUAL CAPITAL BUDGET.

On or before November 15 of each year, the City Manager shall lay before Council the capital improvement budget for the ensuing fiscal year. Such budget shall be prepared in accordance with the program adopted in the five-year capital improvement plan and adopted by City Council as set forth in Section 80 of this Charter.

(Amended 11-6-84)

SEC. 82. ADOPTION OF ANNUAL CAPITAL IMPROVEMENT BUDGET.

No less than two public hearings on the Annual Capital Improvement Budget shall be held in conjunction with public hearings on the annual appropriations budget, and copies of the Capital Improvement budget shall be provided to interested citizens prior to any such hearings, on request. After the public hearings as required previously in this section, and as part of the annual appropriation ordinance, Council shall provide for the financing of the annual capital improvements budget for the ensuing fiscal year. Should Council be unable to complete the required number of public hearings and its consideration of the annual appropriation ordinance prior to the time capital expenditures must be commenced in any fiscal year, it may pass a temporary capital improvements ordinance or ordinances for such period not to exceed three months, and expenditures made thereunder shall be charged against the annual appropriations for said capital improvements when the same are made and passed.

(Amended 11-6-84)

ARTICLE XVIII. DEPARTMENT OF FINANCE

SEC. 83. ESTABLISHMENT; APPOINTMENT OF DIRECTOR.

There is hereby established a Department of Finance, the principal officer in which shall be the Director of Finance. The Director of Finance shall be appointed by the City Manager and shall report thereafter to the City Manager.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 84. FINANCE DIRECTOR PROHIBITED FROM HOLDING OTHER POSITION

Except as otherwise provided in the Charter, if the Director of Finance shall accept appointment by the City Manager to any office other than that of Director of Finance he/she shall thereupon be deemed to have vacated the office of Director of Finance.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 85. ACTING DIRECTOR OF FINANCE.

The City Manager shall designate an officer or employee in the Department of Finance or some suitable person who, during the absence or disability of or during a vacancy in the office of the Director of Finance, shall on a temporary basis exercise the powers and discharge the duties of the Director of Finance, under the title of Acting Director of Finance.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 86. DUTIES OF DIRECTOR OF FINANCE.

The Director of Finance under the supervision of the City Manager shall be the fiscal officer and chief accounting officer of the City. He/she shall discharge all the duties and exercise all the powers vested in him/her by or pursuant to this Charter, and those which shall be vested in City auditors by general law. Except as is otherwise provided by or pursuant to this Charter, he/she shall have charge of the keeping and supervision of its accounts, the receipt or collection of all taxes, assessments, fees, and other revenues of the City; the prevention of expenditures not authorized under law and ordinance; and such other duties of financial nature as may be required of him/her under this Charter. He/she shall discharge all the duties and exercise all the powers of officers of the City in connection with the payment of the principal of and interest on bonds and notes of the City, and with the administration of the Bond Retirement Fund.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 87. ACCOUNTS AND PROCEDURE.

Accounts shall be kept showing financial transactions of the City and of all departments and offices. The forms of all such accounts, whether kept in the Department of Finance or elsewhere, shall be prescribed by the Director of Finance, and no account shall be kept in any office or department of the City unless it be authorized by the Director of Finance. The regulations of the Director of Finance under the foregoing provisions of this section and any changes therein made as to accounts not kept in the Department of Finance shall be subject to the approval of the City Manager, and shall be a public record. The accounts and the accounting procedures of the City shall be adequate to exhibit the condition of all appropriations and expenditures therefrom and encumbrances thereof at all times; to record all cash receipts and disbursements; all revenues accrued and liabilities incurred; all transactions affecting the acquisition, custody, and disposition of values; and for making such reports of the financial transactions and condition of the City as may be required by law or ordinance.

SEC. 88. APPROPRIATION ACCOUNTS.

Accounts shall be kept for each item of appropriation made by Council, and every warrant drawn on the Treasury shall state specifically against which of such items the warrant is drawn. Each such account shall show in detail the appropriations made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

SEC. 89. MONTHLY FINANCIAL STATEMENT; OTHER REPORTS.

Each month, the Director of Finance shall prepare for submission to the City Manager and Council, a summary statement of revenues and expenses for the preceding month, by appropriations and funds, so as to show the exact financial condition of the City and of each department and office thereof as of the last day of the next preceding month. He/she shall prepare and submit to Council and to the City Manager a complete report of the finances and financial operations of the City for each fiscal year immediately after the end thereof. Such report shall be in such form and detail as the Director of Finance shall determine, or as may be prescribed by ordinance. Whenever Council or the City Manager shall so require, the Director of Finance shall forthwith prepare and furnish to the authority so requiring it a report of any information concerning the finances of the City, or of any office, department, division, bureau, commission, officer, or employee thereof, for such period of time, and in such form and detail, as the authority requiring such report shall prescribe. Upon request, the Director of Finance shall permit inspection of all public records in his/her custody which are not otherwise prohibited from being disclosed by general law.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 90. SPECIAL AUDITS; ACTION ON RESULT OF SUCH AUDITS.

Upon request by City Council, the Director of Finance or other designated individual shall audit the accounts of any officer or department and shall report the results thereof to the City Manager and to Council. If, as a result of any such audit, any officer or department be found indebted to the City, the Director of Finance or other designated individual shall immediately give notice thereof to Council, the City Manager, and the City Attorney, and the City Attorney shall forthwith proceed to collect such indebtedness.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 91. ADMINISTRATION OF TREASURY; MONEYS PAID INTO TREASURY; DEPOSIT OF CITY MONEY.

The Director of Finance shall administer the Treasury of the City. All money received by any officer or employee of the City, for or in connection with the affairs of the City, shall be paid without delay into the City Treasury. Public money, other than that of the City coming into the hands of any officer or employee of the City, shall be paid into and kept in the Treasury and administered as other moneys therein, except as may be otherwise required by law applicable thereto. All moneys in the Treasury, except such amounts, limited by ordinance, as it may be necessary to retain in the offices of the City for use in the regular daily transactions of the City, and except such amounts as are in accordance with the provisions of law or ordinance invested in the obligations of the City or of other public authorities, shall be deposited in such responsible banking institutions as agree to pay the highest rate of interest to the City and to furnish such security as may be required under law or ordinance. All interest on money so deposited or invested shall accrue to the benefit of the City.

SEC. 92. SAFEKEEPING OF SECURITIES.

All securities owned by the City or held by it in trust or on deposit, and all instruments of title, and all instruments in writing indemnifying the City against loss or liability, shall be recorded by the Director of Finance.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 93. PREPARATION AND CERTIFICATION OF SPECIAL ASSESSMENTS.

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 which Council shall perform in pursuance of general law, and other than the duties of boards of revision of special assessments; of the collection of such assessments as are payable directly to the City; and of the preparation and certification of all unpaid special assessments to the County Auditor for collection.

SEC. 94. COUNCIL MAY REQUIRE CERTAIN DUTIES OF DIRECTOR OF FINANCE.

Council may by ordinance require the Director of Finance to discharge any of the following duties:

- (a) To administer any specified tax or taxes imposed by ordinance;
- (b) To administer any specified license or licenses, including the collection of fees therefor, in such manner and subject to such regulations as may be provided by ordinance.

If not otherwise provided by ordinance, every such duty shall be discharged and administered under the supervision of the City Manager.

SEC. 95. RECORDATION OF BONDS AND NOTES.

Editor's note(s)—Former Section 95 was repealed by voters on November 8, 2016.

SEC. 96. INTERESTS AND EARNINGS BELONGING TO BOND RETIREMENT FUND.

Interest and earnings on account of the investment or deposit of the resources of the Bond Retirement Fund, interest or earnings upon unexpended balances of all bond proceeds, and premiums and accrued interest received upon the issue of bonds or other securities shall belong to the Bond Retirement Fund.

ARTICLE XIX. PUBLIC HEALTH

SEC. 97. BOARD OF HEALTH; COMBINATION OF HEALTH DISTRICTS.

The Board of Health of the City Health District of the City of Delaware heretofore established under provisions of general law shall be deemed to be established agreeably to the provisions of this Charter. Nothing in this Charter shall be construed to prevent any combination of the City Health District of the City of Delaware with any other health district in accordance with the provisions of general law. Members of any Board of Health, to be appointed under provisions of general law by any officer or authority of the City of Delaware shall be appointed by the Mayor, subject to confirmation by Council.

SEC. 98. HEALTH POWERS OF CITY PRESERVED.

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 Delaware to make by ordinance local sanitary and similar regulations not in conflict with general laws. Council may by ordinance confide the enforcement of such regulations to any Board of Health established pursuant to general law and having jurisdiction within the City of Delaware, or may provide for their enforcement by or under the direction of the City Manager.

ARTICLE XX. CIVIL SERVICE

SEC. 99. MERIT SYSTEM.

All original and promotional appointments in the service of the City shall be made according to merit and fitness, to be ascertained, so far as practical, by open competitive examination according to the rules of the Civil Service Commission.

No officer or employee in the classified civil service shall be suspended, demoted or removed except for cause.

(Amended 11-7-00)

SEC. 100. UNCLASSIFIED SERVICE.

With the exception of the Chief of Police and Chief of Fire, the unclassified civil service of the City of Delaware shall consist of the City Manager, the Assistant City Manager, all directors of departments, the City Attorney and his/her assistants, the subordinates of the Director of Finance, and other officers and employees who are in the unclassified service under provisions of general law. The suspension, removal or dismissal of any person serving in the unclassified service for an indefinite term or at the pleasure shall be made by the body or officer having the power to appoint a successor or the person removed or dismissed, and shall not be subject to appeal.

(Amended 11-7-00)

SEC. 101. CIVIL SERVICE COMMISSION.

There shall be a Civil Service Commission consisting of three members, being electors of the City of Delaware. The Civil Service Commission shall be deemed to be established agreeably to the provisions of this Charter. Appointments of members of the Civil Service Commission of Delaware shall be made by the Mayor, subject to confirmation by Council.

The Civil Service Commission shall establish rules and regulations for the determination of merit and fitness for the appointment and promotion of employees in the classified service. Except for Chief of Police and Chief of Fire, vacancies in positions above the rank of patrol in the Police Department and firefighter in the Fire Department shall be filled by promotion from among the persons holding positions in a rank lower than the position to be filled. The Civil Service Commission shall also establish rules and regulations governing appeal rights and procedures for employees in the classified service. These rules and regulations shall be submitted to Council for approval by ordinance and may modify, supplement or supersede the general laws of the State of Ohio, and in the case of conflict shall prevail over the laws of the State of Ohio.

(Amended 11-7-00; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

ARTICLE XXI. CITY PLANNING, ZONING AND PLATTING

SEC. 102. CITY PLANNING COMMISSION.

There shall be a City Planning Commission composed of seven members, consisting of one member from each of the four wards and three members at-large. One member shall be a City Councilperson and six being electors of the City of Delaware who hold no elective office. All members shall be chosen by the Mayor and confirmed by Council.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 103. OFFICIAL CITY PLAN.

The City Planning Commission shall make and from time to time amend, extend, add to, and revise the official Plan of the City, subject to the provision of this Charter. Such Plan shall include maps, charts, exhibits, and text as the City Planning Commission shall determine. It shall show and state the recommendations and requirements of the City for the location and dimensions of all public ways, parks, playgrounds, public buildings and works and of public utilities whether publicly or privately owned; for the marking of historical sites; for the locations, relocation, or removal of statuary in public ways or property, for the removal, relocation, extension, widening, narrowing, vacation, abandonment, or change of use of any of the foregoing; for the improvement, development, redevelopment, or reconstruction of areas or neighborhoods which have been destroyed or seriously damaged by disaster, or in which housing and other buildings, and public works or facilities, do not conform to reasonable standards and requirements in respect to sanitation and sanitary facilities, open space, access to light or air, or other conditions of wholesome living or work.

Furthermore, the City Planning Commission shall make and from time to time amend, extend, add to, and revise the official Plan of the City, subject to recommendations of any strategic and/or long range planning commission or committee that may be directed by City Council.

Whenever the City Planning Commission shall have made, amended, extended, added to, or revised any plan or map in whole or in part as is provided in this section it shall recommend a draft ordinance adopting the same to Council, and such ordinance shall be deemed to be regularly introduced and shall be considered in Council. If before passage such ordinance be amended or modified, or if any ordinance proposing to make, adopt, amend, extend, add to, or revise the official City Plan or any part thereof be otherwise introduced into Council it shall be referred to the City Planning Commission, and subsequent action thereon shall be subject to the provisions of Section 104 of this Charter. The plans, maps, and materials adopted by the ordinance or ordinances contemplated in this section shall be the official plan of the City of Delaware.

(Amended 11-6-84)

SEC. 104. PROCEDURE IN CITY PLAN LEGISLATION.

When Council refers any measure to the City Planning Commission under the provisions of Sections 103, 105, 106, ~~OR 107, or 108~~ of this Charter, the City Planning Commission shall within twenty-five days (unless Council shall extend such period) consider the same and report to Council whether such measure or plat conforms to the City Plan or to the zoning plan or to the platting rules or regulations, as the case may be, and whether the Commission approves or disapproves the same, the reasons for its approval or disapproval, and if it disapproves, any recommendation it may have for the modification of the measure so that it may be approved. If the Commission approves such measure, either in its original form or as modified, the affirmative votes of four members of Council shall suffice for its passage or adoption. If the Commission disapproves, the affirmative votes of five members of Council shall be required for its passage or adoption notwithstanding such disapproval.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 105. PLANNING COMMISSION REVIEW AND RECOMMENDATION OF PLANS FOR DEVELOPMENT.

All Council actions relating to planning, development, redevelopment, ~~subdivision~~, zoning, rezoning and zoning text amendments of private or public owned property shall be referred to the City Planning Commission for review and recommendation prior to any such action by Council.

(Amended 11-3-92)

SEC. 106. ZONING.

The City Planning Commission shall upon the basis of the official City Plan and of studies, surveys, and investigations made by it or under its authority, make or prepare plans and regulations for the zoning and from time to time for 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 Delaware. Such zoning regulations shall govern the use and occupancy of premises and buildings; the requirement of open spaces and areas, and the dimensions thereof, between buildings and between lot lines and property lines and the buildings on such lots; the bulk and height of buildings, and setback lines in buildings exceeding designated heights. Whenever the City Planning Commission shall have made or prepared any such plan, regulation, amendment, or revision for the zoning or rezoning of the City or any part thereof it shall recommend the same to Council, and Council shall cause an ordinance embodying such recommendation to be introduced and considered. If before passage such draft ordinance be amended or modified, or if any ordinance proposing to zone, rezone, or to amend or modify any provision of the zoning ordinance be otherwise introduced into Council it shall be referred to the City Planning Commission, and subsequent action thereon shall be subject to the provisions of Section 104 of this Charter.

SEC. 107. PLATTING.

The City Planning Commission shall be the platting commission of the City. It shall prepare and recommend to Council rules and regulations governing the subdivision and platting of land within the City and adjacent to the City within such distance as may be provided by general law, and prescribing requirements for the provision, location, width, and improvement of streets and other ways and other public grounds, or the security to be given to assure that such improvements as may be required will be made, as conditions for the approval of such plats and subdivisions, or the acceptance of such streets, ways, or grounds. Such rules and regulations, and amendments thereto or revisions thereof, shall be passed as ordinances by Council. Any ordinance on any such subject, not previously approved by the City Planning Commission, shall be referred to the City Planning Commission, and subsequent actions thereon shall be subject to the provisions of Section 104 of this Charter.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 108. RECORDATION AND ACCEPTANCE OF PLATS.

~~No plat of any subdivision or land within the City of Delaware or subject to its platting jurisdiction, nor any instrument dedicating land to any public use of the City of Delaware, shall be accepted or recorded or shall have any validity unless it be first submitted to Council for its acceptance or rejection. Upon any such submission Council shall refer any measure proposing to accept such plat or instrument or to approve or accept such subdivision, or to accept any ways or grounds dedicated thereby or therein, to the City Planning Commission, and subsequent actions thereon shall be subject to the provisions of Section 104 of this Charter. The dedication of any such lands for ways or public grounds shall be deemed to convey to the City the title thereof in fee simple.~~

EVERY PLAT OF ANY SUBDIVISION OR LAND WITHIN THE CITY OF DELAWARE OR SUBJECT TO ITS PLATTING JURISDICTION SHALL BE SUBMITTED TO THE CITY PLANNING COMMISSION; AND, SUBJECT TO FULFILLING ALL REQUIREMENTS SET FORTH IN THE SUBDIVISION REGULATIONS OF THE CITY OF DELAWARE PLANNING AND ZONING CODE, THE PLANNING COMMISSION SHALL GIVE FINAL APPROVAL OF ANY PLAT OR INSTRUMENT OR APPROVE OR ACCEPT SUCH SUBDIVISION OF LANDS, OR ACCEPT ANY WAYS OR GROUNDS DEDICATED THEREBY OR THEREIN THROUGH AN INSTRUMENT ONLY IN RELATION TO THE PLATTING OF LANDS. ANY INSTRUMENT DEDICATING LAND TO ANY PUBLIC USE OF THE CITY OF DELAWARE SHALL BE PRESENTED TO THE CITY MANAGER, AND RECOMMENDED TO COUNCIL THROUGH THE CITY MANAGER OR PARK BOARD, AS APPROPRIATE, UPON WHICH COUNCIL WILL MAKE THE FINAL DECISION TO ACCEPT ANY WAYS OR GROUNDS DEDICATED THEREBY OR THEREIN. THE DEDICATION OF ANY SUCH LANDS FOR WAYS OR PUBLIC GROUNDS SHALL BE DEEMED TO CONVEY TO THE CITY THE TITLE THEREOF IN FEE SIMPLE.

SEC. 109. PLANNING COMMISSION ASSISTANTS AND EMPLOYEES.

Editor's note(s)—Former Section 109 was repealed by voters on November 8, 2016.

SEC. 110. ADDITIONAL POWERS AND FUNCTIONS OF PLANNING COMMISSION.

Council may by ordinance confer upon the City Planning Commission such other powers and functions as appertain by nature or general law to planning authorities, and as do not appertain under this Charter to City Council or the City Manager.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

ARTICLE XXII. CITY ELECTIONS

SEC. 111. DATE; PRIMARY ELECTIONS.

A regular municipal election for the election of members of 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 which shall be fixed in accordance with such provisions. No primary elections shall be held for the nomination of candidates for any office of the City of Delaware.

SEC. 112. APPLICATION OF STATE ELECTION LAWS.

All general and special elections which shall be held and conducted for the choice of officers of the City of Delaware, or upon any question or issue submitted to the electors thereof, shall be held and conducted, and the results thereof shall be ascertained and certified by the election authorities prescribed by general law. The general election laws of Ohio shall govern all such elections in all respects save only as it may be otherwise provided in this Charter or in ordinance agreeable to this Charter.

SEC. 113. WARDS.

The City of Delaware shall be divided into four wards for the purpose of electing four members of Council. The wards existing at the time of the adoption of this Charter shall be deemed to be the wards contemplated in this Charter, until and unless the City shall be redivided into wards agreeably to general law and this Charter. It shall be lawful for Council at any time to redivide the City into four wards in compliance with general law. The number of wards shall not be increased or decreased except through the charter change process. Nor shall the City ever be divided into wards by any officer or authority other than Council, or otherwise than by ordinance.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 114. NOMINATING PETITIONS FOR COUNCIL CANDIDATES.

Candidates for election as members of Council shall be nominated only by non-partisan petition. Each petition paper shall present the name of not more than one person as a candidate, together with a statement of the address at which the candidate resides, a statement that the candidate is an elector of the City of Delaware, and a statement over the candidate's signature accepting the nomination. If the petition be one nominating a candidate for election from a ward it shall include a statement that the person is a resident of such ward, as defined by Section 7 of this Charter, and is nominated as a candidate from such ward. No signature on any nominating petition shall be counted unless it be made in ink, nor unless such signature shall have been made after the 1st day of January, next preceding the election, nor unless there shall appear on the same line with it a statement of the subscriber's address with street and number, and the date on which the subscriber shall have signed. Any number of petition papers may be combined to form a petition for any one candidate, and such petition shall be filed with the County Board of Elections not later than the date prescribed by the general laws of Ohio, but no petition bearing more than fifty nor less than twenty-five signatures shall be received. If any signature appears on more than one petition nominating candidates for election from a ward, or on more than three petitions nominating candidates for election from the City at large, it shall be counted only on the one or on the three petitions respectively which shall be first filed.

(Amended 11-3-92; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 115. BALLOTS FOR COUNCIL ELECTIONS.

Ballots to be used in the election of members of Council shall be without party marks or designations. Write-in candidates must file their declaration of intent to be a write-in candidate with the County Board of Elections not later than the date prescribed by the general laws of Ohio.

(Amended 11-6-84)

SEC. 116. COUNTING OF VOTES.

Ballots used in the election of members of Council shall be separate and distinct from those used for elections of any other officers or upon any other question, and except as is otherwise provided in this Charter ballots shall be prepared, marked, and counted under the provisions of general law. If any ballot bears more than one vote for member of Council from any ward, or more votes for members of Council at large than there are such seats to be filled, none of such votes shall be counted. Nor shall any votes be counted which shall appear on any ballot which bears marks not authorized by this Charter or by the general election laws, whether such marks be intended to identify the elector by whom such ballot was cast, or otherwise. No votes shall be counted for any person who on the day of such election did not possess the qualifications of an elector of the City of Delaware, and no person shall be deemed to have possessed such qualifications on such day if he/she shall have lost such qualifications or shall have died before the hour of opening the polling places on such day.

(Amended 11-6-84)

SEC. 117. VOTING MACHINES AND DEVICES.

Council shall have power to approve and consent to the use of voting machines or other devices for voting or for counting the votes for members of Council by the election authorities under the provisions of general law.

(Amended 11-6-84)

SEC. 118. DETERMINATION OF SUCCESSFUL CANDIDATES.

In 2019, and every fourth year thereafter, that candidate in each ward who shall have received the greatest number of votes cast therein for member of Council from such ward shall be elected as member of Council from such ward. In 2017 and every fourth year thereafter the three candidates for member of Council at large who shall have received the three greatest numbers of votes respectively shall be deemed to be elected. In other years candidates for election as members of Council at large who shall have received the greatest numbers of votes respectively, to the number of the vacancies to be filled at any such election in the Council at large, shall be deemed to be elected. If it be impossible to determine which candidates for election from any ward, or which three (or other requisite number) candidates for election from the City at large shall have received the greatest numbers of votes respectively by reason that two or more candidates shall have received the same number of votes, such candidates having such same numbers of votes shall draw lots to determine the election, under the supervision of the election authorities. Any candidate eligible to participate in any such lot shall personally draw his/her own lot if he/she be present; otherwise the election authorities shall appoint another person to draw in behalf of the person who shall be absent. If any person eligible to participate in any such lot shall decline to do so, he/she shall be deemed to have drawn the lower or lowest order therein. But no candidate shall be deemed to have waived any right under general law or under this Charter to require a recount of ballots, or to contest an election, by reason of any such drawing of lots.

(Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

ARTICLE XXIII. MISCELLANEOUS PROVISIONS**SEC. 119. COMPENSATION OF OFFICERS AND EMPLOYEES.**

The salaries or compensation of the City Clerk and his/her assistants, and of the City Manager 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 established by ordinance, which ordinances shall fix schedules of minimum and maximum salaries or compensation for each class or grade within the City service. Such 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. Salaries or compensation of the Civil Service Commission, and of the City Planning Commission, shall be fixed by ordinance.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 120. FEES.

All fees pertaining to any office or received by any officer or employee in connection with the affairs of the City or with his/her duties as such officer or employee of the City, shall be paid into the City Treasury and shall belong to the City.

SEC. 121. NUMBER OF ASSISTANTS AND SUBORDINATES.

The number of assistants and other subordinates to be employed in or by each department or office shall be fixed by ordinance, unless Council by ordinance shall authorize the officer or commission having authority to appoint such assistants and subordinates to determine the number of such assistants and other subordinates, subject to the appropriation made for the payment thereof.

SEC. 122. OFFICIAL BONDS.

The City Manager, the Director of Finance, and such other officers and employees as may be specified by ordinance or by the City Manager in pursuance of ordinance, shall give bond in such amount as may be required by ordinance or by the City Manager under authority of ordinance. The surety of such bonds shall always be such as is specified by ordinance and approved by the City Manager, and by the City Attorney, as may be stipulated by ordinance. The premiums upon such bonds may be paid from appropriations made for that purpose.

(Amended 11-6-84)

SEC. 123. OATH OF OFFICE.

Every officer, every member of the Police Force and of the Fire Force, and such other employees as may be specified by ordinance, shall, before entering upon the duties of his/her office or employment, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Civil Service Commission.

I solemnly swear (or affirm) that I will support the constitution of the United States and of 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 Delaware, and will faithfully discharge the duties of my office or employment.

SEC. 124. INVESTIGATIONS.

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 investigations as to any affair of the City, and for that purpose may subpoena witnesses, administer oaths, and compel the giving of testimony and the production of books, papers, records, accounts, and other evidence. Council shall provide by ordinance the penalty or penalties for contempt in refusing to obey any such subpoena, or to produce such books, papers, records, accounts, or other evidence, and shall have power to punish any such contempt in the manner provided by ordinance.

SEC. 125. PRIOR AGREEMENTS, CONTRACTS, LEGISLATION.

All contracts and agreements entered into by the City or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps shall have been taken under general laws at the time this Section takes effect may be carried to completion in accordance with such laws, or with the provisions of this Charter, as may in each case be determined. All ordinances and resolutions in force and effect at the time this section takes effect, not inconsistent with the provisions of this Charter, shall continue in force and effect until amended or repealed.

SEC. 126. AUTHENTICATION OF CHARTER.

The City shall maintain an official copy of the Charter and any amendments. The official copy may be maintained electronically. Copies thereof certified to be such over the signature of the Clerk of Council and impressed with the seal of the City of Delaware shall be accepted as prima-facie evidence of the official text of said Charter in all courts and in all instances where copies may be required by law.

(Amended 11-6-84; Ord. 16-45. Passed 7-11-16, Approved 11-8-16)

SEC. 127. GENDER.

The City Attorney is authorized and directed to amend the Charter to replace gender specific language with inclusive language.

(Amended 11-3-92)

ARTICLE XXIV. AMENDMENTS TO THE CHARTER

SEC. 128. AMENDMENT PROCEDURE; REVIEW; CONFLICTS.

- (a) Submission. Any provisions of this Charter may be amended by submission to the electors of the Municipality as provided in Article XVIII, Section 9 of the Ohio Constitution.
- (b) Review. At the first meeting of the Council in January 1984 and every eight years thereafter, Council shall appoint a Commission of nine electors of the Municipality. It shall be the duty of the Commission to review the existing Charter and make such recommendations as it may see fit for revision. The Commission shall submit its report to Council not later than 45 days prior to the date required to certify for the November election of the same year. Thereupon, the Council may take such action as it deems warranted with respect to such recommendations.
- (c) Conflicting Amendments. In the event two conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

(Amended 11-6-84)

ARTICLE XXV. EFFECT OF PARTIAL INVALIDITY

SEC. 129. EFFECT OF INVALIDITY.

A determination that any article, section, or part of any article or section, of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

(Amended 11-4-75)

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Date	Section	Section this Charter
16-45	7-11-16	1	4A, 5
			7, 8
			11–17
			21, 26

CHARTER - OF THE CITY OF DELAWARE, OHIO
CHARTER COMPARATIVE TABLE

			45—47
			50,66
		Rpld	67
			70, 71
			74—77
			83—86
			89, 90, 92
		Rpld	95
			101, 102
			104, 107
		Rpld	109
			110, 113
			114, 118
			119, 126

QUICK GUIDE OF 2024 CHARTER REVIEW COMMISSION

CHARTER SECTION	TYPE OF CHANGE	NOTES/EXPLANATION
ARTICLE I		
Sec. 1		No suggested changes.
Sec. 2		No suggested changes.
Sec. 3		No suggested changes.
Sec. 4		No suggested changes.
Sec. 4A		No suggested changes.
ARTICLE II		
Sec. 5	Substantive Change and Clarification Change	Language clarified concerning inter-governmental agreements and expanded to include all school districts located in the City of Delaware (specifying Buckeye Valley and Olentangy School Districts).
ARTICLE III		
Sec. 6		No suggested changes.
Sec. 7		No suggested changes.
Sec. 8		No suggested changes.
Sec. 9	Substantive Change	Language changed to accommodate potential impact of election recounts.
Sec. 10		No suggested changes.
Sec. 11		No suggested changes.
Sec. 12		Change Recommended
Sec. 13		No suggested changes.
Sec. 14		No suggested changes.
Sec. 15	Substantive Change	Language amended to provide for Council compensation to be based on a comp. study every 5 years beginning 1/1/26 and an annual COL increase to Council compensation in non-market study years. Mayor and Vice Mayor additional compensation per ordinance added here (removed from Sec. 45).
Sec. 16		No suggested changes.
Sec. 17		No suggested changes.
Sec. 18		No suggested changes.
ARTICLE IV		
Sec. 19		No suggested changes.
Sec. 20		No suggested changes.
Sec. 21	Style/Cleanup Change	Language changed to make manner of publication consistent with Sec. 26.

Sec. 22		No suggested changes.
Sec. 23		No suggested changes.
Sec. 24		No suggested changes.
Sec. 25		No suggested changes.
Sec. 26	Style/Cleanup Change	Language changed to make manner of publication consistent with Sec. 21.
ARTICLE V		
Sec. 27		No suggested changes.
Sec. 28		Repealed by voters 11-3-92
Sec. 29		Repealed by voters 11-3-92
Sec. 30		Repealed by voters 11-3-92
Sec. 31		Repealed by voters 11-3-92
Sec. 32		Repealed by voters 11-3-92
Sec. 33		Repealed by voters 11-3-92
Sec. 34		Repealed by voters 11-3-92
Sec. 35		Repealed by voters 11-3-92
Sec. 36		No suggested changes.
Sec. 37		Repealed by voters 11-3-92
Sec. 38		Repealed by voters 11-3-92
Sec. 39		Repealed by voters 11-3-92
Sec. 40		No suggested changes.
Sec. 40A		No suggested changes.
ARTICLE VI		
Sec. 41		No suggested changes.
ARTICLE VII		
Sec. 42		No suggested changes.
Sec. 43		No suggested changes.
Sec. 44		No suggested changes.
Sec. 45	Substantive Change	Repeal
ARTICLE VIII		
Sec. 46	Clarification Change	Language changed to clarify the intent of the provision to mandate that the City Manager reside in the city once assuming the responsibilities of the position and throughout his/her tenure.
Sec. 47		No suggested changes.
Sec. 48		No suggested changes.
Sec. 49		No suggested changes.
Sec. 50		No suggested changes.
Sec. 51		No suggested changes.
Sec. 52		No suggested changes.
Sec. 53		No suggested changes.
Sec. 54		No suggested changes.

ARTICLE IX		
Sec. 55		No suggested changes.
Sec. 56		No suggested changes.
Sec. 57		No suggested changes.
Sec. 58		No suggested changes.
Sec. 59	Style/Cleanup Change	Language changed to specifically identify the Charter provision sections being referenced.
Sec. 60		No suggested changes.
ARTICLE X		
Sec. 61		No suggested changes.
Sec. 62		No suggested changes.
Sec. 63		No suggested changes.
Sec. 64		No suggested changes.
Sec. 65		No suggested changes.
ARTICLE XI		
Sec. 66		No suggested changes.
Sec. 67		Repealed by voters 11-3-92
ARTICLE XII		
Sec. 68		No suggested changes.
ARTICLE XIII		
Sec. 69		No suggested changes.
ARTICLE XIV		
Sec. 70		No suggested changes.
Sec. 71		No suggested changes.
Sec. 72		No suggested changes.
ARTICLE XV		
Sec. 73	Substantive Change	Language added to include requirement of qualifications-based process for professional design services.
Sec. 74	Substantive Change	Language changed to be more conducive to a more competitive process and consistent with state law terms.
Sec. 75	Clarification Change	Language amended to reconcile with Section 5 RE: intergovernmental contracts being authorized via resolution and expanded to allow for zero-dollar contracts to be authorized via resolution.
ARTICLE XVI		
Sec. 76		No suggested changes.
Sec. 77	Style/Cleanup Change	Language added to make language about manner of publication consistent with other Charter sections that reference publication.
Sec. 78	Style/Cleanup Change	Language changed to read more easily and consistent with Section 82.
ARTICLE XVII		

Sec. 79		No suggested changes.
Sec. 80		No suggested changes.
Sec. 81		No suggested changes.
Sec. 82		No suggested changes.
ARTICLE XVIII		
Sec. 83		No suggested changes.
Sec. 84	Substantive Change	Deleted in entirety as provision substantively deemed duplicative of Charter Section 51.
Sec. 85		No suggested changes.
Sec. 86		No suggested changes.
Sec. 87		No suggested changes.
Sec. 88		No suggested changes.
Sec. 89		No suggested changes.
Sec. 90		No suggested changes.
Sec. 91		No suggested changes.
Sec. 92		No suggested changes.
Sec. 93		No suggested changes.
Sec. 94		No suggested changes.
Sec. 95		No suggested changes.
Sec. 96		No suggested changes.
ARTICLE XIX		
Sec. 97		No suggested changes.
Sec. 98		No suggested changes.
ARTICLE XX		No suggested changes.
Sec. 99		No suggested changes.
Sec. 100		No suggested changes.
Sec. 101		No suggested changes.
ARTICLE XXI		
Sec. 102		No suggested changes.
Sec. 103		No suggested changes.
Sec. 104	Substantive Change	Section 108 removed from language to be consistent with changes to Section 108 itself.
Sec. 105	Substantive Change	Term “subdivision” removed to be consistent with changes to Section 108.
Sec. 106		No suggested changes.
Sec. 107		No suggested changes.
Sec. 108	Substantive Change	Rewritten to give Planning Commission final authority to approve or deny plats.
Sec. 109		Repealed by voters 11-8-16
Sec. 110		No suggested changes.
ARTICLE XXII		
Sec. 111		No suggested changes.
Sec. 112		No suggested changes.
Sec. 113		No suggested changes.
Sec. 114		No suggested changes.

Sec. 115		No suggested changes.
Sec. 116		No suggested changes.
Sec. 117		No suggested changes.
Sec. 118		No suggested changes.
ARTICLE XXIII		
Sec. 119		No suggested changes.
Sec. 120		No suggested changes.
Sec. 121		No suggested changes.
Sec. 122		No suggested changes.
Sec. 123		No suggested changes.
Sec. 124		No suggested changes.
Sec. 125		No suggested changes.
Sec. 126		No suggested changes.
Sec. 127		No suggested changes.
ARTICLE XXIV		
Sec. 128		No suggested changes.
ARTICLE XXV		
Sec. 129		No suggested changes.