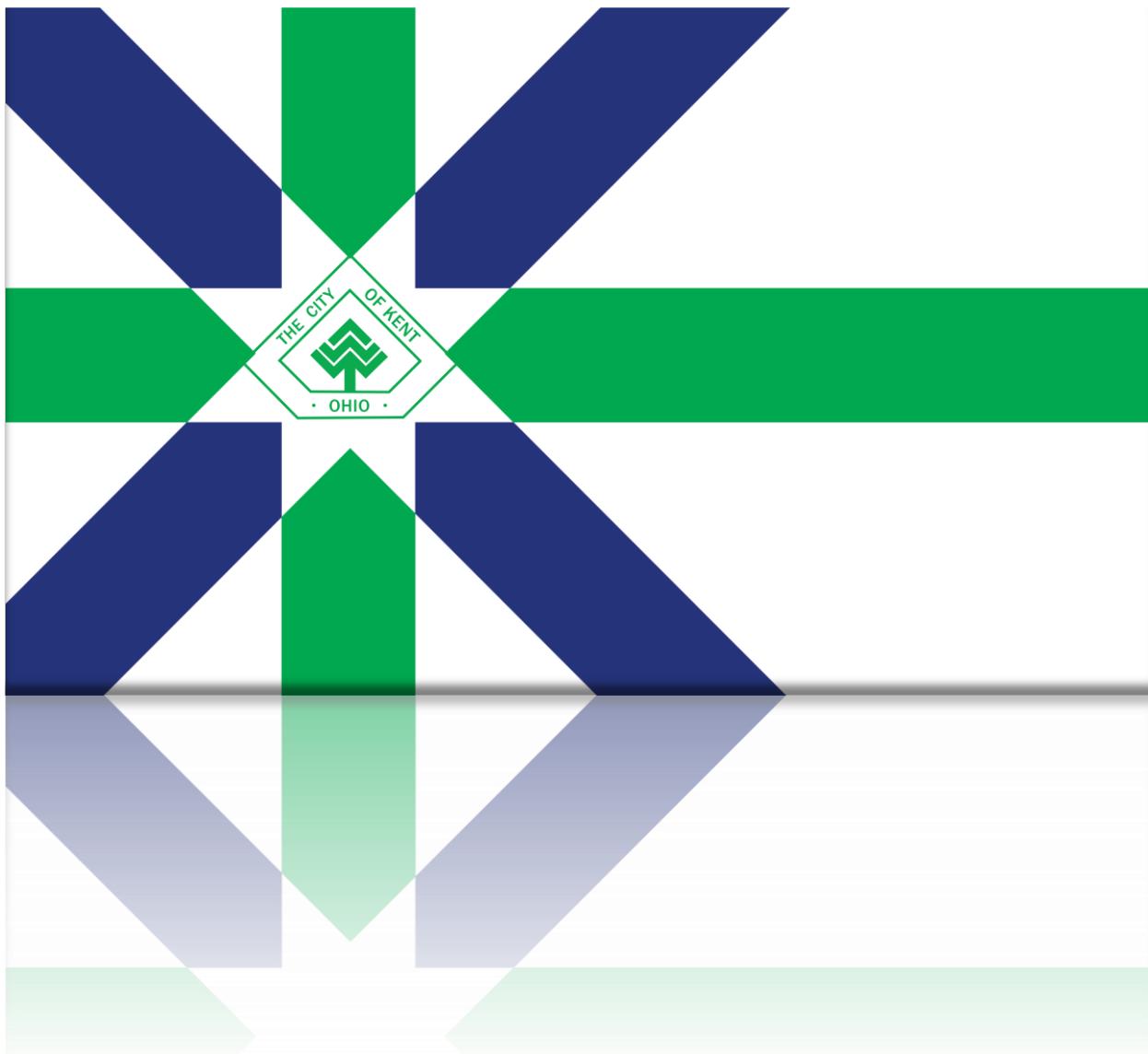


# KENT CITY CHARTER



*Updated December 2025*

PREAMBLE .....	4
ARTICLE I: NAME AND BOUNDARIES .....	4
ARTICLE II: FORM OF GOVERNMENT .....	4
ARTICLE III: POWERS OF CITY .....	4
ARTICLE IV: GENERAL PROVISIONS .....	5
4.01    REMOVAL OF OFFICERS AND EMPLOYEES. ....	5
4.02    CONFLICT OF INTEREST. ....	5
4.03    EFFECT OF THIS CHARTER ON EXISTING LAW. ....	5
4.04    AMENDING THE CHARTER. ....	5
4.05    AMENDING THE CHARTER BY INITIATIVE PETITION .....	6
4.06    SEPARABILITY CLAUSE. ....	6
4.07    CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENT. ....	6
4.08    RIGHTS PRESERVED. ....	6
4.09    CONTINUANCE OF PRESENT OFFICERS. ....	6
4.10    STATUS OF OFFICERS AND EMPLOYEES HOLDING OFFICE WHEN THE CHARTER TAKES EFFECT .....	7
4.11    TRANSFER OF RECORDS AND PROPERTY.....	7
4.12    CONTINUITY OF OFFICERS, DEPARTMENTS OR AGENCIES. ....	7
4.13    PENDING ACTIONS AND PROCEEDINGS. ....	7
4.14    WHEN PROVISIONS TAKE EFFECT.....	8
ARTICLE V: THE COUNCIL & MAYOR .....	9
5.01    NUMBER, SELECTION, TERM.....	9
5.02    QUALIFICATION.....	9
5.03    REMOVAL.....	10
5.04    SALARIES AND BONDS. ....	10
5.05    POWERS. ....	11
5.06    VACANCIES IN COUNCIL. ....	11
5.07    PRESIDING OFFICERS; MAYOR; PRESIDENT PRO TEM. ....	11
5.08    CREATION OF NEW DEPARTMENTS OR OFFICES; CHANGE.....	12
5.09    CLERK OF COUNCIL. ....	12
5.10    INDUCTION OF COUNCIL INTO OFFICE, MEETINGS OF COUNCIL. ....	12
5.11    RULES OF PROCEDURE; JOURNAL. ....	12
5.12    ORDINANCES .....	13
5.13    ENACTMENT, PUBLICATION, AND EFFECTIVE DATES OF ORDINANCES.....	13
5.14    LIMITATION OF USE OF INCOME TAX.....	13
5.15    RECALL PETITION AND ELECTION. ....	13

<b>ARTICLE VI: CITY MANAGER.....</b>	<b>15</b>
6.01 APPOINTMENT; QUALIFICATION; COMPENSATION.....	15
6.02 REMOVAL.....	15
6.03 ACTING CITY MANAGER.....	15
6.04 POWERS AND DUTIES OF THE CITY MANAGER. ....	16
 <b>ARTICLE VII: ADMINISTRATIVE DEPARTMENTS .....</b>	<b>18</b>
7.01 DEPARTMENTS SPECIFIED.....	18
7.02 DIRECTOR OF DEPARTMENTS. ....	18
7.03 DEPARTMENTAL DIVISIONS. ....	18
7.03(A)DIRECTOR OF FINANCE	
7.03(B) DIRECTOR OF LAW .....	19
7.03(C) DIRECTOR OF SERVICE. ....	19
7.03(D) CIVIL ENGINEER. ( <i>Repealed 11-4-80.</i> ).....	20
7.03(E) DIRECTOR OF SAFETY.....	20
7.03(F) DIRECTORS OF SERVICE AND SAFETY: CONDITIONS OF EMPLOYMENT	
.....	20
 <b>ARTICLE VIII: BOARDS &amp; COMMISSIONS</b>	
8.01 APPOINTMENTS TO BOARDS AND COMMISSIONS. ....	21
8.02 CONSTRUCTION COMMISSION .....	21
8.03 PARK AND RECREATION BOARD. ....	21
8.04 PLANNING COMMISSION. ....	21
8.05 BOARD OF CONTROL.....	22
8.06 ESTABLISHMENT OF A BOARD OF HEALTH. ....	22
8.07 CHARTER REVIEW. ....	23
 <b>ARTICLE IX: ELECTIONS</b>	
9.01 TIME FOR HOLDING ELECTIONS.....	25
9.02 GENERAL LAWS TO APPLY. ....	25
 <b>ARTICLE X: FRANCHISES .....</b>	<b>26</b>
10.01 GRANTS LIMITED. ....	26
10.02 PERIOD OF GRANTS.....	26
10.03 EXTENSION BY ANNEXATION. ....	26
10.04 RIGHT OF REGULATION. ....	26
 <b>ARTICLE XI: INITIATIVE AND REFERENDUM.....</b>	<b>27</b>
11.01 GENERAL AUTHORITY. ....	27
11.02 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.....	27
11.03 PETITIONS. ....	27
11.04 PROCEDURE AFTER FILING.....	28
11.05 ACTION ON PETITIONS. ....	29

11.06 RESULTS OF ELECTION.....	29
ARTICLE XII: MISCELLANEOUS.....	30
12.01 INTERPRETATION. ....	30
12.02 VOTING WARD APPORTIONMENT. ....	30
12.03 REARRANGEMENT AND REPRINTING OF CHARTER.....	30
12.04 LOCATION OF MEETINGS.....	30
12.05 DEMOCRACY DAY PUBLIC HEARING/POLITICAL INFLUENCE.....	31

## **PREAMBLE**

We, the people of the City of Kent, Ohio, grateful for the freedoms we enjoy, pursuant to the provisions of the Constitution of the State of Ohio, extending to municipalities the privilege of "Home—rule" in order to secure for ourselves and posterity practical and efficient methods in administrating the affairs of the City, to protect the interests and insure the continued welfare of the community and to enjoy all the privileges of local self—government, do adopt this Charter. (Amended 11-04-25).

## **ARTICLE I: NAME AND BOUNDARIES**

The municipal corporation now existing in the County of Portage and State of Ohio and known as the City of Kent shall continue to be a body politic and corporate in perpetuity under the name of the "City of Kent". The City shall have the same boundaries that exist on the effective date of this Charter, with power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the laws of Ohio.

## **ARTICLE II: FORM OF GOVERNMENT**

The municipal government provided by this Charter from and after January 1, 1977 shall be known as the "Council—Manager Government" (Amended 11—4—75.)

## **ARTICLE III: POWERS OF CITY**

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

All powers of the City shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner consistent as Council may determine, or, unless a contrary intent appears in this Charter or in the enactments of Council, in such a manner as may be provided by the laws of Ohio. (Amended 11-7-95)

## **ARTICLE IV: GENERAL PROVISIONS**

### **4.01 REMOVAL OF OFFICERS AND EMPLOYEES.**

Any officer, member of a board or commission, or employee of the City shall be subject to removal in such manner as is provided now or thereafter by this Charter, or in the general laws of Ohio. (Amended 11-5-85)

### **4.02 CONFLICT OF INTEREST.**

No officer, official, board or commission member or employee of the City of Kent, whether elected or appointed under the provision of the Charter, ordinances of the City of Kent, or the general laws of Ohio shall have any direct financial interest in any contract with the Municipality, any expenditure of money, or the sale of any real or personal property by the Municipality other than the fixed public compensation and reimbursable public expenses.

No employee of the City shall be appointed to the Planning Commission, Board of Zoning Appeals, Assessment Equalization Board or Charter Review Commission during the term of his or her employment (Amended 11-3-2015).

### **4.03 EFFECT OF THIS CHARTER ON EXISTING LAW.**

All general laws of the State of Ohio applicable to municipal corporations now or hereafter enacted which are not in conflict with the provisions of this Charter or with ordinances or resolutions hereafter enacted by Council under authority of this Charter shall be applicable to this City and all offices and departments; and nothing contained in this Charter shall be construed as limiting the power of Council to enact any ordinance or resolution not in conflict with the Constitutions of the United States or the State of Ohio or the express provisions of this Charter.

All ordinances and resolutions, including zoning ordinances, in force at the effective date of this Charter and not inconsistent with the provisions thereof shall continue in full force and effect until amended or repealed by Council.

### **4.04 AMENDING THE CHARTER.**

The Charter may be amended as provided in Article XVIII, Section 9, of the Constitution of Ohio, by the submission of the proposed amendments to the electors of the City.

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the highest number of affirmative votes, not less than a majority, shall become a part of this Charter.

#### **4.05 AMENDING THE CHARTER BY INITIATIVE PETITION**

Initiative petitions for Charter changes may be circulated by any elector or electors of the City in accordance with the Constitution of Ohio and under the jurisdiction of the Ohio Revised Code. City Council shall not pass any ordinance or resolution to impair the circulation and submission to the voters of any initiative petitions for Charter changes. At least 10 percent of the qualified electors of the City registered to vote at the next preceding regular Municipal election must sign the initiative petitions for Charter change prior to submission to the Clerk of the City Council. City Council shall immediately follow procedures set forth in the Ohio Revised Code for placement on the ballot at the next regular or special election. (Added 11-7-95)

#### **4.06 SEPARABILITY CLAUSE.**

If any section or part of section of this Charter be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

#### **4.07 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENT.**

All contracts 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 have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

#### **4.08 RIGHTS PRESERVED.**

The adoption of this Charter shall not affect any pre-existing rights of the City, nor any right or liability either on behalf of or against the City or any officer thereof, nor any franchise granted by the City, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore.

#### **4.09 CONTINUANCE OF PRESENT OFFICERS.**

Council shall provide for the appointment of the City Manager not later than September 1, 1976 and the City Manager shall take office and commence his or her duties January 1, 1977. The Director of Finance, the Director of Law and all persons holding administrative office as of December 31, 1976 shall, except as otherwise provided in this Charter, continue in office thereafter at the pleasure of the Manager and from and after such date shall exercise their power and perform their duties in accordance with the provisions of the Council/Manager Government.

Council shall, at its first regular meeting subsequent to January 1, 1977, elect from among its members a Mayor in accordance with Section 5.07 of this Charter. Except as otherwise provided in any ordinance or resolution hereafter adopted, the Manager shall exercise all

of the powers and duties of the Mayor as provided for in any ordinance or resolution of the City enacted prior to the adoption of this section. (Amended 11-4-75.)

#### **4.10 STATUS OF OFFICERS AND EMPLOYEES HOLDING OFFICE WHEN THE CHARTER TAKES EFFECT.**

The rights of officials and employees, under the Civil Service Laws of Ohio, and the pension rights of police officers and fire officers shall not be affected by this Charter.

#### **4.11 TRANSFER OF RECORDS AND PROPERTY.**

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency, shall be transferred and delivered to the department, office or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

#### **4.12 CONTINUITY OF OFFICERS, DEPARTMENTS OR AGENCIES.**

Any office, department or agency provided for in this Charter with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and shall exercise its powers and duties in continuation of their exercise by the office, department or agency by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter within the scope of its regular powers and duties commenced by an office, department or agency by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to such a formerly existing office, department or agency, shall so far as not inconsistent with the provisions of this Charter, apply to such office, department or agency provided for by this Charter.

#### **4.13 PENDING ACTIONS AND PROCEEDINGS.**

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the City or any office, department, or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency or officer party thereto may, under this Charter be assigned or transferred to another office, department or agency or officer, but in that event, the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

#### **4.14 WHEN PROVISIONS TAKE EFFECT.**

The provisions of this Charter shall become effective January 1, 1964, except that all officials elected at the regular municipal election held on November 5, 1963, shall complete their respective terms.

## **ARTICLE V: THE COUNCIL & MAYOR**

### **5.01 NUMBER, SELECTION, TERM.**

Until enlarged by the procedures established by the general laws of the State of Ohio, the Council shall be composed of nine members, three of whom shall be elected at large and six of whom shall be elected from wards.

During the years 1964 and 1965, the Council shall be composed of the seven members elected to Council at the November 5, 1963 regular municipal election, or any successor appointed to fill a vacancy. At the regular municipal election to be held in the year 1965, four members shall be elected from wards, one from each ward, for a two-year term expiring December 31, 1967. At the regular municipal election to be held in the year 1965 and every fourth year thereafter, members elected at large shall be elected for four-year terms. At the regular municipal election to be held in the year 1967 and every fourth year thereafter, members shall be elected from wards, one from each ward, for four-year terms.

If the city changes ward lines following a decennial census, a council member who was elected from one ward, but now resides in another, shall complete the remainder of their council term. In the election following the member's four-year term, said member must run in the newly drawn ward in which they reside.

All members of Council shall assume office on the first day of January next following their election. (Amended 11-04-25)

### **5.02 QUALIFICATION.**

Council members shall be qualified electors of the City and shall hold no other elected or appointed public office except that of notary public, of a member of the State Militia or Reserve Corps of the Armed Forces of the United States unless call to full-time military service therein for a period exceeding thirty consecutive days, and a member of the City Board of Health by appointment made pursuant to Section 8.06 of this Charter. For purposes of this section of the Charter, the general test for determining whether a particular position is a public office shall include the following criteria: durability of tenure, oath, bond, emoluments, and independency of the functions exercised by the appointee, and the character of the duties imposed upon him. While an oath, bond and compensation are usually elements in determining whether a position is a public office, they are not always necessary. The chief and most decisive characteristic of a public office is determined by the quality of the duties with which the appointee is invested, and by the fact that such duties are conferred upon the appointee by law. If official duties are prescribed by statute, and their performance involves the exercise of continuing, independent, political or governmental functions, then the position is a public office. No other public official elected or appointed shall be eligible except those persons employed as public school or college employees or those persons employed as a subordinate to a

public official either appointed or elected. No person shall be eligible for election to the Council as a candidate from a ward if said person is not at the time of nomination and of election a resident of such ward. No person shall serve as a member of Council unless during such term of office said individual shall continue to be a resident and a qualified elector of the City, and if elected or appointed from a ward, shall be and continue to be a resident of that ward. (Amended 11-7-95)

### **5.03 REMOVAL.**

The Council shall be the judge of the election and qualifications of its own members. It may remove any member for gross misconduct, or malfeasance in or disqualification for office, or for conviction while in office for a crime, or if adjudicated legally incompetent, or for a violation of the oath of office or persistent failure to abide by the rules of Council, or absence from three consecutive regular meetings of the Council unless one or more of such absences shall have been excused by the Council; provided, however that such removal shall not take place without the affirmative vote of three-fourths of the remaining members of Council nor until the accused member shall have been notified in writing of the charge or charges against him or her at least fifteen days in advance of a public hearing upon such charge or charges and the member or member's counsel shall have been given an opportunity to be heard, present evidence, and examine, under oath, all witnesses appearing in support of such charge or charges. The accused member shall not vote on the question of removal. (Amended 11-04-25)

### **5.04 SALARIES AND BONDS.**

The Council shall have the power from time to time to fix the salaries or compensation of all officers, other than Council members, and employees and members of boards and commissions of the City, whether elected or appointed, including the Director of Law, Director of Service, Director of Safety, Civil Engineer or any directorships created through additional legislation. All salaries established prior to the effective date of this Charter shall remain in effect until changed by Council and the salary of any officer, employee or member of a board or commission whose position shall have been newly created by this Charter shall be the same as the salary for such officer, employee or member of the board or commission upon which are imposed corresponding functions, powers and duties prior to the effective date of this Charter. Council may require any officer or employee to give bond for the faithful performance of such officer's duties in an amount as it may determine and with such surety as it may approve, and may from time to time require additional bond or surety from any officer or employee, any may provide that the premium for such bond be paid by the City.

The Council shall also have the power to fix the salaries or compensation for all its members. Every two (2)years, prior to fixing Council members salaries, a non-partisan group of citizens shall be appointed by Council to review and make recommendations on the salaries of the Council members. Salary adjustments shall not take effect until the next term of the Council members. (Amended 11-5-85.)

## **5.05 POWERS.**

All legislative powers of the City shall be vested in the Council.

## **5.06 VACANCIES IN COUNCIL.**

In the event the office of any member of Council shall become vacant for any reason except a permanent vacancy in the office of Mayor as described in Section 5.07 of this Charter, the Council shall, by a majority vote of the remaining members elected thereto, choose a successor within thirty (30) days after such vacancy occurs. If the vacancy occurs before the expiration of two years of the former Council member's term and more than one hundred twenty (120) days prior to the next regular Municipal election, a successor shall be elected to complete the unexpired term at a special election to be held on the day of the next regular Municipal election. The appointed candidate may be a candidate for election. (Amended 11-4-75.)

## **5.07 PRESIDING OFFICERS; MAYOR; PRESIDENT PRO-TEM.**

**A) Separate Office.** The Mayor, who shall also serve as President of Council, shall be a qualified elector of the City and shall be elected by the voters of the City at the regular Municipal election in the year 1977, and every fourth (4th) year thereafter, for a term of four (4) years. The term shall commence, and the Mayor shall assume office, on the first (1st) day of January next following such election. The Mayor may be a candidate to succeed him or herself.

**B) Duties.** The Mayor shall preside at all meetings of the Council but shall have no voice or vote in its proceedings, except in the event of a tie, and shall not have any other power to approve or disapprove ordinances or resolutions. The Mayor shall be an ex-officio member of all committees created by Council; and shall be notified by the Clerk of Council of all meetings of said committees. The Mayor shall be recognized as head of the City government for all ceremonial purposes but shall have no administrative duties. (Amended 11-8-2005)

**C) Vacancy in Office.** In case of a permanent vacancy in the office of Mayor, the Council shall select a successor from among its members who shall serve in that capacity only so long as such member is a duly elected Council member. The person so selected shall not vacate such office as Council member nor lose his or her vote. When the vacancy in the Mayor's office occurs before the expiration of two years of the former Mayor's term and more than one hundred twenty (120) days prior to the next regular Municipal election, a successor shall be elected to complete the unexpired term at a special election to be held on the day of the next regular Municipal election. The appointed candidate may be a candidate at such election.

**D) President Pro-Tem.** The Council shall, at the time of its organization, elect one of its members as President Pro-Tem who shall serve as acting Mayor when the Mayor is temporarily unable for any cause or reason to perform the duties of Mayor. The President Pro-Tem shall retain his or her voting right on Council. (Amended 11-4-75.)

## **5.08 CREATION OF NEW DEPARTMENTS /OFFICES; CHANGE OF DUTIES.**

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

## **5.09 CLERK OF COUNCIL.**

The Council shall appoint a Clerk of Council who shall serve at the pleasure of the Council. The Clerk of Council shall give notice of and shall attend the meetings of Council, shall keep the journal of its proceedings, shall authenticate by his or her signature and record in full in a book kept for the purpose all ordinances and resolutions and shall perform such other duties as shall be required by this Charter or by ordinance.

## **5.10 INDUCTION OF COUNCIL INTO OFFICE, MEETINGS OF COUNCIL.**

At the last regular Council meeting in December, 1981, and at the last regular Council meeting in December of each odd-numbered year thereafter, the Council shall meet for the purpose of inducting into office each newly elected member thereof whose term of office is to commence on the first day of January immediately thereafter. Should Council, for any reason, fail to so meet, newly elected members thereof automatically shall take office as of January 1 thereafter without need of oath or any other ceremony. At 7:30 o'clock p.m. on the first Wednesday in January, 1982, and on the first Wednesday in January of each even-numbered years thereafter, unless any such Wednesday falls on January 1 in which case this provision shall apply to the second Wednesday in January of such year, the Council shall meet for the purpose of organizing the Council. Thereafter, Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. (Amended 11-4-80.)

## **5.11 RULES OF PROCEDURE; JOURNAL.**

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings, and the journal shall be open to public inspection. The actions of Council, including Boards and Commissions created by Council shall be in strict compliance with Public Records and Open Meetings (AKA: Sunshine Law) statutes as provided in the Ohio Revised Code. (Amended 11-7-95)

## **5.12 ORDINANCES.**

In addition to such acts of the Council as are required by statute or by this Charter to be by ordinance, every act of the Council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness shall be by ordinance.

Among the acts of City Council, the following will require enactment by ordinance:

- (1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency.
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (3) Levy taxes.
- (4) Grant, renew or extend a franchise.
- (5) Regulate the rate charged for its services by a public utility.
- (6) Authorize the borrowing of money.
- (7) Convey or lease or authorize the conveyance or lease of any lands of the City.
- (8) Regulate land use and development; and
- (9) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution as required by the Ohio Revised Code. (Amended 11-6-90.)

## **5.13 ENACTMENT, PUBLICATION, AND EFFECTIVE DATES OF ORDINANCES.**

Ordinances and resolutions of Council shall be passed, published, posted, and become effective in the manner and at the times provided by the general laws of Ohio then in effect, except that there need be only one (1) newspaper publication of each ordinance or resolution, and the same need not be published in full, but may be published by title only with a statement in such publication that a copy of the ordinance or resolution is available for inspection in the office of the Clerk of Council.

## **5.14 LIMITATION OF USE OF INCOME TAX.**

That no more than 75% of the proceeds of the Kent City Income Tax, after payment of the expense of collection and enforcement, shall be spent for any purpose other than a capital improvement. (Amended 11-4-75.)

## **5.15 RECALL PETITION AND ELECTION.**

**A)** The electors shall have the power to remove from office by recall election any elected officer of the City. If an elected officer shall have served for six months of a term, a petition demanding such officer's removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition shall be signed by at least that number of electors which equals 20% of the total number of votes cast at the next preceding regular municipal election in the City of

Kent. In the case of a ward councilperson the required number of electors shall equal 20% of the total number of votes cast in that ward at the next preceding regular municipal election.

**B)** Within ten days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of this certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery.

**C)** If such officer shall not resign within five days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than seventy-five days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter.

An officer removed by recall shall not be eligible for appointment to the vacancy created by their own removal, nor shall they be eligible for appointment to any other vacant office of the City where appointments are made by the City Manager for a period of one year following the election in which they were recalled. (Amended 11-04-25)

## **ARTICLE VI: CITY MANAGER**

### **6.01 APPOINTMENT; QUALIFICATION; COMPENSATION.**

The Council shall, by an affirmative vote of a majority of all its members, appoint a City Manager for an indefinite term and fix the compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. The City Manager need not be a resident of the City or State at the time of appointment, but may reside outside the City while in office only with the approval of the Council. (Amended 11-4-75.)

### **6.02 REMOVAL.**

The Council may remove the Manager from office in accordance with the following procedures:

- A)** The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.
- B)** Within five (5) days after a copy of the resolution is delivered to the Manager, the Manager may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed.
- C)** The Manager may file with the Council a written reply not later than five (5) days before the hearing.
- D)** The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing if one is requested.
- E)** The Manager shall continue to receive a salary until the effective date of a final resolution of removal. The action of the Council in suspending or removing the Manager shall not be subject to review by any court or agency. (Amended 11-4-75.)

### **6.03 ACTING CITY MANAGER.**

By letter filed with the Clerk of Council, the Manager shall, within sixty (60) days of appointment, designate, subject to approval of the Council, a qualified City Administrative officer to exercise the powers and perform the duties of Manager during any absence or inability to perform such duties. During such absence or inability to perform relevant duties, the Council may revoke such designation at any time and appoint another qualified City administrative officer to serve until the Manager shall return, is able to perform relevant duties, or a new manager is appointed. (Amended 11-04-25)

## **6.04 POWERS AND DUTIES OF THE CITY MANAGER.**

The City Manager shall be the chief administrative officer of the City. The Manager shall be responsible to the Council for the administration of all City affairs placed in his or her charge by or under this Charter. The Manager shall have the following powers and duties:

- A) Appoint and, when he or she deems it necessary for the good of the service, suspend or remove all City employees and appointive administrative officers provided for by or under the Charter, except as otherwise provided by law, the Charter, or personnel rules adopted pursuant to this Charter. He or she may authorize any administrative officer who is subject to the direction and supervision of the Manager to exercise these powers with respect to subordinate officers in that department, office or agency.
- B) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter.
- C) Attend all Council meetings and shall have the right to take part in discussion but may not vote.
- D) See that all laws, provisions of this Charter and acts of Council, subject to enforcement personally or by officers subject to his or her direction and supervision, are faithfully executed.
- E) Prepare and submit to Council and make available to the public, an annual budget providing a complete financial plan of all City funds and activities for the ensuing fiscal year which, except as required by law or this Charter, shall be in such form as the Manager deems desirable unless Council requires otherwise. He or she shall explain the budget both in fiscal terms and in terms of work programs, including any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, and a summary of the City's debt position.
- F) Prepare and submit annually to the Council and make available to the public, a capital program to including a list of all capital improvements proposed, pending, or in process of construction or acquisition, with appropriate supporting information as to the necessity for such improvements. The capital program shall further include cost estimates, methods of financing and recommended time schedules for each such improvement and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- G) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- H) Make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.
- I) Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the

- J) affairs of the City as he or she deems desirable.
- J) Perform such other duties as are specified in this Charter or may be required by the Council. (Amended 11-4-75.)
- K) The City Manager shall be recognized as head of the City government by the Governor, or other designated State of Ohio authorities, for purposes of military law and Emergency Management, with timely notice to the Mayor and the City Council whenever this particular authority is exercised. (Added 11-8-2005)

# **ARTICLE VII: ADMINISTRATIVE DEPARTMENTS**

## **7.01 DEPARTMENTS SPECIFIED.**

The administrative departments of the City shall consist of a Department of Law, a Department of Finance, a Department of Service, a Department of Safety, and such other administrative departments as may be determined necessary by Council for the efficient operations of the services of the City in the best interest of the public. (Amended 11-4-75.)

## **7.0.2 DIRECTOR OF DEPARTMENTS.**

The Director of Law, the Director of Finance, the Director of Service, and the Director of Safety, and such other administrative department heads or directors as may be determined necessary by Council shall be under the direction and supervision of the Manager. The Manager shall appoint and may remove all such administrative department heads. (Amended 11-4-75.)

## **7.0.3 DEPARTMENTAL DIVISIONS.**

The work of each administrative department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the Manager. (Amended 11-4-75.)

### **(A) DIRECTOR OF FINANCE**

- 1) **Qualifications.** The Director of Finance shall have knowledge of accounting, taxation, budgeting, and financial control as demonstrated by experience, education, or both. The Director shall not serve on continuous active military service in excess of one (1) month, either state or national, nor shall hold any other public office except that of notary public or member of the State militia or Reserve Corps of the armed forces of the United States. (Amended 11-04-75.)
- 2) **Powers and Duties.** The Director of Finance shall be the head of the Department of Finance, serve as financial advisor to the administration and have authority and be required to:
  - a. Maintain a general accounting system for the City government and each of its offices, departments and agencies consistent with municipal accounting practices and the law of the State of Ohio;
  - b. Prepare and maintain annual income, operating, and capital estimates with a supporting annual budget for the chief administrative officer of the City;
  - c. Prepare and maintain a long range capital improvements budget for the chief administrative officer of the City. This budget shall delineate capital improvement projects to be undertaken by the City over a five-year period. It shall further designate priorities among those projects, the rationale for the priorities and the anticipated modes of financing the

projects;

- d. Supervise and be responsible for the disbursement of all moneys as authorized and in compliance with the law;
- e. Prepare for the chief administrative officer, as of the end of each fiscal year, a complete financial statement and report;
- f. Collect all taxes, assessments, license fees and other revenues due to the City or for whose collection the City is responsible, and receive all money receivable by the City from the county, state, or federal government, or from any court, or from any office, department or agency of the City, or any moneys payable to the City from any source;
- g. Have control of all public funds and investments belonging to, or under the control of the City, or any office, department, or agency of the City government, and select depositories per the Uniform Depository Laws of Ohio for all funds coming into the City;
- h. Examine and audit the accounts of all departments, boards, and commissions;
- i. Perform all duties and/or functions, now or hereafter, imposed on City auditors and treasures by the laws of the state of Ohio and such other duties as the chief administrative officer may impose upon the Director consistent with the office of the Director of Finance and the provisions of this Charter. (Amended 11-01-75.)

**(B) DIRECTOR OF LAW**

- 1. **Qualifications.** The Director of Law shall be an attorney at law duly admitted to the practice of law in the State of Ohio. (Amended 11-04-75)
- 2. **Powers and Duties.** The Director of Law shall serve as the chief legal adviser to the Council, the Manager, and all City departments, offices, commissions and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by this Charter or by ordinance. (Amended 11-04-75.)

**(C) DIRECTOR OF SERVICE**

- 1. **Qualifications.** The Director of Service shall have the experience, training, and knowledge which shall qualify him or her, in the opinion of the Manager, for the appointment to that office.
- 2. **Duties.** The Director of Service shall have charge of all public works and improvements and the construction thereof, and of all engineering and inspection in connection therewith. The Director shall be charged with the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges and break walls; of water mains, pumps, systems, pipes, purification and filtration plants, and the water distribution system; of sewers, sewage systems, drains, ditches, culverts, streams, watercourses and all public building, cemeteries, and other public places belonging to the City or dedicated to public use. The Director shall manage and control cemeteries, market houses, sewage treatment plants, waterworks, and all public utilities of the City

supported in whole or in part by taxation and shall enforce all the obligations of privately owned or operated public utilities enforceable by the City. The Director shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for public work, the cleaning, resurfacing, repairing, sprinkling and lighting of streets and public places; and the preservation of all property belonging to the City and pertaining to the functions thereof. The Director shall perform such other duties consistent with the office as may be required by the Charter, by ordinance of the Council, or as directed by the Manager. (Amended 11-04-75.)

**(D) CIVIL ENGINEER. (Repealed 11-4-80.)**

**(E) DIRECTOR OF SAFETY**

1. **Qualifications.** The Director of Safety shall have the experience, training and knowledge which shall qualify him or her, in the opinion of the Manager, for appointment to that office.
2. **Duties.** The Director of Safety shall make all necessary rules and regulations for the government of the Department of Safety and the several divisions thereof, including Emergency Management, and shall be charged with the duty of enforcing all police, health, safety and sanitary regulations that may be prescribed by ordinances or rules of the City or the general laws of the State of Ohio. The Director shall perform such other duties, consistent with the office, as may be required by this Charter, by ordinance, or as directed by the Manager. (Amended 11-8-2005)

**(F) DIRECTORS OF SERVICE AND SAFETY: CONDITIONS OF EMPLOYMENT.**

1. The Director of Service shall be a full-time employee of the City; the Director of Safety shall serve whatever hours the requirements of the office dictate. The Directors of Service and Safety shall be required to move within the City limits within one year from their date of hire. (Amended 11-7-95)

## **ARTICLE VIII: BOARDS & COMMISSIONS**

### **8.01 APPOINTMENTS TO BOARDS AND COMMISSIONS.**

Except as otherwise provided by law, all appointments to City Boards and Commissions shall be electors of the City. This section does not apply to the Board of Building Appeals (Amended 05-02-2006). They shall all serve without compensation.

### **8.02 CONSTRUCTION COMMISSION**

- A) Appointment; Qualifications; Powers; Duties **(Repealed 05-02-2006)**
- B) Specific Duties **(Repealed 11-8-2005)**
- C) Chief Building Official; Appointment; Duties; Probation **(Repealed 11-8-2005)**

### **8.03 PARK AND RECREATION BOARD.**

The Park and Recreation Board shall consist of five (5) members who are electors of the City. Four (4) members shall be appointed by the Council and one (1) member shall be appointed by the Board of Education and they shall serve without compensation for terms of five (5) years; provided, however, that members of the present Board of Park Commissioners and Recreation Commission shall complete their unexpired terms as the initial members of the Park and Recreation Board. Thereafter, successors shall be appointed as follows: one (1) by the Council for a five (5) year term commencing January 1, 1976; one (1) by the Board of Education for a five (5) year term commencing January 1, 1977 and one (1) by Council for a three (3) year term beginning January 1, 1977; thereafter, each member shall be appointed for a five (5) year term and shall continue in office until a successor is appointed.

The Board shall elect one of its own members as chairman to serve a term of two (2) years. Vacancies on the Board shall be filled in the same manner as original appointments were made. The organization and duties of the Board shall be as provided for in the ordinances of Council. The Park and Recreation Board shall be subject to the purchasing, and financial appropriations and other regulatory ordinances or resolutions of City Council, but shall have the power and duty to employ a Director subject, however, to the confirmation of such employment by a majority of the members of Council, and such other employees as are necessary to the execution of its duties and it shall develop, control, equip, and manage playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers and any lands or buildings owned by the City for park or recreation purposes. The Director shall be responsible to the Park and Recreation Board and shall not be subject to civil service. The Park and Recreation Board may remove the Director or such other employees for cause. (Amended 11-4-75.)

### **8.04 PLANNING COMMISSION.**

The Planning Commission shall consist of five (5) residents of the City appointed by Council who shall serve without compensation. Council may also appoint ex-officio,

non-voting members by ordinance. A member of the Planning Commission serving on January 1, 1978, may complete the term of his or her original appointment, but in the event of the death or resignation of such member, Council shall fill the vacancy for the unexpired portion of the terms of that member. Subsequent appointments shall be for a term of five (5) years and the expiration of the terms shall be on a one-year staggered interval basis.

The Planning Commission will have all the rights and powers granted to it by the laws of Ohio or ordinances of the City or this Charter.

The Planning Commission shall adopt such rules and requirements for plats and the laying out of allotments as is deemed necessary and advisable, subject to Council approval. Such rules and requirements shall be placed on file in printed or typewritten form in the office of the Director of Public Service.

The Planning Commission may control, appoint, or employ such architects, engineers or other professional service and may appoint such clerks, draftsmen or other subordinates as are necessary for the performance of its function. The expenditures for such service and employments shall be within the amounts appropriated for such persons by the legislative authority of the municipal corporation and such legislative authority shall provide for the expenses and accommodations necessary for the work of the Commission (Amended 11-3-2015).

## **8.05 BOARD OF CONTROL.**

The Board of Control shall consist of three (3) members: the Manager, the Chair of Council's Finance Committee and another member of Council. The Manager shall act as Chairperson of this Board. The Board shall keep a record of its proceedings. All votes shall be by yeas and nays entered in the record, and the vote of a majority of all members of the Board shall be necessary to adopt any question, motion or order.

No contract in any department, board or commission of the City in excess of the statutory limit defined by the Ohio Revised Code, shall be awarded except on approval of the Board of Control. (Amended 11-8-2005.)

## **8.06 ESTABLISHMENT OF A BOARD OF HEALTH.**

**A)** The Board of Health of this City shall be composed of six (6) members, to be appointed by Council. One of the members of the Board shall be a councilperson appointed on a biennial basis by Council; said council member would be a voting member. No member of the Board shall serve more than two (2) full terms consecutively (Amended 11-5-1985).

A majority of the members of the Board shall constitute a quorum. The Board shall elect one of its members to serve as President of the Board and such other officers as in the opinion of the Board shall be required.

The Health Commissioner by virtue of his or her office shall serve as Secretary and the only ex-officio, non-voting member of the Board. (Amended 11-6-90.)

**B)** **Regulations.** The Board of Health of the City may make such orders and regulations as it deems necessary for its own government for the public health, the prevention or restrictions of disease and the prevention, abatement or suppression of nuisances. Orders and regulations not for the government of the Board, but intended for the general public shall be adopted, advertised, recorded and certified as are ordinances of the City and the record thereof shall be given the same force and effect as is given such ordinances. However, in case of emergency caused by epidemic or contagious or infectious diseases, or conditions or events endangering the public health, the board may declare such orders and regulations to be emergency measures, and such orders and regulations shall become effective immediately without such advertising, recording and certifying. (Added 6-7-77.)

## **8.07 CHARTER REVIEW.**

**A)** Beginning in 2030 and every five (5) years thereafter, the Council shall appoint a charter review commission to review the provisions of this charter and make such recommendations to Council for its amendment as the commission may deem appropriate. The commission shall consist of nine (9) residents of the municipality not holding any other elected or appointed office in the municipality. Additionally, two (2) residents shall be selected as alternates. Council shall endeavor to select a commission that is a diverse cross section of the City, keeping in mind characteristics such as age, race, gender, ethnicity, sexual identity, and ward representation. The term of the commission shall end immediately following Council's final vote on the commission's recommended amendments.

**B)** The president pro-tem of Council shall be responsible for launching the charter review process in October of the year preceding the review. The president pro-tem shall direct the Clerk of Council to create and publish an application for prospective commission members by September 1st of the year preceding the review year, with a submission deadline of October 31<sup>st</sup>. The Clerk of Council shall collect all completed applications and make them available to every member of Council for their review. All nine members of the commission shall be formally appointed by Council no later than November 30th preceding the review year.

**C)** At its initial organizational meeting, the commission shall elect from among its members a chair and vice-chair, who shall preside over its meetings. Following the commission's organizational meeting, the president pro-tem of council shall work with the chair and vice-chair to host an introductory meeting by February 1st of the review year that is open to the public and to which members of Council, city employees, and charter review commissioners are invited. This meeting shall minimally provide information about the charter, its role in governing the City, the

charter review process, the roles of commissioners, council members, city employees, and members of the public throughout the process, and an established timeline. The introductory meeting shall be recorded and made publicly available no later than one week following its occurrence.

- D)** The commission shall publicly meet at least once a month and shall provide an interim report of its progress to Council by April of the review year. During the charter review process, the commission shall host at least one town hall meeting in addition to the introductory meeting to present proposed amendments and collect public feedback. All meetings shall be recorded and made publicly available no later than one week following its occurrence.
- E)** Following the second town hall meeting and no later than June 15th, the commission shall report its final findings and recommendations to Council. Upon receiving the commission's report, Council shall publish it and consider its recommendations. Council may submit any proposed amendments to the electors in accordance with the constitution and laws of the state of Ohio; should it submit proposed amendments to the electors, Council will appropriate the requisite funds for associated ballot expenses. The council shall appropriate sufficient funds to the commission for staff help, costs related to copying, meeting space, or other related administrative expenses. (Amended 11-04-25)

## **ARTICLE IX: ELECTIONS**

### **9.01 TIME FOR HOLDING ELECTIONS.**

Regular municipal elections shall be held on the first Tuesday after the first Monday of November in each odd-numbered year commencing with the year 1965. Such other elections shall be held as may be required by law or authorized by this Charter. Any matter which, by the terms of this Charter may be submitted to the electors at any special election, may be submitted at the time of a primary or general election.

### **9.02 GENERAL LAWS TO APPLY.**

Except as otherwise provided in this Charter, the general laws of the State of Ohio shall govern the procedure for the nomination and election of the elective officers of the City and the method of holding and conducting elections.

## **ARTICLE X: FRANCHISES**

### **10.01 GRANTS LIMITED.**

No grant, or renewal thereof, to construct and operate a public utility in the streets and public grounds of the City shall be made by the City Council to any individual, company or corporation in violation of any of the limitations in this Charter.

### **10.02 PERIOD OF GRANTS.**

No such grant shall be exclusive, nor shall it be made for a longer period than 20 years from its effective date. No grant shall be renewed earlier than two years prior to its expiration unless the City Council shall by a vote of at least two-thirds of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the rights to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

### **10.03 EXTENSION BY ANNEXATION.**

It shall be provided in every such grant that upon the annexation of any territory to the City the portion of any such utility that may be located within such annexed territory and upon the streets, alleys, or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

### **10.04 RIGHT OF REGULATION.**

All grants shall be subject to the right of the City, whether in terms reserved or not, to control at all times the distribution of space in, over, under or across all streets, alleys or public grounds occupied by public utility fixtures, and when in the opinion of the City Council the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued.

## **ARTICLE XI: INITIATIVE AND REFERENDUM**

### **11.01 GENERAL AUTHORITY.**

**A) Initiative.** The qualified electors of the City shall have power to propose ordinances and resolutions to the Council and, if the Council fails to adopt an ordinance or resolution so proposed without any change in substance, to adopt or reject it at an election, in the manner hereinafter provided, provided that such power shall not extend to the budget or capital program or any ordinance or resolutions relating to appropriation of money, levy of taxes or salaries of City officers or employees.

**B) Referendum.** The qualified electors of the City shall have power to require reconsideration by the Council of any adopted ordinance or resolution and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at an election, in the manner hereinafter provided, provided that such power shall not extend to the budget or capital program or any emergency ordinance or resolution or to any ordinance or resolution relating to appropriation of money or levy of taxes. (Amended 11-4-75.)

### **11.02 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.**

**A)** Any five qualified electors may commence initiative or referendum proceedings by filing with the Clerk of Council an affidavit stating they will constitute the petitioners' committee and any number of qualified electors will be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full, the proposed initiative ordinance or resolution or citing the ordinance or resolution sought to be reconsidered. Any number of qualified electors may circulate the petition.

**B)** Promptly after the affidavit of the petitioners' committee is filed, the Clerk of Council shall issue the appropriate petition blanks to the petitioners' committee. (Amended 11-7-95)

### **11.03 PETITIONS.**

**A) Number of Signatures.** Initiative and referendum petitions must be signed by qualified electors of the City equal in number to at least 10 per cent of the number of electors who voted for governor at the most recent general election for the office of governor (Amended 11-3-2015).

**B) Form and Content.** All papers of a petition shall be uniform size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation, the full text of the ordinance or

resolution proposed or sought to be reconsidered.

**C) Affidavit of Circulator.** Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in the presence of the circulator, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance or resolution proposed or sought to be reconsidered.

**D) Time for Filing Referendum Petitions.** Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance or resolution sought to be reconsidered. (Amended 11-4-75.)

**E) Filing of Referendum Petitions.** Petitions shall be filed with the Clerk of Council. (Added 11-6-90.)

## **11.04 PROCEDURE AFTER FILING.**

**A) Certificate of Clerk of Council; Amendment.** Within twenty days after the petition is filed, the Clerk of Council shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once as to the number of valid signatures if the petitioners' committee files a notice of intention to amend it with the Clerk of Council within two days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections B and C of Section 11.03, and within five days after it is filed the Clerk of Council shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk of Council shall promptly present such certificate to the Council and the Certificate shall then be a final determination as to the sufficiency of the petition.

**B) Council Review.** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

**C) Court Review; New Petition.** A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. (Amended 11-4-80.)

## **11.05 ACTION ON PETITIONS.**

**A) Action by Council.** When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance or resolution in the manner provided in Article VII or reconsider the referred ordinance or resolution by voting its repeal. If the Council fails to adopt a proposed initiative ordinance or resolution without any change in substance within 60 days or fails to repeal the referred ordinance or resolution within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance or resolution to the voters of the City.

**B) Submission to Voters.** The election on a proposed or referred ordinance or resolution shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon. If no regular election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular Municipal election, except that the Council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance or resolution shall be made available at each polling place in the City. (Amended 11-6-90.)

## **11.06 RESULTS OF ELECTION.**

**A) Initiative.** If a majority of the qualified electors voting on a proposed initiative ordinance or resolution vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinance or resolutions of the same kind adopted by the Council. If conflicting ordinances or resolutions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

**B) Referendum.** If a majority of the qualified electors voting on a referred ordinance or resolution vote against it, it shall be considered repealed upon certification of the election results. (Amended 11-4-75.)

## **ARTICLE XII: MISCELLANEOUS**

### **12.01 INTERPRETATION.**

A) The article and section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

B) Whenever the Charter requires the affirmative vote of a stated fraction of the Council, the multiplicand shall be the total number of authorized members of Council reduced by the number of vacancies then existing in Council.

C) The period of residence in the Municipality required by this Charter as a qualification for elective office shall include the period of residence in any territory which has been annexed to the City. (Amended 11-4-80.)

### **12.02 VOTING WARD APPORTIONMENT.**

Commencing as early as practicable in the year 1971, and every ten years thereafter, Council shall determine by census the resident population of each ward, and shall apportion them equally, and, if necessary, shall redefine the boundaries thereof, so that there is no disparity, in resident population, of more than 10% between wards; provided, however, that this shall in no way limit, nor preclude, an increase in the number of wards, and further provided that each ward shall be comprised of compact and contiguous territory. (Added 5-5-70.)

### **12.03 REARRANGEMENT AND REPRINTING OF CHARTER.**

Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of Council and the Director of Law, may, prior to any reprinting of this Charter, make such changes therein, including the numbers, titles and arrangement of articles, sections hereof, and typographical corrections as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall, in any way, affect the substance or meaning of this Charter or any part thereof or amendment thereto. (Added 11-8-2005.)

### **12.04 LOCATION OF MEETINGS.**

The location of meetings held by Kent City Council, City boards, and commissions shall be within the city corporation limits in facilities that will allow the free flow of information to the public. The approved exceptions to this requirement are as follows: Declared disasters necessitating locations outside of the city for public safety reasons, joint meetings with other Public Legislative bodies and meetings in which no city business is discussed and is intended for educational or recreational purposes only. If this Charter rule is violated then any and all formal actions taken shall be considered null and void. (Added 11-8-2005)

## **12.05 DEMOCRACY DAY PUBLIC HEARING/POLITICAL INFLUENCE.**

**A)** Beginning in 2016, City Council shall designate one day a “Democracy Day” during the first week of October each year in which a local, state, or national election is held in Kent. On this day, the Mayor and City Council shall sponsor a Public Hearing in a public space within the City. The public hearing shall be held during the evening or weekend time. The City will publicize the public hearing on its website and in area media at least one month in advance.

**B)** The Public Hearing shall examine the impact on our City, our state and our nation of political influence resulting from campaign contributions by corporate entities. Corporate entities include business corporations, Political Action Committees, PACS, Super PACs, 501 c4 groups and unions.

**C)** Members of the general public in attendance shall be afforded the opportunity to speak on these matters for up to five minutes per person. The City shall record the minutes of the hearing and make them available to the public no later than November 1 of each year in which it is held by posting them on the City’s website.

**D)** Within one (1) week following the annual Public Hearing, the Clerk of City Council shall send a letter to every elected state-level representative of the citizens of the City, to the leaders of the Ohio House and Senate, to our U.S. Congressional Representative(s), and to both U.S. Senators from Ohio. The letter shall include a brief summary of the Public Hearing and will state that the citizens of Kent in November 2015 voted in support of a Citizens’ Initiative calling for an amendment to the U.S. Constitution declaring the following principles:

1. Only human beings, not corporations, are legal persons with Constitutional rights, and
2. Money is not equivalent to speech, and therefore, regulating political contributions and spending does not equate to limiting political speech.

**E)** The annual Public Hearings will no longer be required if and when a Constitutional Amendment reflecting the principles set forth in Section 02 is ratified by three-quarters (3/4) of the state legislatures. (Added 11-3-2015)