STATE OF OHIO

CHARTER OF THE CITY OF UPPER ARLINGTON

SECTION I
CORPORATE POWERS

The inhabitants of the City of Upper Arlington, as its limits now are or may hereafter be, shall be a body politic and corporate, by name, The City of Upper Arlington, Ohio, and shall have all powers, express and implied, that now are, or hereafter may be, granted to municipalities by the constitution or laws of Ohio.

SECTION II
GENERAL POWERS AND DUTIES OF COUNCIL

The government and control of the City shall be vested in a Council of seven citizens who shall be elected at large, in the manner provided by law for the election of municipal officers, nominated by petition and elected on a nonpartisan ballot. Municipal elections shall be in odd numbered years for the election of three or four Council Members, respectively, for four-year terms as the existing term expires.

The Council shall constitute the governing body of the City, and shall have full power to pass ordinances, adopt resolutions and otherwise exercise all legislative power and executive authority now or hereafter vested in municipal officers by law, and in the Council by this Charter. Except as otherwise provided by this Charter or by the Constitution of the State of Ohio, the Council may by ordinance or resolution prescribe the manner in which any power of the City shall be exercised. In the absence of such provision as to any power, such power shall be exercised in the manner prescribed by the general laws of the state applicable to municipalities. The Council shall have authority to fix by ordinance the compensation of its Members.

A majority of all current Council Members shall constitute a quorum to do business, and shall be necessary to adopt any ordinance or resolution, but a less number may adjourn from time to time and compel the attendance of absent Members in such manner and under such penalties as shall be prescribed by ordinance. The enacting clause of all ordinances shall be, "Be it ordained by the Council of the City of Upper Arlington, Ohio". The Council may, by ordinance, prescribe the manner of giving public notice of the passage of ordinances, resolutions or other acts or procedures.

SECTION III
INITIATIVE AND REFERENDUM

Legislative acts by the City Council are subject to referendum as procedurally prescribed in the Ohio Revised Code unless an emergency exists as explicitly stated in the ordinance or resolution or unless otherwise prohibited by the Ohio Revised Code. Administrative ordinances, resolutions or decisions shall be subject to redress through the judicial system.

Initiative powers are hereby reserved to the people of the City as authorized by State law.

SECTION IV
QUALIFICATIONS OF COUNCIL MEMBERS

A Council Member shall be an elector and shall have resided in the City of Upper Arlington for at least one year prior to the date of their taking office. Each Council Member elected or appointed shall remain a resident and qualified elector throughout the term of his or her office. An employee of the City shall not be a candidate nor Member of Council. Any Council Member who ceases to possess these qualifications, or who is absent from four successive regular Council meetings unless such absence is authorized or excused by Council, shall forfeit the seat of Council Member.

A vacancy in the Council shall be filled by a majority vote of the remaining Council Members. If an appointment occurs after June 30 in the final two years of a term, then Council shall make the appointment for the unexpired term. Otherwise the appointment shall be until the second Monday in January following the next general election.

No person shall hold the office of Council Member for a period longer than two consecutive terms of four years. For purposes of this section, any appointment or election for less than a full four-year term shall not count against the two-term limitation.

A person who is ineligible because two consecutive terms have been served will be eligible for election to additional terms, pursuant to this provision, so long as four years intervene between expiration of the second of the two consecutive terms and the commencement of the new one.

SECTION V
CONFLICT OF INTEREST AND DISQUALIFICATION OF COUNCIL MEMBERS

No person in the employ of the City shall participate in securing, or contribute any money toward, the nomination or election of any candidate for the Council.

The Council may remove any officer of the City, or Council Member, for violation of any provision of law for which forfeiture of office is a penalty, for failing or ceasing to possess the qualifications established by this Charter for that office, or for the conviction while in office of any crime involving moral turpitude, but no such removal shall be made without the concurrence of at least five Council Members, nor until the accused officer or Council Member shall have been given a written copy of the charges and an opportunity to be heard, with at least ten days' notice of the time and place of hearing.

No person who is a candidate for election to the Council shall be appointed City Manager within one year after said election, and no person who serves as a Council Member shall be appointed City Manager until at least one year after the expiration of the term of office to which such Member was elected or appointed.

Unless otherwise provided in this Charter or by Council, the laws of the State of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics, financial disclosure, campaign financing and other election practices for municipal office shall apply to all Council Members, officers, employees and to board and commission members where applicable.

SECTION VI
RECALL

The electors shall have the power to remove from office by a recall election any Council Member in the manner provided by the Ohio Revised Code. However, in the event of a recall, any vacancy created shall be filled in the manner set out in Section IV of this Charter.

SECTION VII
ELECTIONS

Regular municipal elections shall be held on the dates and times fixed by the election laws of the State of Ohio. The Council may, by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

All regular and special municipal elections shall be conducted by County and State of Ohio election officials in accordance with provisions in the Ohio Revised Code, or as otherwise provided by Council.

The Council shall have the power, in addition to its other appropriation and expenditure powers, to appropriate and expend funds to pay the costs for providing factual information to the public in connection with elections on tax levies, bond issues and other public issues.

SECTION VIII
ORGANIZATION

Council Members shall take office at ten o'clock A.M. on the second Monday in January following their election and shall serve until ten o'clock A.M. on the second Monday in January of the fourth year thereafter, and until their successors are elected and have qualified. The Council shall be the judge of the election and qualifications of its Members.

SECTION IX
PRESIDENT OF COUNCIL

After the newly elected Council Members have taken office, the Council shall organize and forthwith elect one of its Members President, who shall also be the Mayor of the City, until in like manner a successor has been chosen. The President in accordance with any of the foregoing provisions shall have full voting and other privileges and rights of Council membership. The Council shall also elect a Vice President who shall perform the duties of the President and be acting Mayor in the event the President is unable for any cause to perform the duties of the

office. The Council may designate another Member to perform the duties of the President and be acting Mayor in the event both the President and Vice President are temporarily unable to perform their duties. In case of the death, resignation or removal of the President or Vice President, the Council shall elect one of its Members as President or Vice President for the remainder of the unexpired term.

SECTION X
DUTIES OF MAYOR

The Mayor shall be recognized as the official head of the City by the courts for the purpose of serving civil process and for ceremonial purposes. The Mayor shall have and exercise all the judicial powers granted by the general laws of Ohio to mayors of cities unless and until other lawful provisions shall be made for the exercise of such powers. The Mayor shall have no veto power over legislation.

SECTION XI
COUNCIL MEETINGS

The Council shall, by ordinance or resolution, fix a time and place for holding its regular meetings. The President or any two Members may call special meetings of the Council upon written notice served personally upon each Member or left at their usual place of residence at least twenty-four hours before the time fixed for such meeting. The notice for all Council meetings shall state the subjects to be considered and such meetings shall be limited to a consideration of such subjects, except by unanimous consent of all Members.

All meetings of Council or its committees shall be open to the public, except executive sessions which may be held pursuant to State law. The Council shall keep a journal of its public proceedings and may determine its own rules and order of business. Any citizen shall have access to public records during usual business hours pursuant to State law.

SECTION XII
CITY ORGANIZATION

Subject to the provisions of Section XIII of this Charter, the Council shall have full power and authority to establish, administer and control departments as it may deem for the best interests of the City, may determine the powers and duties of such departments and the officers thereof and the manner of administering the same, may delegate to such departments or the officers and employees thereof, such authority as it deems advisable and may combine, divide, distribute or discontinue such departments and may appoint, employ and discharge administrative officers, assistants, clerks and employees and fix their compensation.

In case of doubt as to whether certain powers or duties imposed by law on the Mayor or other executive or administrative authority, are to be exercised or performed by the Mayor, the Council, the City Manager, or other officer, the Council may by ordinance or resolution determine the officer or officers by whom such powers or duties shall be exercised.

No Council Member shall directly interfere with the conduct of any department.

SECTION XIII
CITY MANAGER

The Council shall appoint a City Manager who shall be the administrative head of the municipal government and its chief executive officer, under the direction and supervision of the Council. The City Manager shall be chosen by the 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 that office. At the time of the appointment, the City Manager need not be a resident of this City or State but the Council may, by ordinance, make such provision as it may deem advisable with respect to residence during the tenure of office.

The City Manager shall be appointed for an indefinite term, and may be removed by the Council at its pleasure, at least five Members concurring therein.

The Council may designate some properly qualified person to execute the functions of the office of the City Manager during the absence or disability of the City Manager or during temporary vacancies in that office.

The powers and duties of the City Manager shall be:

1. To see that the laws and ordinances are enforced.

2. Subject to the provisions of Sections XII and XIV and to the civil service laws, to appoint, discipline and remove all employees of the City, and to exercise such other appointive power as Council may vest in that office by ordinance or resolution.

3. To exercise supervision and control over all departments and divisions of the City government, subject to such regulation as the Council may provide.

4. To attend all meetings of the Council, with the right to take part in the discussions, but having no vote.

5. To recommend to the Council for adoption such measures as may be deemed necessary or expedient.

6. To prepare and submit to the Council such reports as may be required by that body, or as may be deemed advisable.

7. In conjunction with the Finance Director or other Chief Fiscal Officer to keep the Council advised of the financial condition of the City and its future needs and to prepare and submit to the Council a tentative budget for the next fiscal year.

8. To perform such other duties as the Council may determine by ordinance or resolution.

SECTION XIV
ORGANIZATION OF DEPARTMENTS

Under the provisions of Section XII of the Charter, a Finance Department is created under the supervision of the Finance Director. The Finance Director shall be appointed by the City Manager subject to the approval of at least five Council Members. The Finance Director shall serve at the pleasure of the City Manager, but may only be removed at the recommendation of the City Manager upon approval of such recommendation by at least five Council Members.

The City Attorney shall be appointed and serve at the pleasure of Council.

The Clerk of Council shall be appointed and serve at the pleasure of Council.

The Clerk of Courts shall be appointed and serve at the pleasure of the Mayor.

SECTION XV
ZONING AND PLANNING

The Council may establish a Board of Zoning and Planning and may fix the number, qualifications and terms of the members thereof. The duties, powers, limitations and procedures of such Board of Zoning and Planning may be prescribed by ordinance, and in the absence of such ordinance it shall perform the duties and exercise the powers conferred upon the City Zoning and Planning commissions by general laws of the state not in conflict with this Charter. The Council may exercise all powers relative to zoning and planning in the City and surrounding areas vested by law in municipalities.

SECTION XVI
TAXATION

The aggregate amount of taxes that may be levied by the Council without a vote of the people, for all municipal purposes, on property which is taxable according to value, shall not exceed five mills on each dollar of taxable valuation. Taxes may be levied for such purposes outside of this limitation upon approval by a majority of the electors of the City voting thereon at a November

election or in any manner provided by general law for voting levies outside the statutory limitations.

The Council shall not enact any ordinance levying an income tax, including a change in a municipal income tax credit, except upon approval by a majority of electors of the City voting thereon at a general or special election held not less than sixty days after the adoption by Council of a resolution calling for such election, which resolution shall set forth the rate of the proposed tax and the purposes for which the receipts therefrom shall be used. In the event of an affirmative vote, the proceeds of such levy shall be used only for the specified purposes.

SECTION XVII
EFFECT OF CHARTER

All general laws of the state applicable to municipal corporations now or hereafter enacted, which are not in conflict with the provisions of this Charter or with ordinances or resolutions of this City, shall be applicable to this City, provided however, that nothing contained in this Charter shall be construed as limiting the power of the Council to enact any ordinance or resolution not in conflict with the Constitution of the State or the express provisions of this Charter.

The enumeration of particular powers of this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the City shall have and may exercise all other powers which, under the Constitution of the State of Ohio, it would be competent for this Charter specifically to enumerate. The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is necessarily dependent for its operation upon the part declared invalid.

All ordinances, resolutions and other measures in force at the time of the taking effect of any amendments to this Charter, not inconsistent with its provisions, shall continue in effect until amended or repealed.

SECTION XVIII
CHARTER REVIEW COMMISSION

Ten years after the adoption of this Charter and every ten years thereafter, Council shall appoint a Commission of at least seven electors of the City to review the City Charter and report to Council its recommendations concerning possible amendments. Council may appoint a Charter Review Commission at other times as it shall determine.

I certify the above to be a correct copy of the Charter of the City of Upper Arlington, Ohio, as amended at the General Election of November 3, 1998.

Margie Carvour

Margie Carvour
City Clerk