

## **NOTICE OF ELECTION On Tax Levy in Excess of the Ten Mill Limitation**

Notice is hereby given that in pursuance of a Resolution of the Apollo Joint Vocational School District of Allen County, Ohio, passed on the 7<sup>th</sup> day of January, 2013 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the Apollo Joint Vocational School District of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the question:

Shall bonds be issued by the Apollo Career Center Joint Vocational School District for the purpose to **PAY THE LOCAL SHARE OF SCHOOL CONSTRUCTION UNDER THE STATE OF OHIO VOCATIONAL FACILITIES ASSISTANCE PROGRAM** in the principal amount of \$11,638,923, to be repaid annually over a maximum period of 30 years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the County Auditor to average over the repayment period of the bond issue 0.31 mill for each one dollar of tax valuation, which amounts to \$0.031 for each one hundred dollars of tax valuation, commencing in 2013, first due in calendar year 2014, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

and

Shall an additional tax levy for the benefit of the Apollo Career Center Joint Vocational School District for the purpose of **ENLARGING, IMPROVING AND REBUILDING BUILDINGS INCLUDING MAINTENANCE OF CLASSROOM FACILITIES** at a rate not exceeding 0.19 mill for each one dollar of valuation, which amounts to \$0.019 for each one hundred dollars of valuation, for a period of 10 years, commencing in 2013, first due in calendar year 2014?

and

Shall bonds be issued by the Apollo Career Center Joint Vocational School District for the purpose of **PAYING FOR IMPROVEMENTS TO FACILITIES, INCLUDING RENOVATIONS, ADDITIONS, EQUIPMENT, FURNISHINGS AND SITE IMPROVEMENTS, AND ALL NECESSARY APPURTENANCES THERETO** in the principal amount of \$18,361,077, to be repaid annually over a maximum period of 30 years, and an annual levy of property taxes be made outside the ten-mill limitation, estimated by the County Auditor to average over the repayment period of the bond issue 0.5 mill for each one dollar of tax valuation, which amounts to \$0.05 for each one hundred dollars of tax valuation, commencing in 2013, first due in calendar year 2014, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds?

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## **NOTICE OF ELECTION On Income Tax of a School District**

Notice is hereby given that in pursuance of a Resolution of the Bluffton Exempted Village School District of Allen County, Ohio, passed on the 17<sup>th</sup> day of December, 2012 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the Bluffton Exempted Village School District of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the question:

Shall an annual income tax of 1/2% on the school district income of individuals and of estates be imposed by the Bluffton Exempted Village School District, to renew an income tax expiring at the end of 2013, for 3 years, beginning January 1, 2014, for the purpose of **PERMANENT IMPROVEMENTS**?

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## **NOTICE OF ELECTION On Tax Levy in Excess of the Ten Mill Limitation**

Notice is hereby given that in pursuance of a Resolution of the Delphos Local School District of Allen County, Ohio, passed on the 23<sup>rd</sup> day of January, 2013 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the Delphos City School District of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the question:

A renewal of a tax for the benefit of the Delphos Public Library for the purpose of **CURRENT EXPENSES** at a rate not exceeding 0.6 mill for each one dollar of valuation, which amounts to \$0.06 for each one hundred dollars of valuation, for a period of 5 years, commencing in 2013, first due in calendar year 2014

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## **NOTICE OF ELECTION On Tax Levy in Excess of the Ten Mill Limitation**

Notice is hereby given that in pursuance of a Resolution of the Elida Local School District of Allen County, Ohio, passed on the 15<sup>th</sup> day of January, 2013 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the Elida Local School District of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the question:

A renewal of a tax for the benefit of Elida Local School District for the purpose of **PERMANENT IMPROVEMENTS** at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to \$0.10 for each one hundred dollars of valuation, for 5 years, commencing in 2013, first due in calendar year 2014.

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## **NOTICE OF ELECTION On Tax Levy in Excess of the Ten Mill Limitation**

Notice is hereby given that in pursuance of a Resolution of the Elida Local School District of Allen County, Ohio, passed on the 15<sup>th</sup> day of January, 2013 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the Elida Local School District of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the question:

Shall a levy be imposed by the Elida Local School District for the purpose of **PROVIDING FOR THE EMERGENCY REQUIREMENTS OF THE SCHOOL DISTRICT** in the sum of \$2,117,268 and a levy of taxes to be made outside the ten-mill limitation estimated by the County Auditor to average 5.95 mills for each one dollar of valuation, which amounts to \$0.595 for each one hundred dollars of valuation, for a period of 5 years, commencing in 2013, first due in calendar year 2014?

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## **NOTICE OF ELECTION On Tax Levy in Excess of the Ten Mill Limitation**

Notice is hereby given that in pursuance of a Resolution of The Johnny Appleseed Metropolitan Park District of the County of Allen, Ohio, passed on the 18<sup>th</sup> day of December, 2012 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the County of Allen, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the issue:

A replacement of a tax for the benefit of The Johnny Appleseed Metropolitan Park District for the purpose of **MAINTAINING, CONSERVING, DEVELOPING, IMPROVING, ACQUIRING AND PROTECTING LANDS AND WATERS FOR THE PURPOSES OF PARKS, PARKWAYS AND FOREST RESERVATIONS, INCLUDING THE EXISTING MCLEAN TEDDY BEAR PARK, HERITAGE PARK, KENDRICK WOODS, ALLEN COUNTY FARM, FT. AMANDA HISTORICAL PARK, DEEP-CUT HISTORICAL PARK, OTTAWA METRO PARK, ROTARY RIVERWALK, THE LIPPINCOTT BIRD SANCTUARY, AGERTER ROAD RIVER ACCESS, MOTTER METRO PARK AND FREEDOM FLAG VETERANS MONUMENT**, at a rate not exceeding 0.75 mill for each one dollar of valuation, which amounts to \$0.075 for each one hundred dollars of valuation, for 10 years, commencing in 2013, first due in calendar year 2014.

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## **NOTICE OF ELECTION On Tax Levy in Excess of the Ten Mill Limitation**

Notice is hereby given that in pursuance of a Resolution of the Lima City Local School District of Allen County, Ohio, passed on the 24<sup>th</sup> day of January, 2013 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the Lima City Local School District of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the question:

Shall a levy renewing two existing levies be imposed by the Lima City School District for the purpose of **PROVIDING FOR THE EMERGENCY REQUIREMENTS OF THE SCHOOL DISTRICT** in the sum of \$2,278,014 and a levy of taxes to be made outside the ten-mill

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limitation estimated by the County Auditor to average 7.677 mills for each one dollar of valuation, which amounts to \$0.7677 for each one hundred dollars of valuation, for a period of 10 years, commencing in 2013, first due in calendar year 2014? If approved, any remaining tax years on any of the above two existing levies will not be collected after 2012 (collection year 2013)?

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**NOTICE OF ELECTION**  
**On Tax Levy in Excess of the Ten Mill Limitation**

Notice is hereby given that in pursuance of a Resolution of the Township of Perry of Allen County, Ohio, passed on the 5<sup>th</sup> day of February, 2013 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the Township of Perry of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the question:

An additional tax for the benefit of Perry Township for the purpose of **CURRENT EXPENSES** at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to \$0.10 for each one hundred dollars of valuation, for 5 years, commencing in 2013, first due in calendar year 2014.

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**NOTICE OF ELECTION**  
**On Tax Levy in Excess of the Ten Mill Limitation**

Notice is hereby given that in pursuance of a Resolution of the Waynesfield-Goshen Local School District of Allen County, Ohio, there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the Waynesfield-Goshen Local School District of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, with the question:

A renewal of a tax for the benefit of the Waynesfield-Goshen Local School District for the purpose of permanent improvements at a rate not exceeding 4.9 mills for each one dollar of valuation, which amounts to forty-nine cents (\$0.49) for each one hundred dollars of valuation, for 5 years, commencing in 2013, first due in calendar year 2014.

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## **NOTICE OF ELECTION On Charter Amendment**

Notice is hereby given that in pursuance of a Resolution of the City of Lima of Allen County, Ohio, passed on the 28<sup>th</sup> day of January, 2013 there will be submitted to a vote of the people of said subdivision at a Primary Election to be held in the City of Lima of Allen County, Ohio, at the regular places of voting therein, on the 7<sup>th</sup> day of May, 2013, to amend the Charter of the City of Lima, Ohio by amending sections 1, 3-8, 10-23, 25-26, 33, 35, 46, 48, 50, 52-53, 57-58, 63-64, 72, 74, 78, 128, and to repeal sections 9, 51, and 62 as follows:

### **Proposed Charter Sections as Amended or Repealed**

#### **SECTION 1. NAME, BOUNDARIES AND POWERS.**

The inhabitants of the City of Lima, Ohio, as its limits now are, or may be hereafter, shall be a body politic and corporate by the name The City of Lima, Ohio, and as such shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property, lease, or lease with privilege to purchase; may sell, lease, hold, manage, and control such property, and make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all the provisions of any conveyance, deed, or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; may acquire, construct, own, lease and operate and regulate public utilities; may assess, levy and collect taxes for general and special purposes on all the subjects or objects which the City may lawfully tax under the provisions of this Charter; may levy and collect assessments for local improvements; may borrow money on the faith and credit of the City by the issue or sale of bonds or notes of the City; may appropriate the money of the City for all purposes lawful under the provisions of this Charter and laws of Ohio; may create, provide for, construct, regulate and maintain all things of the nature of public works and improvements; may license and regulate persons, corporations and associations engaged in any business, occupation, profession or trade; may by ordinance passed by the Council, define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and all nuisances and causes thereof; may do all things necessary to promote the health, convenience, comfort and welfare of its citizens and advance the moral, social, physical and intellectual standard of its citizenship, and for such purposes it may exercise any or all of the powers conferred in this section; may regulate and limit the height and bulk of buildings hereafter erected, and may regulate and prescribe the construction and the material used in all buildings and the maintenance and occupancy thereof, and regulate and determine the area of yards, courts, and other open places, and may divide the City into districts of such number, space and area as may be deemed best suited to carry out these purposes; may regulate and restrict the location of trades and industries, and the location of

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buildings designed for specified uses, and may divide the City into districts of such number, shape and area as may be deemed best suited to carry out these purposes; may regulate and control the use, for whatever purposes, of the streets and other public places; may create, establish, abolish and organize offices and fix the salaries and compensations of all officers and employees of the City of Lima; may make and enforce local police, sanitary and other regulations; may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof. The City shall have all powers and authority of Home Rule governance as permitted in the laws and constitution of the State of Ohio, and shall have all other powers and authority that now are or hereafter may be granted to municipalities by the Constitution or laws of Ohio, and all such Home Rule and other powers and authority, whether expressed or implied, may be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council, and when not prescribed by this Charter, or by ordinance or resolution of the Council, then said powers may be exercised in the manner prescribed by the laws of the State of Ohio.

SECTION 3. WHEN REGULAR MUNICIPAL ELECTIONS HELD; OTHER ELECTIONS.

An election for the choice of elective officers provided for in this Charter shall be held in odd numbered years on the date established by the State of Ohio for the general election. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by law, or provided for in this Charter.

SECTION 4. NOMINATIONS.

Candidates for all offices to be voted for at any regular municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held at the time provided by the election laws of the State for primary elections. Any matters which by the terms of the Charter may be submitted to the electors of the City at any special election may be submitted at a primary election or at a regular municipal election.

SECTION 5. NOMINATING PETITIONS - SIGNATURES REQUIRED.

The name of any candidate for election to any office of the City shall be printed upon the ballot when a petition in the form hereinafter prescribed shall have been filed on the candidate's behalf with the election authorities. Such petition shall be signed by at least fifty (50) electors of the City, if for the nomination of a candidate for an office filled by election from the City at large, and by at least twenty-five (25) electors of the ward if for the nomination of a candidate for an office to be filled by election from a ward.

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SECTION 6. SAME - METHOD OF SIGNING.

The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator stating that each signature was made in the circulator's presence and that the circulator believes it is the genuine signature of the person whose name it purports to be. All signers of petitions shall sign their names in ink, write their place of residence by street and number, or other description sufficient to identify the place, and write the date when their signatures were made.

SECTION 7. SAME - FORM.

The form of the nominating petition papers shall be as required by ordinance of Council. Each nominating petition shall contain a statement of candidacy that shall be signed by the candidate. Such statement of candidacy shall contain a declaration made under penalty of election falsification that the candidate desires to be a candidate for the office named in it, and that the candidate is an elector qualified to vote for the office the candidate seeks.

SECTION 8. SAME - FILING AND VERIFICATION.

All separate papers comprising a nominating petition shall be assembled and filed with the election authorities as one instrument not later than 4:00 p. m. of the ninetieth (90th) day before the date of the primary election at which such nominations are to be made. Within ten (10) days after the filing of a nominating petition but not later than eighty-five (85) days prior to the date of the primary election, the election authorities shall notify the candidate of any insufficiency of the petition. If such petition is insufficient, for any reason, the candidate may amend said petition by filing additional petition papers with the election authorities not later than 4:00 p. m. of the eightieth (80th ) day before the date of the primary election. Within five (5) days after the filing of the additional petition papers, the election authorities shall notify the candidate whether the amended petition is found to be sufficient.

SECTION 9. ACCEPTANCE OF NOMINATION

Repealed

SECTION 10. SELECTION OF CANDIDATES.

The number of candidates for any office at any regular municipal election, in the City



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at large or in each ward, shall be the two candidates for that office on the primary election ballot receiving the highest number of votes at the primary election. If not more than two candidates have filed petitions for any one office, then those persons shall be the candidates on the ballot for that office at the regular municipal election, and the primary election for that particular office shall not be held.

The name of each candidate who is nominated in compliance herewith shall be printed on the official ballot at the regular municipal election, and the name of no other person shall be printed thereon.

**SECTION 11.           BALLOTS.**

Unless otherwise specified in this Charter or by Ordinance, ballots may be in the format as approved by the election authorities. All ballots used in elections held under the authority of this Charter shall be without party marks or designations. Ballots used for the election of candidates at the regular municipal election and at primary elections when such elections are required to be held, shall contain a complete list of the offices to be filled and the names of candidates for each office shall be arranged under the title thereof. Ballots shall be so arranged as to give each elector a clear opportunity to designate the choice of particular candidate for each office to be filled at the election.

**SECTION 12.           ROTATION OF NAMES.**

In addition to the provisions contained in Section 11, the ballots used for the nomination or election of candidates shall be prepared and the names of the candidates shall appear in rotation in accordance with the laws of the State of Ohio.

**SECTION 13.           WRITE-IN CANDIDATES ON BALLOTS.**

Write in candidates shall not be permitted on the ballot at either the primary or regular municipal election.

**SECTION 14.           RULES FOR COUNTING BALLOTS.**

Ballots shall be counted and recorded in accordance with the requirements of the election authorities. The candidate having the largest number of votes for each office voted upon at the regular municipal election shall be declared elected to such office. In case it cannot be determined which candidate shall be declared elected, by reason of the fact they have received the same number of votes, the election authorities shall determine by chance which

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candidate shall be declared elected.

SECTION 15. GENERAL LAWS TO APPLY.

All elections provided for by this Charter, whether for the choice of officers or the submission of a question to the voters, shall be conducted by the election authorities prescribed by general law of the State; and the provisions of the general election laws of the State shall apply to all such elections except as provision is otherwise made by this Charter or by council ordinance not in conflict with this Charter.

SECTION 16. RECALL PETITION PAPERS.

(A) Any elective officer may be removed from office by the electors upon petition. A petition demanding the removal of any elective officer shall be known as a recall petition. Recall petitions in the form as approved by Council shall be kept on file in the office of the Clerk of Council.

(B) Recall petitions may be obtained by any elector of the City from the Clerk of Council. Upon issuance, the Clerk shall keep a record of the name and address of the person to whom the recall petition was issued and the date of issuance.

(C) The circulator of any recall petition shall be an elector of the City. Prior to circulation, each recall petition shall contain the name and office of the official for whom removal is sought. Recall petitions must be properly completed according to the form and instructions approved by Council.

SECTION 17. FILING RECALL PETITION.

(A) A completed recall petition must be filed with the Council Clerk within thirty (30) days after the issuance of the petition by the Clerk. To be sufficient, a recall petition must bear, in the case of a ward office, signatures of electors of that ward equal in number to at least twenty-five percent (25%) of the total vote cast in that ward in the last preceding regular municipal election of the City, and in the case of a City-wide office, signatures of electors of the City equal in number to at least twenty-five percent (25%) of the total vote cast in the last preceding regular municipal election of the City.

(B) Within ten (10) days from the date of the filing of a recall petition, the Clerk shall examine the petition and determine if it meets the requirements of this Charter. If the Clerk determines the petition is in compliance with this Charter the Clerk shall affix a certification indicating the result of the examination. If the Clerk certifies that the petition is insufficient for any reason under this Charter the certification shall set forth the particulars in which the petition is insufficient, and the Clerk shall return a copy of the certificate to the

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person to whom the petition was issued, without prejudice, however, to the initiating of a new petition for the same purpose.

SECTION 18. RECALL ELECTION ORDERED.

(A) If a recall petition is certified by the Clerk to be sufficient, at the next regularly scheduled council meeting the Clerk shall submit it to the Council and shall also notify the person whose removal is sought.

(B) If the person whose removal is sought does not resign within ten (10) days after such notice, the Council shall thereupon set the date for the holding of a recall election. Such recall election shall be held on the day of the next primary or general election as designated by State law, whichever shall occur next, but in no event shall the recall election be sooner than sixty (60) days from the date council sets the recall election.

SECTION 19. WHEN SEPARATE PETITIONS AND BALLOTS REQUIRED IN RECALL ELECTIONS.

The question of recalling more than one elective officer may be submitted at the same election, but as to each person whose removal is sought a separate petition shall be filed and provision shall be made for an entirely separate question and vote for each officer.

SECTION 20. BALLOTS IN RECALL ELECTIONS.

Ballots used at a recall election shall conform to the following requirements: With respect to the officer whose removal is sought the question shall be submitted, "Shall (name of person) be removed from the Office of (title of office) by recall?" Immediately below such question there shall be printed on the ballots, the two following propositions, one above the other, in the following order:

"For the recall of (name of person)."

"Against the recall of (name of person)."

The election authorities shall provide a clear method or process for the electors to vote for either of such propositions.

SECTION 21. RESULT OF RECALL ELECTION.

(A) If a majority of the votes cast on the question of recalling an elective officer of

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the City are against the recall, the officer shall continue in office for the remainder of the unexpired term, but shall remain subject to a new recall petition. If a majority of votes are for the recall of the officer, the officer shall, regardless of any defect in the recall petition, be deemed removed from office on the date the election results are certified by the election authorities.

(B) When a person is removed from office by recall, Council shall appoint a qualified person to serve for the remainder of the unexpired term of the officer recalled. The Mayor may appoint a person to hold the office of the person recalled as an acting officer and to perform the duties thereof between the occurrence of the recall and the time when the person appointed by the City Council takes the office.

(C) Any person who is recalled from an elective office of the city shall not be eligible for election or appointment to any elective office of the city for a period of one (1) year from the date of the recall election.

**SECTION 22. APPOINTMENT WHEN MEMBER RESIGNS.**

If the elective officer in regard to whom a recall petition is submitted to the Council resigns within ten (10) days after notice thereof, the successor for the unexpired term shall be appointed as set forth in the preceding section as if a recall had been successful and the recall election shall not be held.

**SECTION 23. LIMITATIONS ON RECALL PETITIONS.**

No recall petition shall be filed against any elective officer within six (6) months after taking office or in the last year of the elective officer's term of office. In the case of a person subjected to a recall election and not removed thereby, no subsequent recall petition may be filed until at least six (6) months after that recall election, but not in the last year of that officer's term of office.

**SECTION 25. REDIVIDING CITY INTO WARDS.**

Immediately after the proclamation by the Secretary of State stating the population of the cities of Ohio, as determined by the Federal census decennially taken, the Council shall redivide the City into wards upon the basis of one ward for each seven thousand (7,000) population or major portion thereof. Wards so formed shall be as nearly equal in population as may be composed of contiguous and compact territory, and bounded by natural boundaries or street lines. When any territory is annexed to the City the Council shall by ordinances declare it a part of the adjacent ward or wards. But if the highest vote cast in any such annexed territory at the last preceding regular election for any State, County or Municipal office

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exceeded two thousand (2, 000) then such annexed territory shall become and remain a separate ward or wards, entitled to elect one Councilman for each ward having a population of approximately seven thousand (7, 000) persons, until the City is next redivided into wards. If there is any territory within the City of Lima not assigned to or included in any ward, then the Council shall by ordinance declare such territory a part of the adjacent ward or wards. Persons who are incarcerated in any penal institution within the city shall not be counted as part of the population of the city for purposes of dividing the city into wards pursuant to this section.

**SECTION 26. QUALIFICATIONS OF MEMBERS OF THE COUNCIL.**

Members of Council shall hold the residency and qualifications set forth in Section 72 of this Charter. A member of Council who fails to maintain such residency and qualifications shall forfeit the office. Members of the Council shall not hold any other public office, except that of notary public, or member of the State militia or Federal military reserves, and shall not be directly or indirectly interested in the profits or emoluments of any contract, job, work or service of the Municipality. Any such contract in which any member is or may become interested, may be declared void by the Council. No member of the Council shall, except insofar as is necessary in the performance of the duties of the office, directly or indirectly interfere in the conduct of an administrative department or directly or indirectly take any part in the appointment, promotion, or dismissal of any officer or employee in the service of the City other than the officers or employees appointed by the Council.

**SECTION 33. ORDINANCE AND RESOLUTION ENACTMENT.**

(A) Submission and Form. Ordinances and resolutions shall be introduced in the Council only in written or printed format, prepared by and approved as to form and signed by the Law Director or the Law Director's designee. The enacting clause of all ordinances passed by the Council shall be "Be it ordained by the Council of the City of Lima." The enacting clause of all ordinances submitted by the initiative shall be "Be it ordained by the people of the City of Lima." All ordinances or resolutions, other than ordinances making appropriations, and ordinances for the revision and codification of ordinances, shall be confined to one subject which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subjects of appropriation. The Clerk of Council shall provide copies of all ordinances and resolutions to Council members and the Mayor prior to the Council meetings.

(B) Passage. Ordinances and resolutions may be passed on their first reading if approved by two-thirds of the members elected to Council. If not so approved on first reading, they shall proceed to a second reading at the next Council meeting, and may be passed on second reading by two-thirds of the members elected to Council. If not so approved on second reading, they shall proceed to a third reading at the next Council meeting, and may be passed on third reading by a majority of the members elected to Council. If not so passed on third

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reading they shall be deemed to be defeated.

(C) Effective Date. Except as otherwise provided in this Charter or by ordinance, all ordinances and resolutions shall be in effect from and after the date of their passage by the Council, subject to the Mayor's right to veto and the right of referendum.

SECTION 35. AMENDING CODIFIED ORDINANCES

No section of the codified ordinances of the City shall be revised or amended, unless the new ordinance or resolution contains the entire codified section revised or amended, and the original ordinance section or sections so amended shall be repealed.

SECTION 46. ORDINANCES, RESOLUTIONS AND NOTICES - FILING AND PUBLICATION.

(A) Every ordinance or resolution passed or adopted by the City Council upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and Clerk of the Council.

(B) Every ordinance and resolution of a general or permanent nature so passed or adopted by the Council shall be published in a manner prescribed by Council.

(C) Publication of legal notices, advertisements, proclamations, ordinances, and resolutions required to be published by any Municipal body, board, commission, or officer, may be made in the manner provided above for the publication of ordinances and resolutions passed and adopted by the City Council, or as otherwise prescribed by council ordinance, and no other publication of the same shall be required.

SECTION 48. SAME - SIGNATURES ON PETITIONS.

The circulator of any petition paper shall be an elector of the City. Each signer of a petition shall sign and date their name in ink and write their place of residence by street and number, or by other description sufficient to identify the place. The signatures to any such petition paper need not all be appended to one paper but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition, that the circulator is an elector of the City, that the signatures on the petition paper were affixed in the presence of the circulator and that the circulator believes each signature appended to the paper is the genuine signature of the person whose name it purports to be.

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SECTION 50. SAME - AMENDMENT OF PETITIONS IN CASE OF INSUFFICIENCY.

If the Clerk determines the petition is insufficient, for any reason, the clerk shall notify each member of the committee of the petitioners. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

SECTION 51. EXAMINATION OF AMENDED PETITIONS

Repealed

SECTION 52. SAME - PROCEDURE WHEN PETITION FOUND SUFFICIENT.

When the Clerk determines the petition to be sufficient, the proposed ordinance shall be submitted to the Council at its next regular meeting and the Council shall at once refer the same to an appropriate committee, which may be the committee of the whole. Provision shall be made for public hearings upon the proposed ordinance before the committee to which it is referred. Thereafter the committee shall report the proposed ordinance to the Council, with its recommendations thereon, not later than sixty days after the date on which the proposed ordinance was submitted to the Council by the Clerk.

SECTION 53. SAME - CONSIDERATION OF PETITION BY COUNCIL; RIGHT OF PETITIONERS TO REQUIRE SUBMISSION TO VOTE OF ELECTORS.

Upon receiving the proposed ordinance from the committee, the Council shall at once proceed to consider it and shall take final action thereon within sixty (60) days from the date of such committee report. If the Council rejects the proposed ordinance, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment, which was presented in writing either at a public hearing before the committee to which such proposed ordinance was referred, or during the consideration thereof by the Council.

SECTION 57. THE REFERENDUM GENERALLY - WHEN OPERATIVE; PREPARATION AND FILING PETITION.

If at any time within twenty (20) days after passage of an ordinance which was not passed by at least a two-thirds (2/3) majority of members elected to Council, a petition signed by electors equal in number to at least ten percent (10%) of the total vote cast at the last

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preceding regular municipal election of the City is filed with the Clerk of the Council requesting that any such ordinance, or any specified part thereof, be repealed or submitted to a vote of the electors, it shall not become operative with respect to any actions or obligations not yet undertaken under the ordinance, until the steps indicated herein have been taken. The petition shall be prepared and filed in the manner and form prescribed in the foregoing sections of this Charter for an initiative petition for an ordinance. An ordinance passed by at least a two-thirds (2/3) majority of members elected to Council shall not be subject to referendum.

SECTION 58. SAME - SUFFICIENCY OF PETITION; VERIFICATION OF SUFFICIENCY OF PETITION; RECONSIDERATION OF ORDINANCE BY COUNCIL; SUBMISSION TO VOTERS IN CASE OF FAILURE TO REPEAL.

When such a petition is filed with the Clerk of the Council, the Clerk shall determine the sufficiency thereof in the manner provided in this Charter for an initiative petition for an ordinance. If the petition is found sufficient, the Clerk shall certify that fact to the Council, which shall proceed to reconsider the ordinance. If upon such reconsideration the ordinance is not entirely repealed, the Council shall provide for submitting it to a vote of the electors, and in so doing the Council shall be governed by the provisions of Sections 55 and 64 hereof respecting the time of submission and manner of voting on ordinances proposed to the Council by petition.

SECTION 62. SAME - REFERENDUM AND EMERGENCY MEASURES

Repealed.

SECTION 63. SAME - PRELIMINARY ACTION.

(A) In case a petition is filed requiring that a measure passed by the Council providing for an expenditure of money, a bond issue, or a public improvement be submitted to vote of the electors, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

(B) If, when submitted to a vote of the electors, an ordinance is not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

SECTION 64. SAME - FORM OF BALLOTS, ETC.; ELECTION RESULTS.



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Ordinances, or parts thereof, submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title. There shall appear upon the official ballot a ballot title, which may be distinct from the legal title of any such proposed or referred ordinance, and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance, or part thereof. The ballot title shall be prepared by the City Law Director. The ballots used in voting upon any such ordinance, or part thereof, shall have below the ballot title thereof the two following propositions, one above the other, in order indicated: "For the ordinance" and "Against the ordinance". Any number of ordinances, or parts thereof, may be voted upon at the same election and may be submitted on the same ballot. If a majority of the electors voting on any ordinance, submitted in accordance with the initiative provisions of this Charter, shall vote in favor thereof, it shall thereupon become an ordinance of the City. If an ordinance or part of an ordinance, submitted in accordance with the referendum provisions of this Charter, is not approved by a majority of those voting thereon, it shall be deemed repealed.

SECTION 72. QUALIFICATIONS OF EMPLOYEES AND OFFICERS.

(A) No restriction is placed upon the residency of any employee or officer of the City, any provision of this Charter to the contrary notwithstanding, except as the Council may otherwise specifically provide by ordinance; provided that all elected officers of the City of Lima shall be residents and electors of the City for at least six (6) months before the last date on which nominating petitions can be filed in accordance with this Charter, and they shall maintain such residency and qualification as an elector at all times thereafter and during their terms of office. Any elected official who fails to maintain residency and qualification as an elector during their term of office shall forfeit the office.

(B) The residency and elector requirement for elected officers shall not apply to any person who is appointed to fill a vacancy in an elected office, for a period not to exceed six months from the date of appointment.

(C) All employees of the City of Lima, whether residents of the City or not, shall pay Municipal Income tax to the City, as a condition of their employment, irrespective of their place of residence.

(D) No person elected or appointed to any elective office of the City shall, during the incumbency in the office to which the person has been elected or appointed, be appointed to any other office under the City.

SECTION 74. SAME - ELECTION; TERM.

(A) Commencing with the regular municipal election held in November, 2013, the

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City Law Director shall be elected as provided for the election of officers herein, shall assume office on the first day of January following the election, and shall serve for a term of four (4) years.

(B) In the event the office of Law Director becomes vacant, City Council shall appoint a qualified person to serve as Law Director for the remainder of the unexpired term. The Mayor may appoint a person to hold the office of Law Director as an acting officer and to perform the duties thereof between the occurrence of the vacancy and the time when the person appointed by the City Council is sworn into office.

SECTION 78. CITY AUDITOR - APPOINTMENT; TERM; SALARY AND DUTIES

(A) Commencing with the regular municipal election held in November, 2013, the City Auditor shall be elected as provided for the election of officers herein, shall assume office on the first day of January following the election, and shall serve for a term of four (4) years. The Auditor shall serve in a full time capacity, shall devote his or her entire time to the duties of the office, and shall engage in no other remunerative employment of any kind.

(B) In the event the office of Auditor becomes vacant, City Council shall appoint a qualified person to serve as Auditor for the remainder of the unexpired term. The Mayor may appoint a person to hold the office of Auditor as an acting officer and to perform the duties thereof between the time of the occurrence of the vacancy and the time when Council appoints the person to take the office on an interim basis, as set forth in paragraph (D) below.

(C) In addition to any other qualifications for elective office set forth in this Charter, no person shall be eligible to be a candidate for or to be elected or appointed to the office of City Auditor, or to serve as City Auditor after such election or appointment, unless such person:

- (1) Is an elector of the City of Lima; and,
- (2) Has a bachelor degree in accounting or finance from a post-secondary educational institution accredited by a recognized accrediting agency or entity and,
- (3) Has at least 5 years experience in:
  - (a) accounting, auditing, budgeting, or financial management, in one or more positions in government, primary or secondary schools, or higher education; or,
  - (b) at least a supervisory level position in the private sector involving

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accounting, auditing, budgeting, or financial management.

(D) In the event the office of City Auditor becomes vacant because of death, disability, resignation, termination of service, or any other cause, the City Council within seven business days after the date such vacancy occurs shall by majority vote appoint an interim City Auditor to serve until the City Council appoints a City Auditor to fill the unexpired term of office. Such interim City Auditor may have but shall not be required to have the qualifications for City Auditor set forth in subsection (C) above. The City Council within 90 business days after the date such vacancy occurs shall by majority vote appoint a City Auditor to serve out the unexpired term of office. No person shall be eligible to be appointed to serve out such unexpired term who does not possess the qualifications in subsection (C) above.

(E) The City Auditor shall serve as the chief fiscal officer and the chief accounting officer of the City and as such shall be responsible for the approval of all statements, certifications, and representations of the official status or condition of the City's financial records.

(F) The Auditor shall also be responsible for the following functions and duties:

(1) Develop, promulgate, and enforce rules governing the fiscal transactions of the City which reflect generally accepted accounting standards and are in accordance with this Charter, governing state and federal law and regulations applicable to charter cities, and City ordinances. Such rules shall deal with procedures for accounting functions, reports, and financial transactions, including but not limited to contracts, bids, payroll, purchasing, and debt financing but shall not deal with procedurally correct substantive decisions or actions such as budget and administrative financial priorities or policies or the selection of vendors, bond firms, or financial institutions, which shall be the responsibility of the Mayor and his authorized subordinates or of the City Council as set forth in this Charter or by ordinances enacted in accordance with this Charter.

(2) Require City officials, employees, and departments to provide him or her such documents, information, data, and answers to questions relating to the City's financial transactions as he or she may deem necessary.

(3) Prepare financial statements and reports as he or she determines appropriate, as requested by the City Council or by the Mayor, or as required by City ordinance or state and federal law and regulations applicable to charter cities.

(4) Issue warrants for all payments of City obligations.

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- (5) Maintain the accounting records of the City.
- (6) Administer and manage the City's payroll process, including but not limited to preparing and issuing payroll checks, provided, however, that the City Council may by ordinance transfer all or some payroll functions to a department of City government under the authority and direction of the Mayor.
- (7) Provide training to City officials, employees, and departments concerning financial transaction rules, regulations, procedures, laws, and accounting practices.
- (8) Prohibit the execution of all financial transactions whose procedures he or she determines violate generally accepted accounting practices, the provisions of this Charter, governing state and federal law and regulations applicable to charter cities, or City ordinances, provided, however, that he or she may not prohibit procedurally correct substantive decisions or actions such as budget and administrative financial priorities or policies or the selection of vendors, bond firms, or financial institutions, which shall be the responsibility of the Mayor and his authorized subordinates or of the City Council as set forth in this Charter or by ordinances enacted in accordance with this Charter.
- (9) Advise the Mayor and his authorized subordinates and the City Council concerning debt financing, including but not limited to technical requirements, sound finance policy, and the selection of bond firms or financial institutions, and certify that all required debt financing procedures and requirements have been complied with before any debt financing agreement may be executed by the City.
- (10) Prepare and certify to the County Auditor both annual and amended estimates of funds available for expenditure.
- (11) Certify that the funds required for an order or contract have been lawfully appropriated and are in the Treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances before any such order or contract may be executed by the City.
- (12) Administer and manage the City's purchasing process, provided, however, that so long as all purchasing and bid regulations have been complied with, City departments under the direction of the Mayor shall decide what items are to be purchased and what vendors are to be chosen, and provided further that the City Council may by ordinance transfer all or some purchasing functions to a department of City government under the authority and direction of the Mayor.

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(13) Certify that all bids are in accordance with proper bid procedures before the City may award a bid and may, in order to carry out this requirement, be present or have a designee present at all bid openings.

(14) Provide revenue estimates to the Mayor and City Council.

(15) Perform such other duties as may be prescribed by City ordinance so long as such duties are not prohibited by this Charter and do not violate state or federal law or regulations applicable to Charter cities.

(16) Appoint such Deputy Auditors as may be authorized by ordinance, who shall perform such duties as required by the Auditor. The Auditor may designate one or more of such Deputies to perform the duties of Auditor in the event of the temporary absence of the Auditor.

(G) Except for the administration of the Auditor's office or department, and except to ensure compliance with appropriate fiscal, accounting or auditing standards, procedures, regulations, or laws, the Auditor may advise but shall not have any authority over Mayoral or Council policy decisions in the administration or implementation of the city budget.

SECTION 128. OATH OF OFFICE.

All officers before taking office shall take an oath of office to uphold the laws and constitution of the United States, the laws and constitution of the State of Ohio, and the ordinances, resolutions, and Charter of the City of Lima, Ohio.

**Section 2.** The foregoing proposed amendments to the Charter, upon receiving at least a majority of the "yes" votes cast thereon at the aforesaid election, shall become effective immediately upon certification of the election results by the Board of Elections of Allen County, Ohio.

**Section 3.** That the ballot submitting the question of the adoption of the aforesaid amendments shall read as follows or as otherwise authorized by the Secretary of State:

Proposed amendments to the Charter of the City of Lima would: modify and update the language describing the City's Home Rule authority; modify and update the provisions for elections, initiatives, referendums, and recalls in City elections; exclude prisoners from being counted in ward populations; require certain residency and qualifications for all elected City officials; clarify the language for effective date and amendments to certain ordinances and resolutions passed by council; modify various publication requirements; provide for procedures to fill vacancies in office of various elected officials; require the Auditor to serve in a full time capacity and update the duties of the Auditor; prescribes the Oath of Office for elected officials; and make non-substantive language and technical amendments to update grammar, word usage and readability of the Charter.

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Shall the proposed amendment to sections 1, 3-8, 10-23, 25-26, 33, 35, 46, 48, 50, 52-53, 57-58, 63-64, 72, 74, 78, 128 and the repeal of sections 9, 51 and 62 of the Charter of the City of Lima, be approved?

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