

PROPOSED CHARTER FOR MEDINA COUNTY, OHIO

PREAMBLE

The preamble to the Charter basically states the “intent” of the residents in bringing this Charter forward.

We, the people of the County of Medina, Ohio, by this Charter create a home rule form of government, as provided by Article X, Section 3 of the Ohio Constitution, and hereby secure the right of all County residents to participate in local government.

Currently, Medina County residents are not able to participate in local government due to restrictions on county authority to regulate drilling issued at the state level.

The Ohio Constitution, Article I, Section 2 declares that “*All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary . . .*” By this Charter, we both exercise this right, and thereby constitute our County government for the exercise of our political power locally.

We hereby declare that we deem it necessary to alter the current statutory County government and create a constitutional County government in order to guarantee to all of the people their equal protection and benefit. We secure for ourselves and for our successors the right of self-determination, by establishing a County government that provides for initiative and referendum rights, the exercise by the people of the County through their local representatives of all powers vested in but not limited to municipalities, and the power to articulate and protect fundamental rights free from preemption by other levels of government.

The Charter puts residents’ preferences above the preferences of special (industry) interests and the State of Ohio’s actions to make those special interests impossible to challenge.

Therefore, in accordance with Article X, Section 3 of the Ohio Constitution, as well as our inherent right of local community self-government, we create this Charter so that the people in all incorporated and unincorporated parts of the county may exercise all reserved powers including, but not limited to, those vested by the Constitution and laws of Ohio in home rule municipalities and by this Charter, to elevate the consent of the governed above administrative dictates and preemptions that serve special privileges rather than general rights, to secure fundamental rights, and end the violation of those rights.

The Charter extends the right to self-government that the Ohio Constitution guarantees, but that is currently prevented due to restrictions on local authority over drilling.

Article I—COMMUNITY BILL OF RIGHTS (Community Rights)

Section 1.1 Rights Inalienable, Self-Executing, and Enforceable. All rights delineated and secured by Articles I and IV of this Charter are inherent, fundamental, irrevocable, inalienable, and shall be self-executing and enforceable against private and public entities. Further implementing legislation shall not be required for the people and natural ecosystems protected by this law to enforce all of the provisions of this Charter. The people of the County of Medina shall be secure in these rights, and may bring an action to enforce these rights. In such an action, the people shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney’s fees. These costs and fees shall not be awarded against people of the county protecting or enforcing these rights.

The Charter becomes law and is enforceable. If the Charter is violated, Medina County government or residents can file lawsuits to require enforcement, and whatever entity violates the law will cover legal costs.

Section 1.2 Rights Retained by People. The enumeration of rights in this Charter and elsewhere shall not be construed as a limitation upon rights of the people of the County of Medina, and rights not enumerated are retained by the people. The rights of the people shall not be limited, infringed, or abridged by any law, judicial ruling, preemption, regulation, process, permit, license, Charter, or delegation of privilege or authority.

Rights, such as the right to clean water or rights of nature, do not limit the rights of residents of Medina County. Any civil rights or liberties not addressed in the Charter are not affected by the Charter. The Charter is expanding rights not limiting the rights that people already have.

Section 1.3 Government Legitimacy. All governments in the United States owe their existence to the people of the communities that those governments serve, and governments exist to secure and protect the rights of the people and those communities. Any system of government that becomes destructive of those ends is not legitimate, lawful, or constitutional.

Local governments are meant to serve residents and local communities and not special interests outside Medina County.

Section 1.4 Right of Local Community Self-Government. The people of the County of Medina possess both a collective and individual right of local community self-government in their community, a right to a system of local government that embodies that right, and a right to a system of local government that protects and secures their human, civil, and collective rights.

Residents of Medina County have the right to a government that serves them and protects their rights, and not the privileges or desires of industries, governments, groups or individuals outside Medina County.

Section 1.5 Right to Assert the Right of Self-Government. The people of the County of Medina possess a right to use their local government to make and enforce law. The making and enforcement of law by the people through a municipal corporation or any other institution shall not eliminate, limit, or reduce their sovereign right of local community self-government.

Government agencies will be the ones to enforce the laws coming out of this Charter. Those agencies will not be able to turn around and limit the rights related to the Charter.

Section 1.6 Right to Municipal Autonomy. The people of every municipality (incorporated City, Village, and Township) in the County of Medina have and shall retain the right of local community self-government in their municipality and other rights as secured by this Charter. This Charter, and laws enacted pursuant to it, shall not preempt the exercise of political power by the people within any municipality in the County, and in case of conflict between the exercise of powers secured by this Charter and the exercise of powers by people of municipalities, the powers of the people of the municipality shall prevail within its jurisdiction.

Townships, cities and villages within Medina County are also covered by the Charter, not just the County government. If decisions between townships/villages, city governments and the County government disagree, the township/village/city wins. This would mean that townships in Medina County could issue decisions like putting a moratorium fracking, as one example, without the entire County doing so.

Section 1.7 Right to Untainted Elections, Initiative, Referendum, and Recall. Elections shall be free and equal, and no power or association, civil or military – including chartered corporations – shall at any time interfere to prevent or influence the free exercise of the right of suffrage or the outcomes of elections. The people at all times retain the right to exercise direct democratic action, including participation in democratic decision-making by initiative, referendum, and recall. The people’s right to propose and vote on bills through the exercise of their right to initiative, referendum and recall shall not be delayed, denied or invalidated under any pretext.

Medina County residents have the right to elections free from interference and they also have the right to place initiatives on the ballot for direct vote by citizens.

Section 1.8 Right to a Healthy Environment. All people of the County of Medina, along with ecosystems in the County (including, but not limited to, rivers, streams, wetlands, and aquifers), possess the right to clean air, water, and soil, to exist, flourish, and naturally evolve, and to be free from activities that would violate these rights. Activities that would violate these rights, include, but are not limited to: the disposal of drilling waste from oil and gas extraction operations, specifically the depositing, storage, treatment, injection, disposal of, transport of, or processing of wastewater, produced water, “frack” water, brine, or other substances that have been used in, or result from, the unconventional extraction of gas and oil, or any new infrastructure used to support the extraction, processing and transportation of unconventionally derived oil and gas, such as hydraulically fractured oil and gas wells, injections wells, pipelines, compressor stations, ethane cracker facilities, and other facilities that manufacture oil and gas byproducts.

Clean air, water and soil are rights in Medina County. Ecosystems in Medina County have a right to survival.

Section 1.9 Right to Govern Corporate Activities. As corporations are chartered and licensed by the State in the name of the people, and as all political power is inherent in the people, the people of this County have and retain the power to make laws, rules, and regulations directly, or through their local representatives, to modify the rights, powers, privileges, immunities, or duties of corporations that act within the County when those corporate rights, powers, privileges, immunities, or duties conflict with the rights of the people or nature.

Section 1.10 Rights Secured against Corporations. Corporations are created and empowered to act through the State’s issuance, in the name of the people, of charters, licenses, and permits, and thus are creatures of the State, answerable to and governed by the people. As such, when corporations act, in this County, they act under color of law, and are liable for the violation of rights when those violations occur due to corporate action or inaction.

Corporations and other business entities that violate rights secured by this Charter or other local law, or that seek to violate those rights, shall not be deemed to be juristic “persons” to the extent that such treatment would infringe the rights secured, or violate the protections of rights imposed, by this Charter or other local law. Nor shall such corporations possess any other rights, powers, privileges, immunities, or duties that would infringe the rights enumerated for the people or nature in the laws and constitutions of this County, the State of Ohio, the United States of America, and international law.

“Rights, powers, privileges, immunities, or duties” shall include, without limitation, standing to challenge this Charter or other local laws, the power to assert state or federal preemptive laws in an attempt to overturn sections of this Charter or other local laws, and the power to assert that the people of the County lack the authority to adopt this Charter or other local laws. In addition, no permit, license, privilege, charter, or other authority issued by any state, federal, or international entity shall be deemed valid within the County if it violates, purports to legalize the violation of, limits, or reverses, the rights secured by this Charter or laws enacted by the County to protect those rights.

Section 1.11 Right to Own Property. All the people of the County of Medina possess a right to own property, subject to the rights of people and nature as recognized by this Charter, other local law, state, federal, or international law.

Section 1.12 Rights against Eminent Domain. All the people of the County of Medina have the right to hold private property without threat of expropriation or taking by corporate entities for purposes of private gain rather than public use. The power of taking private property shall not be delegated. The taking of private property by the County for economic development does not constitute public use.

Section 1.13 Right to Peaceful Enjoyment of Home. All the people of the County of Medina possess a fundamental and inalienable right to the peaceful enjoyment of their homes, including but not limited to the right to access, occupy and enjoy their homes free from interference, intrusion, nuisances, or impediments resulting from activities prohibited by this Charter and other local laws.

ARTICLE II--CORPORATE POWERS, RIGHTS AND PRIVILEGES

Section 2.1 Name, Boundaries and Powers. The County of Medina as its boundaries now are, or hereafter may be, shall be a body politic representative of and directly responsible to the residents of this county to be known by the name of "County of Medina" with all the powers, authorities, and responsibilities granted by this Charter.

Medina County is a political entity known as the "County of Medina". It is responsible to residents of the County and the Charter gives it all the rights and responsibilities spelled out in the Charter and by other laws, including the Ohio Constitution.

The County of Medina is responsible within its boundaries for the exercise of all powers vested in, and the performance of all duties imposed upon, counties and County officers in this Charter. The County may exercise all powers specifically conferred by this Charter or incidental to powers specifically conferred by this Charter.

General law does not apply to the extent that it would infringe the rights of the people of Medina County, including infringement of rights enumerated in this County Charter, or other inalienable rights. The County may recognize or create greater protections for people and nature than provided by state and federal law.

Medina County government has to follow all laws imposed on it as long as they don't violate the rights of residents as stated in the Charter or the the United States Constitution.

Medina County government has the powers to act on the Charter and also maintains the power it has as a county in Ohio.

Medina County government can do more to protect human or natural communities than state law requires.

All powers exercised by the People through their County government shall be exercised and enforced by ordinance or resolution of the County Commissioners, through exercise of the initiative and referendum powers by the people, or by Charter amendment approved by a majority vote of the people.

Medina County government policy is set through ordinances and resolutions passed by County Commissioners, ballot initiatives or amendments to the Charter.

Section 2.2 Powers Limited. This Charter does not empower the County to exercise exclusively any municipal powers, nor to provide for the succession by the County to any property or obligation of any municipality or township without the consent of the legislative authority of such municipality or township or the vote of the people of such municipality or township as expressed through their initiative power. In case of conflict between the exercise of powers granted by this Charter and the exercise of powers by municipalities or townships granted by the Constitution or general law, the exercise of powers by the municipality or township shall prevail.

The Charter does not give County government authority or control over townships/villages/cities or subsume townships/villages/cities into the County unless the townships/villages/cities initiate and vote for that. If the townships/villages/cities and County government want to set different policies that the body of law gives them the authority to set, townships/villages/cities win and get to establish the policy for their township/village/city.

Section 2.3 Construction. The powers of the County under this Charter shall be construed liberally in favor of the County, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers granted under this Charter.

ARTICLE III—FORM OF GOVERNMENT AND ELECTIONS

Section 3.1 Charter Authority. The People hereby exercise their right and power to form a County Charter government pursuant to the Ohio Constitution's Home Rule provision of Article X Section 3. The People do not enact this Charter as an "alternative form of government" as provided by general law, Ohio Revised Code, Section 302.01, *et seq.* The People do not choose to have a County government with a County executive. Instead, with this Charter, the People adopt a form of government that includes a Community Bill of Rights, and prohibitions necessary to protect those rights. With the inclusion of a Community Bill of Rights and the prohibitions necessary to protect those rights, the People exercise their inherent right to local community self-government, in particular, the right to adopt a local constitution, in the form of a County Charter, which recognizes greater protections for County residents and ecosystems than those afforded by the federal and state constitutions.

Section 3.2 The County Commission. The County Commission shall be composed of three (3) at large members who shall be elected in accordance with this Charter to fulfill the following responsibilities.

Section 3.2.1 Election of County Commissioners. The County Commissioners shall be elected to four year terms that will commence on the following days, (1) January 2, 2018, (2) January 3, 2019, and (3) January 1, 2020. The incumbents who currently hold appointments in these terms shall remain until the expiration of their current term. Candidates that are running for the Commissioner openings concurrent with this Charter shall assume the role in accordance with this Charter. Any candidate for election as County Commissioner shall be, and remain for the entire term, an elector of the County at the time of filing the declaration of candidacy, and shall not hold or accept other public office.

Section 3.2.2 County Commissioner Compensation. Each county commissioner shall be classified, for salary purposes, according to the population of the county. All county commissioners shall receive annual compensation in the amount of \$72,346.

The County Commissioners may change the salary by ordinance at any time at least 30 days prior to a General election, but no change shall be effective until a new term for the office.

Section 3.2.3 Powers and Duties of Board of County Commissioners. The County Commissioners shall have those powers and duties as responsible for the day-to-day running of the departments, offices and agencies of County government under his or her jurisdiction and control. If there is a conflict between this Charter and general laws, the powers and duties of this Charter shall prevail. The Board of County

Commissioners has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

3.2.3.1 To fulfill the oath of office of County Commissioners by enforcing the rights of the people and nature secured by this Charter.

3.2.3.2 To ensure the health, safety and welfare of the people and nature of Medina County and to prevent the violation of those rights by enacting and enforcing local laws for this purpose.

3.2.3.3 To appoint, hire, suspend, discipline and remove all county personnel except those who are elected or who are under the jurisdiction of elected or other officers, boards, agencies, commissions and authorities of a county other than the Board of County Commissioners.

3.2.3.4 To hold public proceedings, to conduct at least fifty (50) regular meetings each year, and to hold special sessions as often as the commissioners deem necessary, at a specific time fixed in advance, and at an office provided for the board in the county seat or, with reasonable public notice, at a location in the county other than the office provided for the board in the county seat.

3.2.3.5 To compare the annual reports and statements made to it by the prosecuting attorney, clerk of the court of common pleas, sheriff, and county treasurer, take all necessary measures to rectify errors in such reports and to trace and correct any discrepancies between them, and place on its journal the result of such examination. All such reports shall be recorded by the county auditor in a book kept especially for that purpose.

3.2.3.6 To administer any oath necessary in the discharge of the duties of the board of county commissioners.

3.2.3.7 To appoint a county administrator, if desired, who shall be the administrative head of the county under the direction and supervision of the board of county commissioners and who shall hold office at the pleasure of the board.

3.2.3.8 To sue and be sued, and plead and be impleaded, in any court.

3.2.3.9 To appoint officers and members of boards, agencies, commissions and authorities as may hereafter be created pursuant to this Charter. No such appointment shall be effective until confirmed by a majority of the full County Commission. The County Commission appointees shall reflect the diversity of the people of the County.

3.2.3.10 To appoint and provide for the compensation and duties of the County Clerk and such other assistants as the County Commission determines to be necessary for the efficient performance of its duties.

3.2.3.11 To adopt and amend the annual tax budget, the operating budget and the capital improvements program and to make appropriations for the County; however, the County Commission shall not have the power to levy and/or increase taxes unless approved by a majority of the electors of the County at a primary or general election.

3.2.3.12 Before entering upon the discharge of his or her duties each county commissioner must give bond, signed by a bonding or surety company authorized to do business in this state, or, at his or her option, by two or more freeholders having real estate in the value of double the amount of the bond over and above all encumbrances to the state, in a sum not less than five thousand dollars, the surety company to be approved by the probate judge of the county, the bond conditioned for the faithful discharge of the commissioner's official duties, and for the payment of any loss or damage that the county may sustain by reason of his failure in such duties.

3.2.3.13 To determine which officers and employees shall give bond and to fix the amount and form thereof, provided that no bond requirement shall change during an elected official's term.

Section 3.2.4 Organization, Rules and Procedures. On the first Monday of each year which is not a legal holiday, the County Commission shall organize by electing one of its members as President for a one year term. The President shall preside at all meetings of the County Commission.

3.2.4.1 The County Commission shall determine its own rules and order of business. This shall include a schedule for regularly scheduled sessions ("Regular"). While the Commission may undertake special sessions outside of the Regular sessions, such special sessions shall be announced 48 hours in advance by publication in social media sites and the newspapers of the county. The County Clerk shall keep and make available for public inspection at all reasonable times a record of all proceedings of the County Commission, recording each member's vote on an ordinance or resolution.

3.2.4.2 All legislative action shall be by ordinance introduced in written or printed form. Each ordinance shall contain no more than one subject, which shall be clearly expressed in its title.

3.2.4.3 No ordinance, except those of an emergency nature, shall be passed by the County Commission until it has been read, which may be by title only, at three different Regular County Commission meetings. If an ordinance is of an emergency nature, the ordinance must include a description of the nature of the emergency.

3.2.4.4 No action of the County Commission shall be valid or binding unless adopted by the affirmative vote of at least a majority of the members of the County Commission. Once each ordinance is approved by the Commission, the Commission President shall sign the ordinance.

3.2.4.5 Each ordinance shall take effect upon enactment unless otherwise specified in the measure.

Section 3.3 The County Auditor. The County Auditor shall be the accounting and processing authority of the County.

Section 3.3.1 Election of County Auditor. The County Auditor shall be elected quadrennially, commencing their term on the second Monday in March after their election. The incumbent who currently holds this position shall remain until the expiration of their term. The Auditor may run for reelection, in the next General Election for their position. The Auditor candidates shall (1) be residents of the County for at least sixty (60) days immediately prior to filing of candidacy or appointment to fill a vacancy, (2) must remain a resident of the county during their term. If there is a conflict between these requirements and the General Laws, the Charter terms shall prevail. During the entire term, the County Auditor shall not hold other public office and shall complete 24 hours of continuing education hours in the first two years of the term, with 16 hours during the first year of the term.

Section 3.3.2 County Auditor Compensation. The county auditor shall receive annual compensation in the amount of \$84,621.

The County Commissioners may change the Auditor's salary by ordinance.

Section 3.3.3 Powers and Duties of the County Auditor. The County Auditor has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

- (1) perform the duties and functions authorized or directed by the board of county commissioners;
- (2) prepare a financial report of the county for the preceding fiscal year and publish notice of completion of the report;
- (3) keep an accurate account current with the county treasurer, showing all moneys paid into the treasury, the amount of such moneys, the time when, by whom, from what source, and to what fund paid, and showing all moneys paid out, the amount of such moneys, the time when, to whom, for what purpose, and from what fund paid;
- (4) prepare in duplicate a statement of the finances of the county for the preceding month, showing the amount of money received to the credit of each fund and account, the amount disbursed from each, the balance remaining to the credit of each, and the balance of money in the treasury and depository, and submitting such statement to the board of county commissioners;
- (5) issue warrants, including electronic warrants authorizing direct deposit for payment of county obligations;
- (6) transfer titles;
- (7) when any fund is exhausted, make, with the county treasurer, an estimate of the amount of money belonging to such fund which has been collected as taxes and credited to the undivided tax funds in the treasury; and
- (8) distribute payments.

Section 3.4 The County Treasurer. The County Treasurer shall be the county authority for means of processing and securing and managing County funds.

Section 3.4.1 Election of County Treasurer The County Treasurer shall be elected quadrennially, commencing their term on the first Monday in September after their election. The candidate who wins the election concurrent with the adoption of this charter, shall assume the position in accordance with this Charter. The Treasurer candidates shall (1) be residents of the County for at least sixty (60) days immediately prior to filing of candidacy or appointment to fill a vacancy, and (2) remain a resident of the county during their term. If there is a conflict between these requirements and the General Laws, the Charter terms shall prevail. During the entire term, the County Treasurer shall not hold other public office.

Section 3.4.2 County Treasurer Compensation. The County Treasurer shall receive annual compensation in the amount of \$67,525.

The County Commissioners may change the Treasurer's salary by ordinance.

Section 3.4.3 Powers and Duties of the County Treasurer. The County Treasurer shall have the power and duty to be responsible for the day-to-day obtaining and securing of county funds under his or her jurisdiction and control. The County Treasurer has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

- (1) perform the duties and functions authorized or directed by the board of county commissioners;
- (2) request that the Board of County Commissioners contract with financial institutions to process payments, checks and fees;
- (3) appoint one or more deputies;
- (4) at the expiration of his or her term of office or on his or her resignation or removal from office, deliver to his successor all moneys, books, papers, and other property in his or her possession as treasurer. In case of the death or incapacity of the treasurer, they shall be delivered over by his legal representatives;

- (5) keep an accurate account of all moneys received by him or her, showing the amount, the time, from what source received, and of all disbursements made by him or her, showing the amount, the time, and for what purpose paid. He or she shall so arrange his or her accounts that the amount received and paid on account of each separate and distinct fund shall be exhibited in a separate and distinct account;
- (6) enter on the treasurer's account each day the money received for advance payments of taxes and taxes charged on the general and special duplicates of the current year;
- (7) each business day, make a statement to the county auditor for the preceding day, showing the amount of taxes received and credited to the various undivided tax funds, the amount received on auditor's draft, the amount received from all other sources, the total amount deposited in the depository, the total amount paid by check on the depository, the total amount paid out in cash, the balance in the depository, and the balance in the county treasury;
- (8) at the time of closing the books at the end of each collection of taxes, make to the county auditor a statement showing the amount of taxes received in each taxing district in the county since the last settlement, under the following headers: Inheritance tax, estate tax, dog tax, general tax, and classified tax. And, keep such accounts in books provided for that purpose as will enable him or her to make statements showing an accurate account of all monies received by him or her;
- (9) pay money from the county treasury, or transfer money to any person for disbursement, except on the warrant of the county auditor, including an electronic warrant authorizing direct deposit, for payment of county obligations;
- (10) redeem county warrants and, on the first day of each month in each year, deposit with the county auditor all warrants he or she has redeemed and take the auditor's receipt for them;
- (11) record warrants as not paid for want of funds;
- (12) not loan money belonging to the county or use county money for his or her own individual purpose;
- (13) on or before the fifteenth day of February, in each year, settle with the county auditor for all taxes and assessments that the treasurer has collected on the general duplicate of real and public utility property at the time of making the settlement;
- (14) on or before the tenth day of August, in each year, settle with the auditor for all taxes and assessments that the treasurer has collected on the general duplicates of real and public utility property at the time of making such settlement, not included in the preceding February settlement;
- (15) on or before the thirtieth day of June, in each year, settle with the auditor for all advance payments of general personal and classified property taxes that the treasurer has received at the time of making the settlement;
- (16) on or before the thirty-first day of October, in each year, settle with the auditor for all taxes that the treasurer has collected on the general personal and classified property duplicates, and for all advance payments of general personal and classified property taxes, not included in the preceding June settlement, that the treasurer has received at the time of making such settlement;
- (17) make an annual settlement with the Board of County Commissioners that shall include the furnishing of a certified statement of all moneys received by him or her as fees or for official services, during the year next preceding the time of making such statement, designating the several sources and the amount from each;
- (18) make certifications to the tax commissioner;
- (19) settle with the county auditor for various taxes and assessments that the treasurer has collected;

- (20) maintain a delinquent tax and assessment collection fund and submit a report to the board of county commissioners regarding the use of the moneys appropriated from the delinquent tax and assessment collection fund; and
- (21) maintain a county probation services fund.

Section 3.5 The County Prosecuting Attorney. The County Prosecuting Attorney shall be responsible for legal guidance and prosecuting authority of the County.

Section 3.5.1 Election of County Prosecuting Attorney. The County Prosecuting Attorney shall be elected quadrennially, commencing their term on the first Monday in January after their election. The candidate who wins the election concurrent with the adoption of this Charter, shall assume the position in accordance with this Charter. The Prosecuting Attorney candidates shall (1) be residents of the County for at least sixty (60) days immediately prior to filing of candidacy or appointment to fill a vacancy, (2) remain a resident of the county during their term, (3) be licensed to practice law in the State of Ohio, and (4) not be a member of the general assembly of this state or mayor of a municipal corporation. If there is a conflict between these requirements and the General Laws, the Charter terms shall prevail. During the entire term, the County Prosecuting Attorney shall not hold other public office.

Section 3.5.2 County Prosecuting Attorney Compensation. The County Prosecuting Attorney shall receive annual compensation in the amount of \$77,488, if the prosecuting attorney has a private practice, and in the amount of \$127,563, if the prosecuting attorney does not have a private practice.

The County Commissioners may change the Prosecuting Attorney's salary by ordinance.

Private Practice of Law. A prosecuting attorney shall not engage in the private practice of law unless before taking office the prosecuting attorney notifies the board of county commissioners of the intention to engage in the private practice of law. A prosecuting attorney may elect to engage or not to engage in the private practice of law before the commencement of each new term of office, and a prosecuting attorney who engages in the private practice of law who intends not to engage in the private practice of law during the prosecuting attorney's next term of office shall so notify the board of county commissioners. A prosecuting attorney who elects not to engage in the private practice of law may, for a period of six months after taking office, engage in the private practice of law for the purpose of concluding the affairs of private practice of law without any diminution of salary.

Section 3.5.3 Powers and Duties of the County Prosecuting Attorney. The County Prosecuting Attorney shall have those powers and duties as responsible for the prosecution of all complaints, suits and controversies in which the state is a party in the County. The County Prosecuting Attorney has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

- (1) give bond to the state in a sum, not less than the prosecuting attorney's official salary, to be fixed by the court of common pleas or the probate court, with sureties to be approved by either of those courts;
- (2) inquire into the commission of crimes within the county;
- (3) prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party, except for those required to be prosecuted by a special prosecutor or by the attorney general, and other suits, matters, and controversies that the prosecuting attorney is required to prosecute within or outside the county, in the probate court, court of common pleas, and court of appeals;
- (4) in every case of conviction, forthwith cause execution to be issued for the fine and costs, or costs only, as the case may be, and faithfully urge the collection until it is effected or found to be impracticable to collect;

- (5) forthwith pay to the county treasurer all moneys belonging to the state or county which come into the prosecuting attorney's possession;
- (6) participate, as a member of the investigatory staff of an organized crime task force that has jurisdiction in that county in an investigation of organized criminal activity; and
- (7) maintain a delinquent tax and assessment collection fund and submit a report to the board of county commissioners regarding the use of the moneys appropriated from the delinquent tax and assessment collection fund.

Section 3.6 The County Engineer. The County Engineer shall be the professional engineering authority of the County.

Section 3.6.1 Election of County Engineer The County Engineer shall be elected quadrennially, commencing their term on the first Monday in January after their election. The candidate who wins the election concurrent with the adoption of this charter, shall assume the position in accordance with this Charter. The Engineer candidates shall (1) be residents of the County for at least sixty (60) days immediately prior to filing of candidacy or appointment to fill a vacancy, (2) remain a resident of the county during their term and (3) be a registered professional engineer and a registered surveyor, licensed to practice in this state. If there is a conflict between these requirements and the General Laws, the Charter terms shall prevail. During the entire term, the County Engineer shall not hold other public office.

Section 3.6.2 County Engineer Compensation. The County Engineer shall receive annual compensation in the amount of \$78,594 if the County Engineer has a private practice and \$104,950 if the County Engineer does not have a private practice.

The County Commissioners may change the County Engineer's salary by ordinance.

Private Practice. A county engineer may elect to engage or not to engage in the private practice of engineering or surveying before the commencement of each new term of office, and a county engineer who elects not to engage in the private practice of engineering or surveying may, for a period of six months after taking office, engage in the private practice of engineering or surveying for the purpose of concluding the affairs of private practice without any diminution of salary.

Section 3.6.3 Powers and Duties of the County Engineer. The County Engineer shall have those powers and duties as responsible for the day-to-day questions of engineering or surveying of the departments, offices and agencies of County government under his or her jurisdiction and control. The County Engineer has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

- (1) perform for the county all duties to be done by a registered professional engineer or registered surveyor; and
- (2) prepare all plans, specifications, details, estimates of cost, and submit forms of contracts for the construction, maintenance, and repair of all bridges, culverts, roads, drains, ditches, roads on county fairgrounds, and other public improvements, except buildings, constructed under the authority of any board within and for the county.

Section 3.7 The County Recorder. The County Recorder shall maintain all county records.

Section 3.7.1 Election of County Recorder. The County Recorder shall be elected quadrennially, commencing their term the first Monday in January after their election. The candidate who wins the election concurrent with the adoption of this Charter, shall assume the position in accordance with this Charter. The Recorder candidates shall (1) be residents of the County for at least sixty (60) days prior to filing of candidacy or appointment to fill a vacancy, (2)

remain a resident of the county during their term, (3) not be a member of the general assembly of this state or mayor of a municipal corporation. If there is a conflict between these requirements and the General Laws, the Charter terms shall prevail. During the entire term, the County Recorder shall not hold other public office. If newly elected for a full term, the Recorder shall complete at least 15 hours of continuing education during the first year of the term and at least 8 hours of continuing education each subsequent year.

Section 3.7.2 County Recorder Compensation. The County Recorder shall receive annual compensation in the amount of \$63,098.

The County Commissioners may change the County Recorder's salary by ordinance.

Section 3.7.3 Powers and Duties of the County Recorder. The County Recorder shall have those powers and duties as responsible for the day-to-day county record keeping of County information under his or her jurisdiction and control. The County Recorder has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

- (1) record all instruments in one general record series to be known as the "official records";
- (2) record in the official records instruments, such as deeds, mortgages, judgments or decrees, declarations and bylaws, affidavits, certificates, conveyances of conservation and agricultural easements, presented for recording, upon payment of prescribed fees; and
- (3) as part of the official records, keep a separate set of records containing all transfers, conveyances, or assignments of any type of tangible or intangible personal property or any rights or interests in that property if and to the extent that any person wishes to record that personal property transaction and if the applicable instrument is acknowledged before a notary public.

Section 3.8 The County Sheriff . The County Sheriff shall be the peacekeeping authority of the County.

Section 3.8.1 Election of County Sheriff. The County Sheriff shall be elected quadrennially, commencing their term on the first Monday in January after their election. The candidate who wins the election concurrent with the adoption of this charter shall assume the position in accordance with this Charter. The Sheriff candidates shall meet the requirements created by the county commissioners. During the entire term, the County Sheriff shall not hold other public office.

Section 3.8.2 County Sheriff Compensation. The County Sheriff shall receive annual compensation in the amount of \$82,832.

The County Commissioners may change the Sheriff's salary by ordinance.

Section 3.8.3 Powers and Duties of the County Sheriff. The County Sheriff shall have those powers and duties as necessary for managing the departments, offices and agencies of County government under his or her jurisdiction and control. If there is a conflict between this Charter and general laws, the duties of this Charter shall prevail. The County Sheriff has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

- (1) preserve the public peace;
- (2) uphold the law and, at all times act in accordance and not interfere with, the people's rights under the United States Constitution, the state of Ohio Constitution, and local laws, including County Charters;

- (3) execute warrants, writs, and other process directed to the sheriff by any proper and lawful authority of this state, and those issued by a proper and lawful authority of any other state;
- (4) attend upon the court of common pleas and the court of appeals during their sessions, and, when required, attend upon the probate court;
- (5) in the execution of official duties of the sheriff, call to the sheriff's aid such persons or power of the county as is necessary;
- (6) under the direction and control of the board of county commissioners, have charge of the court house;
- (7) participate, as the director of an organized crime task force or as a member of the investigatory staff of such a task force, in an investigation of organized criminal activity in any county or counties in this state; and
- (8) call upon the sheriff of any other county, the mayor or other chief executive of any municipal corporation, and the chairperson of the board of township trustees of any township within this state, to furnish such law enforcement or fire protection personnel, or both, together with appropriate equipment and apparatus, as may be necessary to preserve the public peace and protect persons and property in the requesting sheriff's county.

Section 3.9 The Clerk of Courts. The Clerk of Courts shall be the court recordkeeping authority of the County.

Section 3.9.1 Election of Clerk of Courts. The Clerk of Courts shall be elected quadrennially, commencing their term on the first Monday in January after their election. The candidate who wins the election concurrent with the adoption of this charter, shall assume the position in accordance with this Charter. The Clerk of Courts candidates shall meet the requirements created by the county commissioners.

Section 3.9.2 Clerk of Courts Compensation. The Clerk of Courts shall receive annual compensation in the amount of \$67,525.

In addition to the annual compensation that the clerk receives for the performance of the duties of the clerk of the court of common pleas, the clerk, for acting as the clerk of the court of appeals of the county and assuming the duties of that office, shall receive an additional amount equal to one-eighth of the annual compensation that the clerk receives as set forth above.

The County Commissioners may change the Clerk of Court's salary by ordinance.

Section 3.9.3 Powers and Duties of the Clerk of Courts. The Clerk of Courts shall have those powers and duties as responsible for keeping the court records in the departments, offices and agencies of County government under his or her jurisdiction and control. The County Clerk of Courts has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

- (1) perform official duties under the direction of the court;
- (2) indorse on each pleading or paper in a cause filed in the clerk's office the time of filing, enter all orders, decrees, judgments, and proceedings of the courts of which such individual is the clerk, make a complete record when ordered on the journal to do so, and pay over to the proper parties all moneys coming into the clerk's hands as clerk;
- (3) file together and carefully preserve in his office all papers delivered to him or her for that purpose in every action or proceeding;
- (4) indorse upon every paper filed with him or her the date of the filing thereof, and upon every order for a provisional remedy and upon every undertaking given thereunder, the date of its return to his or her office;

- (5) issue writs and orders for provisional remedies;
- (6) keep at least four books called the appearance docket, trial docket and printed duplicates of the trial docket for the use of the court and the officers thereof, journal, and execution docket;
- (7) keep a record in book or electronic form which correctly and accurately copies or reproduces the original document, paper, or instrument in writing;
- (8) keep an indexes to the trial and appearance dockets;
- (9) keep and make readily available to the public the machine and equipment necessary to reproduce the records and information in a readable form;
- (10) keep the journals, records, books, and papers appertaining to the court and record its proceedings;
- (11) Enter orders made out of court in the journal of the court in the same manner as orders made in term;
- (12) make an alphabetical index of the names of all plaintiffs and defendants to pending suits and living judgments, showing therein in separate columns the names, court, and number of the suit or execution;
- (13) Serve as the clerk of the court of common pleas and as the clerk of the court of appeals of the county;
- (14) charge set fees;
- (15) receive from the sheriff, or other officer of the court, all costs taxed upon any writ or order issued from the court, such as appraisers' fees, printers' fees, or any other fees necessarily incurred in the execution of such writ or order, and on demand pay them to the persons entitled thereto;
- (16) to not restrict, prohibit, or otherwise modify the rights of parties to seek service on party defendants allowed by the Rules of Civil Procedure, either singularly or concurrently; and
- (17) in every case immediately on the rendition of judgment, make out and file with the papers in the cause, an itemized bill of his or her costs therein, including the judgment.

Section 3.10 The County Coroner. The County Coroner or a deputy shall be responsible for medical records and investigations in the county.

Section 3.10.1 Appointment of County Coroner. The County Coroner shall be appointed by majority vote of the Board of County Commissioners and shall take office at the expiration of the current County Coroners' term. The Coroner shall (1) be a resident of the County for at least sixty (60) days immediately prior to appointment, (2) remain a resident of the county during their appointment, (3) be a licensed physician in the state for at least 2 years prior to commencing the appointment, and (4) a newly appointed coroner, after the appointment but prior to commencing the role of office to which appointed, shall attend and successfully complete sixteen hours of continuing education at programs sponsored by the Ohio state coroners association. If there is a conflict between the Charter requirements and the General Laws, the Charter terms shall prevail. During the entire term, the County Coroner shall not hold other public office, and during the term must attend and complete 32 hours of continuing education at programs sponsored by the Ohio state coroners association, with 24 of those hours at statewide meetings and 8 at regional meetings.

Section 3.10.2 County Coroner Compensation. The County Coroner shall receive annual compensation in the amount of \$56,458 for County Coroner's with a private practice and \$127,563 for County Coroner's without a private practice.

The County Commissioners may change the Coroner's salary by ordinance.

Section 3.10.3 Powers and Duties of the County Coroner. The County Coroner shall have those powers and duties as responsible for the day-to-day running of the medical offices and agencies of County government under his or her jurisdiction and control. The County County has the following powers and duties, as well as those powers and duties that may be assigned by ordinance, resolution, initiative or charter amendment:

- (1) appoint deputy coroners and other personnel, including clerks, stenographers, custodians, and investigators, define their duties, and fix their salaries so long as compensation shall not exceed, in the aggregate, the amount fixed by the board of county commissions for the coroner's office;
- (2) be the official custodian of the morgue;
- (3) make a reasonable attempt to promptly identify the body or remains of a deceased person. If the coroner is unable to identify the body or remains of a deceased person within thirty days after the body or remains of the deceased person are delivered to the coroner, the coroner shall notify the bureau of criminal identification and investigation that the body or remains are located in the county morgue or are in the custody of the coroner and forward a DNA specimen from the body or remains of the deceased person to the bureau;
- (4) if a body or remains are discovered and delivered to the coroner and the coroner is unable to determine whether or not the body or remains that are discovered are the body or remains of a deceased person, notify the bureau of criminal identification and investigation of the existence of a possible body or remains of a deceased person and forward a DNA specimen from the body or remains to the bureau;
- (5) if the body or remains of a deceased person are not identified, in addition to providing the notice required, do all of the following prior to disposing of the body or remains:
 - a. Take or cause to be taken one or more photographs of the body or remains of the deceased person;
 - b. Collect in a medically approved manner a DNA specimen from the body or remains of the deceased person;
 - c. Promptly cause the fingerprints, the photographs, and the DNA specimen to be forwarded to the bureau of criminal identification and investigation for inclusion in the unidentified person database.
- (6) keep a complete record of and fill in the cause of death on the death certificate, in all cases coming under his or her jurisdiction;
- (7) make available and open to public inspection all records in the coroner's office that are public records;
- (8) provide a copy of the full and complete records of the coroner with respect to a decedent to a person who makes a written request as the next of kin of the decedent;
- (9) grant written requests by such persons as next of kin, journalists, and insurers for full and complete records or to view preliminary autopsy and investigative notes and findings, suicide notes, or photographs of the decedent made by the coroner or by anyone acting under the coroner's discretion or supervision provided that the written request is made in accordance with general law;
- (10) issue an order, or designate a deputy coroner or investigator to issue an order allowing removal or disturbance of a body of any person, when such an order is required under general law;
- (11) perform autopsies;
- (12) disinter dead bodies;
- (13) issue death certificates;
- (14) issue writs; and
- (15) keep a complete record of all chemical tests and other tests performed each fiscal year.

Section 3.11 County Absences and Vacancy. In the event an elected office of the County is deemed vacant, thus leaving the remaining time of the term open (“Remainder”), the following shall occur.

3.11.1 When a vacancy occurs in a County Elected position, the replacement shall be chosen within thirty (30) days of the vacancy by the county political party committee members of the same political party as the person vacating the seat. If the county political party committee members fail to make the appointment, or if the person vacating the seat was not a member of a county political party, then the full County Commission has thirty (30) days to make a unanimous appointment. If the full commission fails to make an appointment, then a special election shall be held to elect the position.

3.11.2 Vacancy: Length of Appointment in all cases. If an appointment occurs in years 1 to 3 of a four (4) year term, the interim appointment is for a period until the next County-wide General Election at which time the position shall be filled for the remainder of the principal term. If an appointment occurs in the fourth year of a four (4) year term prior to the filing deadlines for the General Election, the interim appointment shall be for the remainder of the original term with the newly elected replacement at the next County-wide General Election to assume the position for the subsequent four (4) year term. If the appointment is after the filing deadlines for the General Election, then the appointment shall be for the remainder of the original term and until the County-wide General Election occurs in the first year of the subsequent four (4) year term.

ARTICLE IV—THE RIGHT OF LOCAL COMMUNITY SELF-GOVERNMENT

Section 4.1 The right of local community self-government. The right of local community self-government is an inalienable and inherent right. It derives from the principle that all political power is inherent in the people, is exercised by them for their benefit, and is subject to their control. The right is recognized and secured by the pre-revolutionary history of the United States, the American Declaration of Independence, the Ohio state constitution’s bills of rights, the United States Constitution, and this Charter. Because the right is inherent and inalienable, no government can define, diminish, or otherwise control it.

The right of local community self-government is a positive right of every natural person to engage in the local deliberative and decision-making process that creates enforceable outcomes. This right can only be exercised and not violated when people who choose to come together as a community exert their individual governing authority collectively and locally over activities and behaviors of private and public actors to protect their rights, natural ecosystems, safety, and community priorities and those of future generations.

Section 4.2 Three components of the Right of Local Community Self-Government. The right of local community self-government includes three component rights – first, the right to a system of government within the local community that secures and protects the rights of every individual in the community and the rights of the community; second, the right to a system of government within the local community that is controlled by a majority of its inhabitants; and third, the right to alter or abolish the system of local government if it infringes those component rights.

Section 4.3 The exercise of Local Community Self-Government. The State of Ohio has created a variety of local governmental bodies, both incorporated and unincorporated, for administration of state policy, and for conduct of municipal affairs. State authorized powers of such local governmental bodies are distinct and apart from the people’s right of local community self-government. The people’s right is not dependent upon state delegation of powers, nor can the right be diminished or infringed by the state. This Charter is an enactment of the people of Medina County, and the government it creates is not the result of state action. Local communities, when exercising the people’s right of local community self-government, are not subject to constraints on local lawmaking imposed by state and federal governments when local laws are enacted to secure and protect the people’s civil, political, and community rights. Such

inapplicable constraints include: preemption of local lawmaking by state and federal laws or international treaties, the conferral of constitutional rights onto corporations, when those “rights” infringe the rights of people and communities, and the doctrine that local governments can legislate only as authorized by state government.

Section 4.4 Initiative, Referendum, Recall and Charter Amendments. As provided by Article X, Section 3 of the Ohio Constitution, initiative, referendum and recall is reserved to the people of the County on all matters the County may now or hereafter be authorized to control by legislative action and on all matters affecting the inalienable rights, the health, safety and quality of life of the people and nature in Medina County. The County shall provide, by ordinance, for the operation of initiative, referendum, recall, and submission of proposed amendments to this Charter, within ninety days of the adoption of this Charter, and that ordinance shall incorporate the following provisions:

(1) Proposed ordinances, referendum, and recall shall be submitted to the electors of the County upon petition signed by six percent (6%) of the electors of the County voting in the prior gubernatorial election. Proposed charter amendments shall be submitted to the electors of the County upon petition signed by eight percent (8%) of the electors of the County voting in the prior gubernatorial election.

(2) Petitions by the people for the presentation of local laws, presentation of charter amendments, the rescinding of local laws, or the recall of County officials shall not be rejected from ballot placement based on content, legality, constitutionality, applicability to the powers and authorities of counties, or single subject requirements.

(3) The submission of ballot measures to the electorate shall be subject only to the examination of petitions as to their sufficiency regarding the number of valid signatures and timeliness of petition submission. All powers and authorities of the County Board of Elections, County Commissioners, Secretary of State, or other governmental body regarding such petitions shall be ministerial only. Neither the County Board of Elections, County Commissioners, Secretary of State, nor other governmental body shall engage in any review of ballot measures other than determining whether there is a valid number of signatures and whether the petition is timely. Neither the County Board of Elections, County Commissioners, Secretary of State, nor other governmental body shall review a ballot measure to determine whether it is constitutional or within the scope of the County’s or the people’s authority. Nor shall the County Board of Elections, County Commissioners, Secretary of State, or other governmental body otherwise conduct any substantive review of ballot measures.

Section 4.5 Meetings of Governmental Bodies to be Public. All meetings of the County Commission and any board, commission, agency or authority of Medina County as well as any similar body created by this Charter or the County Commission shall be open to the public and a record kept. This section shall be operative except for those meetings which deal with litigation issues in actions in which the County is a party, for all meetings in which a legal privilege could be invoked, and for issues dealing with County personnel. For those meetings not governed by this section, the reason for the non-public nature of the meeting shall be announced in public session prior to the meeting.

Section 4.6 Records of Governmental Bodies to be Public. Records of the County shall be open to the public. The public shall not be denied access to County records. Records responsive to record requests shall be produced within sixty (60) days of the receipt of the written request.

ARTICLE V—GENERAL PROVISIONS

Section 5.1 Transition to Charter Government and Advisory Group. All county officers retained at the time shall assume the powers and duties defined by this Charter and shall remain in office until the election or appointment of their successors in accordance with this Charter. The County Commissioners shall have authority to appoint personnel to positions vacated or not filled at the time this Charter takes effect.

The Board of County Commissioners may pass ordinances as necessary to assist in the transition to a Charter form of government. The Board of County Commissioners may also form a transition advisory group made up of government officials and residents to develop recommendations for the orderly and efficient transition to the operation of the County government under the provisions of this Charter and to work with the newly elected County officials.

Section 5.2 Oath of Office. Members of the County Commission and all County elected office holders are hereby required to take an oath of office. The oath shall be administered by any person qualified as a notary and shall consist of a promise by the official to protect the rights of the people and nature in Medina County and to enforce the Charter and laws of Medina County.

Section 5.3 Pending Matters. All County claims, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to this Charter, and in each case shall be maintained, carried out, or dealt with by the County department, office, or agency as shall be appropriate under this Charter.

The Charter does not invalidate business that is already in process.

Section 5.4 Laws in Force. All County ordinances, resolutions, orders, regulations and other laws that are in force when this Charter becomes fully effective are repealed only to the extent that they are inconsistent or interfere with the effective operation of this Charter or laws enacted pursuant hereto. All laws relating to or affecting the County or its officers, agencies, departments, or employees that are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of laws enacted pursuant hereto. The authority and power to enforce county laws, protect rights established by this Charter, and prosecute offenders shall not be abridged.

County laws that would conflict with this Charter are repealed.

Section 5.5 Charter Review Process. Within one year of the adoption of this charter, the county commissioners shall convene a forum for public input and discussion of how the Charter government can be improved and if necessary, altered, to maximally serve the interests of county residents. Commissioners will also ensure that such public forums are repeated at regular intervals not longer than five (5) years. The commissioners shall issue a report including a detailed summary of all issues raised at the forum as well as a full account of any and all measures they will take to address those issues. This report shall be issued and made available to the general public within 60 days of the date of the forum.

ARTICLE VI—SEVERABILITY

Section 6.1 Severability of Sections or Subsections. The provisions of this Charter are severable. If any court decides that any section, subsection, clause, sentence, part, or provision of this Charter is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, subsections, clauses, sentences, parts, or provisions of the Charter.

If the courts find parts of this Charter illegal, only those will be stricken and the remaining parts will stand.