

## 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 people 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 form 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, and 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 V 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 townships in Medina County could issue decisions like putting a moratorium on 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.

*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 Clean Air, Water, and Soil** All people of the County of Medina, along with ecosystems within the County, possess the right to clean air, water, and soil.

*Clean air, water and soil are rights in Medina County.*

**Section 1.9 Rights of Nature** Natural ecosystems within the County of Medina including, but not limited to, rivers, streams, wetlands, and aquifers, possess the right to exist, flourish, and naturally evolve, free from activities prohibited by this Charter and other laws of the County.

*Ecosystems in Medina County have a right to survival.*

**Section 1.10 Right to be Free from Chemical Trespass** All people of the County of Medina, along with ecosystems within the County, possess the right to be free from chemical trespass by toxic substances introduced into the environment by processes and activities prohibited by this Charter and other laws of the County.

*Chemical trespass is when toxic chemicals travel in the environment (through water, food supplies, air, etc.) to land in people’s bodies or in the ecosystem. In Medina County, people have a right to stop chemical trespass.*

**Section 1.11 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 1.12 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 a corporation 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 1.13 Right to a Sustainable Community** All the people of the County of Medina possess the right to a sustainable community, which includes, but is not limited to, the right to enact local laws establishing policies and prohibitions concerning energy, water, construction, transportation, and other activities in order to further secure this right, and the right to be free from activities that may adversely impact the rights of people or nature.

**Section 1.14 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 1.15 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 1.16 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—PROTECTION OF RIGHTS

**Section 2.1 Prohibitions Necessary to Protect Rights** It shall be unlawful for any private or public entity to violate the rights secured by this Charter and its amendments, by engaging in the activities herein enumerated and activities as may be further prohibited by local law. Accordingly, it shall be unlawful for any corporation or government to:

*It is illegal to violate this Charter or any laws or ordinances passed to uphold the Charter.*

**Section 2.1.1** Engage in any new exploration for or extraction of gas or oil, within the County of Medina; this prohibition does not apply to wells in production at the adoption of this Charter, provided that the extraction of gas or oil from those existing wells does not involve any practice or process not previously used for the extraction of gas or oil from those wells, and providing that those wells are securely and properly capped within 30 days when production ceases.

*Abandoned wells need to be capped and made secure.*

**Section 2.1.2** Engage in the siting or operation of equipment to support extraction of oil or gas, including pipelines, compressors, or other infrastructure, within the County of Medina. This prohibition shall not apply to the existing operations provided for in Section 2.1.1, or to construction, maintenance or repair of infrastructures used for gas or oil delivery to retail end-users.

**Section 2.1.3** Deposit, store, treat, inject, dispose of, or process wastewater, produced water, "frack" water, brine or other substances, chemicals, or by-products that have been used in, or result from, the unconventional extraction of gas and oil, including but not limited to high volume

hydraulic fracturing, acidification, and other techniques on or into the land, air or waters of the County of Medina.

*Wastewater from hydraulic fracturing “fracking” methods of oil and gas extraction cannot be stored or disposed of in Medina County.*

**Section 2.1.4** Engage in the procurement or extraction of any water from any source, including public water sources, within the County of Medina for use in unconventional extraction of gas and oil or for export out of the county for use in unconventional extraction of gas and oil anywhere.

*Water from lakes and other sources in Medina County can’t be used for hydraulic fracturing “fracking”.*

### **ARTICLE III--CORPORATE POWERS, RIGHTS AND PRIVILEGES**

**Section 3.1 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 and by general law, including but not limited to all or any powers vested in municipalities, subject to Section 1.6 of this charter, by the Ohio Constitution or by general law.

*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 by general law, provided that general law does not infringe the rights of the people of Medina County, including without limitation rights enumerated in this County Charter, or other inalienable rights. In addition, the County may exercise all powers specifically conferred by this Charter or incidental to powers specifically conferred by this Charter, including, but not limited to, the concurrent exercise of all or any powers vested in municipalities by the Ohio Constitution or by general law. The County may recognize or create greater protections for people and nature than provided by state, federal, or international law.

*Medina County government has to follow all laws imposed on it as long as they don’t violate the rights of residents as state in the Charter or 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 such powers 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.*

When not prescribed by the Charter or by amendment to this Charter, by local law enacted by the County Commissioners, or by local law enacted by the people, such powers shall be exercised in the manner prescribed by the Constitution of Ohio or by general law.

*If a matter is not covered by the Charter or amendments to the Charter, ordinances or resolutions or referendums, Medina County follows state or federal law.*

**Section 3.2 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 County shall have power to levy only those taxes that counties are by general law authorized to levy.

*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. The County government can't levy any more taxes than what the law allows them to levy.*

**Section 3.3 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 IV—FORM OF GOVERNMENT AND ELECTIONS**

**Section 4.1 Charter Authority** This Charter is enacted pursuant to the Ohio Constitution's Home Rule provision of Article X Section 3, and hereby exercises the people's right and power to form a County Charter government. (This Charter does not form an "alternative" form under the general law, Section 302).

**Section 4.2 The County Commission** The County Commission shall be composed of three (3) at large members who shall be elected to fulfill the following responsibilities.

**Section 4.2.1 Election of County Commissioners** The County Commissioners shall be elected to four year terms that will commence on the following days, (1) January 2, 2017, (2) January 3, 2017, and (3) January 1, 2019. The incumbents who currently hold appointments in these terms, shall remain until the expiration of their current term. They may run for reelection if not already term limited. 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, shall be nominated and elected in the manner provided by general law for county officers, and shall not hold or accept other public office.

**Section 4.2.2 County Commissioner Compensation** The salary of the County Commissioners shall be in accordance with ORC 325.10 as may be amended.

**Section 4.2.3 Powers and Duties of the County Commissioner** 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, in

accordance with general law. If there is a conflict between this Charter and general laws, the duties of this Charter shall prevail. Such powers and duties include, but are not limited to, the following:

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

4.2.3.2 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.

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

4.2.3.4 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.

4.2.3.5 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.

4.2.3.6 To establish departments, and divisions and sections within departments, and such boards, agencies, commissions, and authorities as the County Commission determines to be necessary for the efficient administration of the County.

4.2.3.7 To adopt and amend the annual tax budget, the operating budget and the capital improvements program and to make appropriations for the County; however, 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, in accordance with general laws.

4.2.3.8 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 4.2.4 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 term of one year. The President shall preside at all meetings of the County Commission.

4.2.4.1 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.

4.2.4.2 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.

4.2.4.3 No ordinance, except those of a mandatory ministerial nature, pursuant to citizen initiative, referendum, recall and Charter Amendment, shall be passed by County Commission until it has been read, which may be by title only, at three different Regular County Commission meetings.

4.2.4.4 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.

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

4.2.4.6 The County Commission may take official action only by the adoption of ordinances, resolutions, rules or motions.

**Section 4.3 The County Auditor** The County Auditor shall be the accounting and processing authority of the County.

**Section 4.3.1 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, if not term limited, 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 residents of the county during their term, (3) possess the same qualifications set forth under the General Laws of the State of Ohio for the county offices of Auditor, (4) possess a CPA certificate, (5) be nominated and, (6) elected in the manner provided by general law for county officers. 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 4.3.2 County Auditor Compensation** The salary of the County Auditor shall be in accordance with ORC 325.03, as may be amended.

**Section 4.2.3 Powers and Duties of the County Auditor** The County Auditor shall have those powers and duties as responsible for the day-to-day accounting of transactions for the County government under his or her jurisdiction and control, in accordance with general law.

**Section 4.4 The County Treasurer** The County Treasurer shall be the county authority for means of processing and securing and managing County funds..

**Section 4.4.1 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, (2) remain residents of the county during their term, (3) possess the same qualifications set forth under the General Laws of the State of Ohio for the county offices of Treasurer, (4) be nominated, and (5) be elected in the manner provided by general law for county officers. 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 4.4.2 County Treasurer Compensation** The salary of the County Treasurer shall be in accordance with ORC 325.04, as may be amended.

**Section 4.4.3 Powers and Duties of the County Treasurer** The County Treasurer shall have those powers and duties as responsible for the day-to-day obtaining and securing county funds under his or her jurisdiction and control, in accordance with general law.

**Section 4.5 The Prosecuting Attorney**



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

**Section 4.5.1 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 residents of the county during their term, (3) possess the same qualifications set forth under the General Laws of the State of Ohio for the county offices of Prosecuting Attorney, (4) be licensed to practice law in the State of Ohio, (5) not be a member of the general assembly of this state or mayor of a municipal corporation, and (6) be nominated and (7) be elected in the manner provided by general law for county officers. 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 4.5.2 County Prosecuting Attorney Compensation** The salary of the County Prosecuting Attorney shall be in accordance with ORC 325.11, as may be amended.

**Section 4.5.3 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, in accordance with general law.

**Section 4.6 The County Engineer** The County Engineer shall be the professional engineering authority of the County.

**Section 4.6.1 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 residents of the county during their term, (3) possess the same qualifications set forth under the General Laws of the State of Ohio for the county offices of Engineer, (4) be a registered professional engineer and a registered surveyor, licensed to practice in this state, and (5) be nominated and (6) be elected in the manner provided by general law for county officers. 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 4.6.2 County Engineer Compensation** The salary of the County Engineer shall be in accordance with ORC 325.14, as may be amended.

**Section 4.6.3 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, in accordance with general law.

**Section 4.7 The County Recorder** The County Recorder shall maintain all county records.

**Section 4.7.1 Election of County Recorder** The County Recorder 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 Recorder 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 residents of the county during their term, (3) possess the same qualifications set forth

under the General Laws of the State of Ohio for the county offices of Recorder, (4) be nominated and (5) be elected in the manner provided by general law for county officers. 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 of the term.

**Section 4.7.2 County Recorder Compensation** The salary of the County Recorder shall be in accordance with ORC 325.09, as may be amended.

**Section 4.7.3 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, in accordance with general law.

**Section 4.8 The County Coroner** The County Coroner or a deputy shall be responsible for medical records and investigations in the county.

**Section 4.8.1 Election of County Coroner** The County Coroner 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 Coroner 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 residents of the county during their term, (3) possess the same qualifications set forth under the General Laws of the State of Ohio for the county offices of Coroner, (4) be a licensed physician in the state for at least 2 years prior to commencing the term, (5) if a newly elected coroner, after the general election but prior to commencing the term of office to which elected, shall attend and successfully complete sixteen hours of continuing education at programs sponsored by the Ohio state coroners association, (6) be nominated and (7) be elected in the manner provided by general law for county officers. If there is a conflict between these 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 4.8.2 County Coroner Compensation** The salary of the County Coroner shall be in accordance with ORC 325.15, as may be amended.

**Section 4.8.3 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, in accordance with general law.

#### **Section 4.9 The County Sheriff**

The County Sherriff shall be peace keeping authority of the County.

**Section 4.9.1 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, provided that such requirements will at least meet those of general laws in ORC 311. During the entire term, the County Sheriff shall not hold other public office.

**Section 4.9.2 County Sheriff Compensation** The salary of the County Sheriff shall be in accordance with ORC 325.06, as may be amended.

**Section 4.9.3 Powers and Duties of the County Sheriff** The County Sheriff shall have those powers and duties as responsible for keeping the peace in the departments, offices and agencies of County government under his or her jurisdiction and control, in accordance with general law.

#### **Section 4.10 The Clerk of Courts**

The Clerk of Courts shall be court record keeping authority of the County.

**Section 4.10.1 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, provided that such requirements will at least meet those of general laws.

**Section 4.10.2 Clerk of Courts Compensation** The salary of the Clerk of Courts shall be in accordance with ORC 325.08, as may be amended.

**Section 4.10.3 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, in accordance with general law.

**Section 4.11 County Absences and Vacancy** In the event an elected office of the County is deemed vacant, leaving the remaining time of the term open (“Remainder”) in accordance with the Ohio Revised Code, or for any other reason, the following shall occur.

4.11.1 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 in accordance with general laws shall be held to elect the position.

4.11.2 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 is 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 is 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 County-wide General Election in the first year of the subsequent four (4) year term.

### **ARTICLE V—THE RIGHT OF LOCAL COMMUNITY SELF-GOVERNMENT**

**Section 5.1 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.

It is not a “theoretical” right that can be said to have been honored in principle, such as by allowing voting for party candidates, or by allowing public comment. 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 5.2 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 5.3 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 governments 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” compete with the rights of people and communities, and the doctrine that local governments can legislate only as authorized by state government.

**Section 5.4 Initiative, Referendum and Recall** The right of 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 provisions of the Ohio Constitution and general law relating to the process for the exercise of initiative, referendum, and recall powers in effect at the time of the adoption of this Charter shall govern the exercise of such right by the people in the County of Medina, subject to these exceptions:

(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.

(2) Petitions by the people for the presentation of local laws, the rescinding of local laws or the recall of County officials shall not be subject to examination as to 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 or other governmental body regarding such petitions shall be ministerial, mandatory, and devoid of pre-election governmental discretion on other matters.

**Section 5.5 Charter Amendment** Proposed amendments to this Charter shall be submitted to the electors of the County by a vote of at least two-thirds of the members of the County Commission or upon petitions signed by eight percent (8%) of the electors of the County voting in the prior gubernatorial election. The provisions of the Ohio Constitution and general law relating to the process for the amending of home rule

charters in effect at the time of the adoption of this Charter shall govern the exercise of such right by the people in the County of Medina, but subject to the above provisions and these exceptions:

(1) Petitions by the people for the presentation of charter amendments to the electorate of the County shall not be subject to examination as to content, legality, constitutionality, applicability to the powers and authorities of counties, or single subject requirements.

(2) The submission of proposed charter amendments 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 or other governmental body regarding such petitions shall be ministerial, mandatory, and devoid of pre-election governmental discretion.

**Section 5.6 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, as provided by general law.

**5.6.1 Public Comment** At all meetings of the County Commission, the public is welcome to speak during public forum, for a period not to exceed five (5) minutes each. The public is not required to pre-register, or give a topic. No form of censorship shall be imposed upon the public, who are constituents of the County, and the County Commission is to welcome public comment on any topic at their weekly public meetings, in accordance with citizens free speech rights.

**Section 5.7 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. All record requests shall be provided in a timely manner and produced forthwith to the public under the penalties of the Ohio Sunshine Law.

## ARTICLE VI—GENERAL PROVISIONS

**Section 6.1 Effective Date of Charter** The effective date of this Charter shall be January 1, 2017. 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.

**Section 6.2 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 6.3 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 6.4 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 6.5 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 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 VII—SEVERABILITY**

**Section 7.1 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.

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