



**2017**

**PETITION FOR SUBMISSION OF PROPOSED COUNTY CHARTER OF  
ATHENS, OHIO**

**TO THE VOTERS OF ATHENS COUNTY:  
“SHALL THE PROPOSED COUNTY CHARTER BE ENACTED?”**

**PREAMBLE**

We, the people of the County of Athens, 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 live in a healthy and safe environment, and participate in local government.

Article 1, Section 1 of the Ohio Constitution states that “All men are free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.” By this Charter we exercise these rights for all natural persons, including the right to live in a healthy and safe environment.

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.

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 powers reserved to the people 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.

## **ARTICLE I—COMMUNITY BILL OF RIGHTS (Community Rights)**

**Section 1.1 Right to Clean Air, Water, and Soil.** All people of the County of Athens possess for their health and safety the right to clean air, water, and soil, and to be free from activities that would violate this right, including, but not limited to, the disposal of drilling waste from high volume, hydraulic fracturing oil and gas extraction operations, or 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 extraction of gas and oil using high volume, hydraulic fracturing methods.

**Section 1.2 Rights of Nature.** Natural ecosystems within the County of Athens including, but not limited to, rivers, streams, wetlands, and aquifers, possess the right to exist, flourish, and naturally evolve, and to be free from activities that would violate this right, including the procurement or extraction of any water from any source, including public water sources, within the County of Athens for use in the extraction of gas and oil using high volume, hydraulic fracturing methods.

**Section 1.3 Right to be Free from Chemical Trespass.** All people of the County of Athens, along with ecosystems within the County, possess the right to be free from chemical trespass by toxic substances and to be free from activities that would violate this right.

**Section 1.4 Right to a Healthy Climate.** All people within the jurisdiction of the County of Athens have an inherent, fundamental, and unalienable right to a healthy climate, and the right to be free from activities that would violate this right.

**Section 1.5 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 1.6 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 1.7 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 Athens 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.

**Section 1.8 Right to a Sustainable Community.** All the people of the County of Athens 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 1.9 Right to Own Property.** All the people of the County of Athens 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 1.10 Rights against Eminent Domain.** All the people of the County of Athens 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 1.11 Right to Peaceful Enjoyment of Home.** All the people of the County of Athens 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 interferences, intrusions, nuisances, or impediments resulting from activities prohibited by this Charter and other local laws

**Section 1.12 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.

**Section 1.13 Right of Local Community Self-Government.** The people of the County of Athens 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.

**Section 1.14 Right to Assert the Right of Self-Government.** The people of the County of Athens 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.

**Section 1.15 Right to Municipal Autonomy.** The people of every municipality in the County of Athens 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.

**Section 1.16 Right to Untainted Elections, Initiative, Referendum, and Recall.** Elections shall be free and equal, and no power or association, civil, military, or governmental – including chartered corporations – shall at any time interfere to prevent or influence the free exercise of the right of suffrage. The people at all times retain the right to exercise direct democratic action, including participation in democratic decision-making by initiative, referendum, and recall, without delay, denial or invalidation under any pretext.

**Section 1.17 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 Athens, 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.

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

**Section 2.1 Name, Boundaries and Powers.** The County of Athens 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 Athens” with all the powers, authorities, and responsibilities granted by this Charter or by general law, including but not limited to all or any powers vested in municipalities, subject to Section 1.15 (Right to Municipal Autonomy) of this charter, by the Ohio Constitution or by general law.

The County of Athens 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 or by general law. 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 Athens 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 law.

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. 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.

**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.

**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** 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.

**Section 3.2 Elected Officials and Compensation.** The following positions shall be elected, and the duties of those offices, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as may be superseded by Section 3.3 and parts of Section 3.4 of this Charter, and as it may subsequently be modified or amended.

Athens County Elected Officials include the following: Three (3) County Commissioners, County Auditor, County Treasurer, County Prosecuting Attorney, County Engineer, County Recorder, County Coroner, County Clerk of Courts, County Sheriff.

Nothing in this Charter, nor in general law, shall add to or subtract from the number of elected officials of the County of Athens at the time of the adoption of this Charter, unless such addition or subtraction is approved by vote of the people in the form of a Charter amendment.

### **Section 3.3 Executive Council**

The Executive Council for the County of Athens shall consist of the following seven (7) elected county officials: County Auditor, County Treasurer, County Engineer, County Recorder, County Coroner, County Clerk of Courts and County Sheriff. The Executive Council may meet on an as-needed basis, but shall meet no later than two weeks (ten work days) after an ordinance has been submitted to the Executive Council by the County Commission.

#### **Section 3.3.1 Powers and Duties of the County Executive Council.**

The County Executive Council shall have the power and duty to:

**3.3.1.1** Approve or veto each ordinance presented by the County Commission in the manner prescribed in Sections Section 3.3.2 and Section 3.4.3 of this Charter.

**3.3.1.2** Propose, by majority vote, ordinances, resolutions and Charter amendments for consideration by the County Commission, and otherwise to make recommendations for actions to be taken at the discretion of the County Commission.

**Section 3.3.2 Organization, Rules and Procedures.** On the first Monday of each year which is not a legal holiday, the County Executive Council shall organize by electing one of its members as President for a term of one year. The President or his or her designee shall preside at all meetings of the Executive Council, and sign each decision taken by the Executive Council and forward it to the County Commission.

**3.3.2.1** Decisions by the County Executive Council shall be determined by majority vote, and executed as specified in sections Section 3.3.1, Section 3.4.3.4, Section 3.4.3.5, Section 3.4.3.6 and Section 3.4.3.7 of this Charter. A quorum shall consist of four members of the Executive Council or

their designees, who must be present at the meeting. A tie vote on any ordinance proposed by the County Commission shall signify approval of (failure to veto) the ordinance.

**3.3.2.2** The President of the Executive Council shall make available for public inspection at all reasonable times, a record of all proceedings of the County Executive Council, recording each member's vote on each ordinance proposed by the County Commission.

**Section 3.3.3 Powers Limited of County Executive Council.** The authority of the County Executive Council shall be limited to the approval or veto, by majority vote, of ordinances forwarded to the Executive Council by the County Commission. The County Executive Council shall have no authority over resolutions passed by the County Commission, nor shall it oversee proposed ordinances and charter amendments that appear on the ballot. The Commission may bypass the Executive Council by placing a proposed ordinance on the ballot in the form of a legislative referendum; or it may place proposed Charter amendments directly on the ballot; or citizens may place proposed ordinances and Charter amendments directly on the ballot by initiative-petition. Finally, citizens may propose to overturn an ordinance or Charter amendment by referendum-petition, over which the County Executive Council has neither authority nor jurisdiction.

### **Section 3.4 The County Commission**

The three County Commissioners shall be elected, and the duties of their office, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as further specified by this Charter, or as shall be established by ordinance or referendum. The Commissioners shall continue to (1) be the county government taxing, budgeting, appropriating and purchasing authority; (2) hold title to county property; (3) exercise their power and authority by means of resolutions passed; and (4) in addition, with the adoption of this Charter, the Commission shall function as the legislative branch of county government empowered to pass county ordinances, which are subject to approval by the Executive Council. All ordinances and resolutions must be passed by majority vote to be effective.

**Section 3.4.1 Resolutions.** The Commission's authority to pass resolutions, and to oversee their implementation by the proper county authorities, shall continue to include, but is not limited to, the day to day administration of the county government, and to promote the general welfare of the people of Athens County. The Commission shall respond to citizen concerns. The Commission's duties may include, but are not limited to, entering into agreements for public/private partnerships in human services, economic development, health and infrastructure development; hearing and ruling on annexations; approving drainage improvements; establishing and improving water and sewer districts; providing for solid waste disposal, and managing or delegating management of the County Court House.

**Section 3.4.2 Ordinances.** The authority to pass ordinances, and to oversee their enforcement by the proper county authorities, shall be exercised in either of two ways by the County Commission. An ordinance must either be submitted to the County Executive Council for approval (Section 3.3.3); or it may be placed directly on the ballot in the form of a legislative referendum, to be approved or rejected by vote of the people, without prior review by the Executive Council, at the first election more than sixty (60) days after certification to the County Board of Elections.

**Section 3.4.3 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.

**3.4.3.1** The County Commission shall determine its own rules and order of business. This shall include a schedule for regularly scheduled sessions. While the Commission may undertake special sessions outside of the Regular sessions, such special sessions shall be announced 24 hours in advance by publication in broadcast, social and print media of the county. The County Commission shall keep and make available for public inspection at all reasonable times a record of all its proceedings, recording each member's vote on an ordinance, resolution or legislative referendum.

**3.4.3.2** Legislative action by ordinance shall be introduced in written or printed form. Each ordinance shall contain no more than one subject which shall be clearly expressed in its title.

**3.4.3.3** No ordinance 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.

**3.4.3.4** Once each ordinance is adopted by a majority vote of the members of the County Commission, the Commission President shall sign the ordinance and forward it to the County Executive Council for approval or veto.

**3.4.3.5** The County Executive Council may approve or veto the whole of, or any item of, an ordinance appropriating money, but otherwise the approval or disapproval shall be addressed to the entire ordinance. If the County Executive Council approves a measure presented to them by the County Commission, the ordinance shall be signed by the President of the County Executive Council or a designee, and returned to the County Commission within ten working days after its passage or adoption. If the County Executive Council does not approve a measure so presented, the County Executive Council shall return the measure to the County Commission with their written objections within said ten days. Such written objections shall be entered in full in the record of proceedings of the County Commission. If the County Executive Council does not return a measure approved by County Commission and presented to them within said ten-day period, the measure shall take effect in the same manner as if the County Executive Council had approved it.

**3.4.3.6 Reconsideration.** When the County Executive Council has vetoed an ordinance, or a part or item thereof, as herein provided, the County Commission may revise the disapproved measure for reconsideration. If the County Executive Council vetoes the revised ordinance, the County Commission may again revise and seek reconsideration of the ordinance.

**3.4.3.7 Effective Dates of Legislation.** Each ordinance, once approved by the Executive Council, shall be announced publicly, and shall have a waiting period of thirty (30) days after such public announcement, before taking effect. However, if an ordinance is deemed an emergency, a statement justifying the necessity for such emergency action shall be attached to said ordinance by the County Commission, and it shall take effect, unless a later time is specified therein, immediately upon its approval by the County Executive Council.

### **Section 3.5 The County Auditor**

The County Auditor shall be elected, and the duties of that office, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as may be further specified by this Charter, or as shall be established by ordinance or referendum. With the adoption of this Charter, the County Auditor shall be a voting member of the Executive Council.

### **Section 3.6 The County Treasurer**

The County Treasurer shall be elected, and the duties of that office, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as may be further specified by this Charter, or as shall be established by ordinance or referendum. With the adoption of this Charter, the County Treasurer shall be a voting member of the Executive Council.

### **Section 3.7 The County Prosecutor**

The County Prosecutor shall be elected, and the duties of that office, and the compensation therefor, including provision for the employment of outside counsel, shall continue to be determined in the manner provided by general law, except as may be further specified by this Charter, or as shall be established by ordinance or referendum. With the adoption of this Charter, the Prosecutor shall be the legal advisor to and representative of the County Commission and the County Executive Council.

### **Section 3.8 The County Engineer**

The County Engineer shall be elected, and the duties of that office, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as may be further specified by this Charter, or as shall be established by ordinance or referendum. With the adoption of this Charter, the County Engineer shall be a voting member of the Executive Council.

### **Section 3.9 The County Recorder**

The County Recorder shall be elected, and the duties of that office, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as may be further specified by this Charter, or as shall be established by ordinance or referendum. With the adoption of this Charter, the County Recorder shall be a voting member of the Executive Council.

### **Section 3.10 The County Coroner**

The County Coroner shall be elected, and the duties of that office, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as may be further specified by this Charter, or as shall be established by ordinance or referendum. With the adoption of this Charter, the County Coroner shall be a voting member of the Executive Council.

### **Section 3.11 The County Sheriff**

The County Sheriff shall be elected, and the duties of that office, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as may be further specified by this Charter, or as shall be established by ordinance or referendum. With the adoption of this Charter, the County Sheriff shall be a voting member of the Executive Council.

### **Section 3.12 The County Clerk of Courts**

The County Clerk of Courts shall be elected, and the duties of that office, and the compensation therefor, shall continue to be determined in the manner provided by general law, except as may be further specified by this Charter, or as shall be established by ordinance or referendum. With the adoption of this Charter, the County Clerk of Courts shall be a voting member of the Executive Council.

### **Section 3.13 Boards and Commissions**

Any board or commission of the County, or any joint board or commission of which the County is a participant that is in existence when this Charter becomes effective, but not provided for in this Charter, shall continue to exist until reorganized or discontinued by resolution by the County Commission. The County Commission has the power to add new boards and commissions, and to appoint officers of boards



and commissions as may hereafter be created pursuant to this Charter. The County Commission appointees shall reflect the diversity of the people of the County.

### **Section 3.14 Transitions Affecting Departments, Offices and Agencies**

The creation or abolition of county departments, offices and agencies shall be designated by ordinance. The orderly transfer of powers and duties between departments, offices or agencies shall be designated by ordinance. All property, records and equipment of any department, office or agency that is transferred to another department office or agency, shall also be transferred, or otherwise accounted for, by ordinance.

### **Section 3.15 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, the following shall occur:

**3.15.1** 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.

**3.15.2** 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 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 Athens 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 4.4 Initiative, Referendum, Recall and Charter Amendments.** 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 Athens 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 or other governmental body regarding such petitions shall be ministerial, mandatory, and devoid of pre-election governmental discretion on other matters.

**Section 4.5 Meetings of Governmental Bodies to be Public.** All meetings of the County Commission, the Executive Council, and any board, commission, agency or authority of Athens 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 Effective Date of Charter.** The effective date of this Charter shall be January 1, 2018. 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 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 Athens County and to enforce the Charter and laws of Athens 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.

**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.

**Section 5.5 Charter Review Process.** Within one year of the adoption of this charter, the County Commission 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. The County Commission will also ensure that such public forums are repeated at regular intervals of no longer than 5 years. The County Commission 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.