

CHARTER
OF THE
CITY OF
GENEVA, OHIO

EDITOR'S NOTE: The Charter of the City of Geneva, Ohio was adopted by the voters on November 5, 1957, and became effective on December 2, 1957. Dates appearing in parentheses following a section heading indicate that the section was amended, enacted or repealed on the date given.

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CHARTER
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PREAMBLE

We, the people of Geneva, Ohio, in order to provide a democratic and efficient form of governmental organization, and to make possible facilities for the future growth and betterment of our community, do hereby adopt for our Municipality the following Charter.

ARTICLE I
INCORPORATION; POWERS

Sec. 1. Incorporation

The inhabitants of the Municipality of Geneva, Ashtabula County, Ohio, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal corporation in perpetuity under the name of "The Village of Geneva" until such corporation shall become a city, then under the name of "The City of Geneva."

Sec. 2. Powers

The Municipality of Geneva shall have all powers of local self-government now or hereafter granted to municipalities by the Constitution and the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed by this Charter, and if not prescribed herein, then in such manner as Council may determine, or if not so determined, then in such manner as now or here- after may be prescribed by law or by amendment to this Charter.

Sec. 3. Form of Government

The Municipal government provided by this Charter shall be known as the "Council-Manager government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the Municipality shall be vested in an elective council, hereinafter referred to as "the Council, " which shall enact local legislation, adopt budgets, determine policies and appoint the Manager, who shall execute the laws and administer the government of the Municipality.

ARTICLE II
THE COUNCIL

Sec. 4. Term of Office

The Council shall consist of seven (7) members elected at large for a four- year term, except as hereinafter set forth, from the first Monday in December following their election to the first Monday in December four (4) years hence. At the election held on November 6, 1979, the four (4) candidates having the highest number of votes shall serve for four (4) years, and the three (3) candidates having the next highest number of votes shall serve for two (2) years.

At the election held in 1981 and quadrennial thereafter, three (3) members shall be elected for a term of four (4) years.

At the election held in 1983 and quadrennial thereafter, four (4) members shall be elected for a term of four (4) years.

No Councilman shall serve more than two (2) four-year consecutive terms. (Amended 6-6-78.)

Sec. 5. Qualifications

Councilmen shall be qualified electors of the Municipality and shall hold no other public office of this Municipality except as otherwise provided in this Charter. If a Councilman shall cease to possess any of these qualifications or shall be convicted of crime involving moral turpitude, his office shall immediately become vacant.

Sec. 6. Salaries

The salary of Councilmen shall be five dollars (\$5.00) for each Council meeting attended, not to exceed four (4) meetings per month, until changed by ordinance, but shall not be increased during the current term of Councilmen enacting such ordinance.

Sec. 7. Vacancies

Vacancies in the office of Council members shall be filled by the election of a person qualified as provided in Section 5 by the majority of the remaining members of the Council. The person so elected shall serve out the unexpired term.

Sec. 8. The Mayor and the Vice Mayor

Council shall, at the meeting on the first Monday in December following its election, choose, by a majority vote, one (1) of its members as Mayor. The Mayor shall retain his vote as a member of Council but shall have no veto. The Mayor shall, in addition to his powers, rights and duties as a member of Council, preside at all meetings and shall be recognized as the official head of the Municipality for all ceremonial purposes, by the Governor for military purposes , and by the courts for the purpose of serving civil process. The Mayor shall perform all other duties prescribed for him in this Charter and such other duties as may be imposed on him by any measure of Council. The Mayor shall also have jurisdiction in civil and criminal cases as provided by the laws of Ohio, including all statutes now or hereafter enacted, until such jurisdiction placed elsewhere by law.

Council shall at the same meeting in the same manner and for a like term choose one (1) of its members as Vice Mayor. The Vice Mayor shall exercise all the powers and perform all

the duties of the Mayor in case of the temporary absence or disability of the Mayor and shall succeed to his office in case of an vacancy therein, and in such event, a new Vice Mayor shall be elected by Council to serve for the remainder of the unexpired term.

Sec. 9. Salary of Mayor and Vice Mayor

The salary of the Mayor shall be fixed by Council by an ordinance to be passed at the first meeting in January, 1958. The Council may change the salary of the Mayor by ordinance, but the Council may not change the salary of the Mayor during his term of office. The Vice Mayor, when serving as Mayor, shall receive the same salary as the Mayor, which shall be deducted from the salary paid to the Mayor.

Sec. 10. Specific Powers of Council

Among the other powers, the Council shall have authority to:

- (1) Appoint and remove the Manager and establish his salary by ordinance and appoint an acting manager until the Manager is employed;
- (2) Establish administrative departments, define their duties and procedure: and fix salaries and wages for all officers and employees;
- (3) Inquire into the conduct of any officer or employee in his performance of his public duties, through contact with the Manager;
- (4) Appoint and remove the members of the Municipal Planning Commission and the Board of Zoning Appeals;
- (5) Employ a certified public accountant to audit the accounts of the Municipality or any officer of a department thereof whenever such audit is deemed necessary, but not less than once in each fiscal year;
- (6) Appoint and remove legal counsel for a period not to exceed the term of office of the Council;
- (7) By ordinance, make provisions differing from the general law with respect to:
 - (a) The method of giving public notice of the enactment of ordinance and adoption of resolutions, and of any other of its acts or proceedings which it deems proper to publish;
 - (b) The procedure for making public improvements and the levying of assessments, including the procedure for combining two (2) or more public improvements in one (1) proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;
 - (c) The making, advertising and awarding of contracts, except as provided in this Charter; and
 - (d) Such other general regulations as the Council may deem necessary, including regulations as to the custody and use by the Clerk of Council of an official seal which shall be the seal of the Municipality; and
- (8) Delegate the administration of any and all Municipal affairs to the Manager, holding him responsible for his performance.

Sec. 11. Appointment of Manager

The Council shall appoint a person, by majority vote of all the members elected thereto, as an officer of the Municipality, who shall have the title of Manager, and shall have the powers and perform the duties set forth in this Charter or by ordinance. No Council member or

Mayor shall be eligible for appointment as Manager during the term for which he has been elected and holds office, or for one (1) year thereafter, except as provided in Sections 12, 24 and 56.

Sec. 12. Tenure of Office of Manager

The Manager shall be appointed for an indefinite term, as hereinafter provided. He shall be removable at any time at the pleasure of the Council. Upon the determination of Council that the Manager shall be removed, he shall be given notice by service upon him personally or by leaving the same at his usual place of residence. If within five (5) days of the making of such service, the Manager shall request written reasons for his removal and the right to be heard thereon, such reasons shall be served upon him in like manner and he shall be accorded a public hearing not sooner than ten (10) days after such service of written reasons. After such hearing, Council may remove the Manager and pending the initial service of notice and until removal may suspend him from office without notice and may designate some other officer of the Municipality to perform the duties of the Manager during the period of suspension. If the Manager has removed his residence from the Municipality, no notice shall be required to be served under this section and Council may remove the Manager without notice and hearing. The action of the Council in suspending or removing the Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for any such suspension or removal in the Council. The Council may designate some other officer of the Municipality to perform the duties of the Manager during his absence, disability or suspension. Council may authorize severance pay in case of the termination of the employment of the Manager.

Sec. 13. Council Relations with Manager

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the Municipality. The Council and its members shall deal with the administrative service solely through the Manager and neither the Council nor any member thereof shall give orders to any subordinates of the Manager, either publicly or privately. Any Councilman violating the provisions of this section shall forfeit his office.

Sec. 14. Clerk

Council shall elect a person as an officer of the Municipality, not a member of Council, who shall have the title of Clerk. He shall give notice of Council meetings, keep the journal of its proceedings, authenticate by his signature and record at length in a book kept for the purpose, all ordinances and resolutions adopted by the Council and perform such other duties as may be required by this Charter or by ordinance.

Sec. 15. Creation of New Departments

The Council, by ordinance, may create, change and abolish offices, departments, and agencies, other than those established by this Charter. The Council may assign additional duties to the departments established by this Charter, but may not discontinue or assign to any other office, department or agency any function assigned by this Charter to a particular office, department or agency.

Sec. 16. Administrative Code

Subject to the provisions of this Charter, and after consultation with the Manager, the Council shall adopt an administrative code which shall provide in detail the organization of the Municipal government, define the powers and the duties of each organization unit, and determine the administrative procedures to be followed. The Council shall have authority to delegate to the Manager and he to the heads of departments, power to make rules and regulations, consistent with the administrative code, to govern management practices. Amendments to and revisions of the administrative code shall be made after consultation with the Manager.

Sec. 17. Induction of Council; Meetings

The first meeting of the new Council after each election shall be held on the first Monday in December, at which time the newly elected members shall take the oath of office, and the Council shall elect the Mayor and Vice-Mayor for the ensuing two-year period. Thereafter, meetings shall be held regularly at a time prescribed by the Council rules, but not less frequently than once each month. All meetings of the Council shall be open to the public. Council shall prescribe the method of calling special meetings.

Sec. 18. Election Contests

The Council shall be the judge of the election and qualifications of its own members and for such purpose shall have power to subpoena witnesses and require production of records.

Sec. 19. Rules; Journal

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.

Sec. 20. Ordinances

Every action of the Council establishing any offense and providing for the levy of a fine or the imposition of any penalty, or providing for the levy of any tax, or for the expenditure of any public funds, or for the contracting of any indebtedness, as well as all actions required by this Charter to be taken by ordinance, shall be taken by ordinance. Council shall make provision by ordinance for the form and method of enacting ordinances and resolutions.

Sec. 21. Initiative and Referendum

Ordinances and other measures may be proposed by initiated petition and adopted by election and ordinances and other measures adopted by Council shall be subject to referendum to the extent and in the manner now or hereafter provided by the Constitution and laws of Ohio.

ARTICLE III THE MANAGER

Sec. 22. Manager; Qualifications

The Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications, as judged by the adequacy of his technical training and his

successful experience in administration. At the time of his appointment he need not be a resident of the Municipality or State, but during his tenure of office, he shall reside in the Municipality.

Sec. 23. Manager; Powers and Duties

The Manager shall be the chief executive officer and the head of the administrative agencies of the Municipality. He shall be responsible to the Council for the proper administration of the affairs of the Municipality and, to that end, subject to the provisions of this Charter, he shall have power and shall be required to:

- (1) Appoint and, when necessary for just cause, remove any of the appointive officers and employees of the Municipality;
- (2) Prepare the budget estimates annually, submit them to the Council, and administer the budget adopted by the Council;
- (3) Prepare and submit to the Council and to the public annually, a complete report on the financial and administrative activities of the Municipality for the preceding year;
- (4) Keep the Council informed of the current financial condition and future needs of the Municipality;
- (5) Appoint such citizen advisory committees as seem to him desirable and discharge them when their function has been completely served;
- (6) Delegate to subordinate officers and employees of the Municipality any duties conferred upon him by this Charter or by action of the Council, and hold them responsible for their faithful discharge; and
- (7) Perform such other duties, not inconsistent with this charter, as may be required by the Council.

Sec. 24. Manager; Absence or Disability

The Manager may designate, by letter filed with the Clerk, any official of the Municipality to perform his duties during his temporary absence or disability. In the event that such a designation has not been made, the Council may, by resolution, appoint an official of the Municipality to perform the duties of the Manager until he shall return or his disability cease .

Sec. 25. Administrative Departments

The administrative departments shall be established by ordinance. The recommendations of the Manager shall be considered. There may be a Department of Public Safety, a Department of Public Service, a Department of Finance and such other departments as Council may establish by ordinance.

ARTICLE IV FINANCE

Sec. 26. Fiscal Year

The fiscal year of the Municipality for budget, accounting, and all other similar purposes shall be the calendar year.

Sec. 27. Preparation and Submission of Budget

The Manager shall, by May 15 of each year, submit to the Council a budget and an explanatory budget message. For such purpose, at such date as he shall determine, he, or an officer designated by

him, shall obtain from the head of each office, department or agency estimates of revenue and expenditures of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request; together with an estimate of all capital projects pending or which such department head believes should be undertaken (a) within the succeeding fiscal year and (b) within the five (5) next succeeding years. In preparing the budget, the Manager shall review the estimates, shall hold hearings thereon, and may revise the estimates as he may deem advisable.

Sec. 28. Certain Contracts and Expenditures Prohibited

No officer, department, or agency shall, during any fiscal year, expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money on behalf of the Municipality for any purpose in excess of the amount appropriated and allotted for such expenditures or obligations. Any such obligation, oral or written, made in violation hereof shall be void. However, nothing in this section shall prevent the making of contracts not to be fully performed within the fiscal year when specifically authorized by the Council.

Sec. 29. Fees

All fees received by any officer or employee of the Municipality in connection with his employment with the Municipality shall be accounted for and paid into the Municipal Treasury.

Sec. 30. Purchasing

The Manager shall be the Purchasing Agent. The Council may provide by ordinance the procedure for the making of emergency purchases by officers and employees of the Municipality other than the Purchasing Agent.

Sec. 31. Competitive Bidding

Purchases of supplies, materials, and equipment for the Municipality shall be made pursuant to the specifications through open competitive bidding under such rules consistent with this Charter as the Council may establish by ordinance. Formal bidding and public opening and tabulation of bids shall be required as to all such purchases estimated to exceed the amount specified for such procedure in Ohio R.C. 731.14 and any amendments thereto.

(Amended 6-6-78.)

**ARTICLE V
TAXATION AND BORROWING**

Sec. 32. Debt and Tax Limitations

The limitation of debt and tax rates without vote of the electors shall be continued as provided in the Ohio Constitution and general law. No ordinance for the levy of an income tax in excess of one percent (1%) shall be effective without having obtained approval of the excess by a majority of the electors voting on the question at a general, primary or special election. Council shall file with the Board of Elections at least sixty (60) days before the day of the election a copy of the ordinance levying the tax, together with a resolution specifying the date the election is to be held and directing the Board of Elections to conduct the election.

(Amended 11-8-77.)

ARTICLE VI
BOARDS AND COMMISSIONS

Sec. 33. Planning Commission; Establishment; Membership

There shall be a Planning Commission, which shall consist of seven (7) members, five (5) of whom shall be appointed by the Council, and none of said five (5) appointed members shall hold any other elective public office. The sixth member shall be elected by the Council from its membership for his term as Councilman. The Manager shall serve as an ex officio member. The Commission shall elect its Chairman from among the appointive members. The term of the appointive members shall be five (5) years, except that, of the five (5) members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for two (2) years, one (1) for three (3) years and one (1) for four (4) years. Any vacancy during the unexpired term of an appointive or elective member shall be filled by the Council for the remainder of the term .

Sec. 34. Planning Commission; Powers and Duties

The Planning Commission shall:

- (1) Prepare the Official Map and a Master Plan for the Municipality, each with appropriate amendments at suitable intervals;
- (2) Approve subdivision platting with reference to zoning restrictions and public utilities;
- (3) Recommend to Council amendments to the Zoning Plan and Ordinance;
- (4) Report to Council, at least annually, on the physical needs of the Municipality;
- (5) Prepare a long-term capital improvement program for Council approval and annually submit to the Manager cost estimates on capital improvements which should be included in the annual budget;
- (6) Cooperate with the Regional Planning Commission and the Planning Commissions of adjacent municipalities; and
- (7) Perform such other duties as may be required by ordinance.

Sec. 35. Commission of Parks and Recreation

A Commission of Parks and Recreation may be established by ordinance.

Sec. 36. Board of Zoning Appeals; Establishment

The Board of Zoning Appeals shall be established by ordinance.

Sec. 37. Board of Zoning Appeals; Powers and Duties

The powers and duties of the Board of Zoning Appeals shall be established by ordinance.

Sec. 38. Appeals from Decisions of Board of Zoning Appeals

Appeals from decisions of the Board of Zoning Appeals may be appealed to Council in a manner to be established by ordinance, and further appeal may be made as established by the Ohio statutes.

ARTICLE VII
NOMINATIONS AND ELECTIONS

Sec. 39. Nominations and Elections

Nominations and elections of members of Council and other elective officers shall be made and held in accordance with the laws of the State of Ohio.

ARTICLE VIII
RECALL

Sec. 40. Recall of Members of Council

The voters of the Municipality shall have the power to recall and remove from office, any member of the Council before the expiration of his term, such power being known as the recall. A recall may be started by the filing with the Clerk of a petition signed by qualified voters equal in number to twenty-five percent (25%) of the total number of electors voting at the last preceding Municipal election, requesting that a Council member, named in the petition be re-moved from office. The Clerk, if he finds the petition sufficient, shall certify to the Board of Elections of Ashtabula County, to be placed on the ballot at the next succeeding Municipal or State election occurring not less than ninety (90) days thereafter, the question: "Shall John Doe (using the name of the Councilman named in the petition) be recalled from office as Councilman in the Municipality of Geneva?" Yes D No D If, at the election, a majority of the votes cast on the question shall be in favor of recall, the Council member shall forth-with retire from office, and the Council shall fill the vacancy thus created in the manner provided in this Charter. No recall petition shall be filed against a Council member during his first six (6) months in office. If a Council member against whom a petition is filed is continued in office by the vote at the election, no further recall petitions may be filed against him for a period of one (1) year.

Sec. 41. Recall of Other Elected Officers

Any of the elected officers may be recalled in the manner prescribed in Section 40 of this Charter.

Sec. 42. Form of Petitions; Committee

All petition papers circulated for the purposes of recall shall be uniform in size and style. The signature to petitions need not all be appended to one (1) paper, but to each part there shall be attached an affidavit of the circulator as provided herein. Each signer shall sign his name in ink or indelible pencil and shall insert after his name, his place of residence and the date of signing. There shall appear on each copy of the petition the names and addresses of five (5) voters who, as a committee of the petitioners, shall be regarded as responsible to the Municipality for the circulation and filing of the petition. This committee shall file a copy of the petition with the Clerk before any signatures are solicited or obtained. Attached to each part of the petition, when signed and filed with the Clerk, shall be an affidavit of the circulator thereof that he only personally circulated the foregoing paper, that it bears a stated number of signatures, that each signature was affixed in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Sec. 43. Filing and Examination of Petitions

All separate papers comprising a recall petition shall be assembled and filed with the Clerk as a single instrument. Within twenty (20) days thereafter the Clerk shall examine the petition and determine its validity and sufficiency and report thereon to the Council.

Sec. 44. Amendment of Petitions

In case any petition is found to be insufficient, the Clerk shall notify the committee of the petitioners and the petition may be amended within ten (10) days after the date of the notice. The Clerk shall, within five (5) days after such amendment has been filed, reexamine the petition and if it is still insufficient, the petition shall be rejected and no further action taken thereon.

ARTICLE IX GENERAL PROVISIONS

Sec. 45. Oath of Office

Every officer of the Municipality shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Ohio, that I will, in all respects, observe the provisions of the Charter and ordinances of the Municipality of Geneva, and will faithfully discharge the duties of the office of ".

Sec. 46. Official Bonds

The officer in charge of finance, and such other officers or employees as the Council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the Council. The premiums on such bonds shall be paid by the Municipality.

Sec. 47. Personal Interest

No member of Council or any officer or employee of the Municipality shall have a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the Municipality or to a contractor supplying the Municipality of any land or rights or interests in any land, material, supplies or services. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the Municipality found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the Municipality shall render the contract voidable by the Manager or the Council.

Sec. 48. Amendments to the Charter

This Charter may be amended in the manner provided in Section 9 of Article XVIII of the State Constitution.

Sec. 49. Civil Service

At such time as the Municipality shall become a city, the Council shall by ordinance provide for and establish a Civil Service Commission and a civil service system and shall determine which employees of the City shall be within the classified service and which shall be within the unclassified service and shall provide, to the extent that it deems necessary and in the interests of the Municipality, that appointments and promotions shall be made according to merit and fitness to be ascertained as far as practicable by competitive examinations.

All persons who have been continuously employed in the service of the Municipality in the same or similar positions included in any classified service established by Council for at least thirty (30) days preceding the effective date of the establishment thereof shall retain their positions without examination until discharged, reduced, promoted or transferred in accordance with any applicable and existing ordinances or rules or regulations established pursuant thereto.

ARTICLE X TRANSITIONAL PROVISIONS

Sec. 50. Fiscal Succession

All tax levies voted for a term of years shall remain in effect for the full term provided in the vote. The Municipality also is liable for all outstanding orders. Contracts and debts of the Village (or City) and for any other obligations for which it may be held liable, as successor to the Village (or City), by any court of competent jurisdiction.

Sec. 51. Continuation of Ordinances

All ordinances of the Village (or City) of Geneva, in effect at the time of the adoption of this Charter, shall remain in effect, except as superseded by the provisions of this Charter, until amended or repealed.

Sec. 52. Continuation of Officers and Employees

All persons holding office or employment at the time this Charter takes effect shall continue in office and in the performance of their duties until provision shall have been made in conformity with the Charter for the performance of such duties by a successor or the office or employment is abolished.

Sec. 53. Transfer of Records and Property

All public records and property in the custody of officers and employees of the Village (or City) shall be transferred and delivered promptly to their successors when these have been designated by ordinance passed by the Council under this Charter.

Sec. 54. Continuation of Contracts and Public Improvements

All contracts entered into by the Village (or City) for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws.

Sec. 55. Pending Actions and Proceedings

No proceedings for improvements and no action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the Municipality or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such proceedings shall be continued and such actions shall be prosecuted or defended under the laws in effect when they were commenced or filed.

Sec. 56. Effective date of Charter.

This Charter shall take effect December 2, 1957.