

**IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO
CIVIL DIVISION**

Andrea Nicole Thompson Hashman

312 Grosvenor St.
Nelsonville, Ohio 45764,

Plaintiff,

v.

City of Nelsonville, Ohio

211 Lake Hope Drive
Nelsonville, Ohio 45764,
And

Nicole A. Joseph Saul

82 W Franklin Street
Nelsonville, OH 45764
And

Cameron Austin Peck

649 Poplar Street
Nelsonville, OH 45764
And

Gregory J. Clement

216 Fort Street
Nelsonville, Ohio 45764,
And

Nancy Sonick

119 E Columbus Street
Nelsonville, OH 45764
And

Amy Lynn Hollenbaugh

486 Fairview Street Apt 2
Nelsonville, Ohio 45764
And

Charlotte Beach

90 Grover Street
Nelsonville, OH 45764
And

McCray Anthony Powell

179 W Washington Street
Nelsonville, Ohio 4576
And

Cory Ward Taylor

556 Verity Street
Nelsonville, OH 45764

Defendants

Case Number:

Judge:

ACTION FOR DECLARATORY JUDGMENT

1. Venue is proper because all actions recited herein have occurred within Athens County, Ohio.
2. This Court has jurisdiction over the City Of Nelsonville and the individually named Defendants, pursuant to R.C. §2721 et. seq, Nelsonville City Charter, Nelsonville ordinances the Ohio Revised Code, the Constitution of the State of Ohio and of the United States of America.
3. Plaintiff is a resident of Nelsonville, Athens County Ohio, a qualified elector of Nelsonville, Athens County Ohio; an elected official of the office of Auditor the City of Nelsonville, Athens County Ohio and is subject to the laws of the City of Nelsonville, State of Ohio and the United States of America.
4. The named Defendant Nelsonville acts through its Nelsonville City Council and is a municipal corporation subject to the laws of the City of Nelsonville, State of Ohio and the United States of America.
5. The individually named Defendants are residents of the City of Nelsonville acting under color of law purporting to be lawful Nelsonville City Members Council from December 1, 2025 until the present. The individually named Defendants are subject to the laws of the City of Nelsonville, State of Ohio and the United States of America.
6. On November 5, 2024, the voters of the City of Nelsonville approved, by a 70% majority vote, legislation identified as Issue #23 [Exhibit 3 Issue #23] abolishing the Nelsonville City Charter and returning Nelsonville to a statutory form of government. On the evening of January 28, 2025 Nelsonville Council passed Ordinance 5-25 as an emergency measure to

place on the ballot (known as issue 4) a Charter Amendment and repeal Issue #23. The City Attorney for the City of Nelsonville filed documents with the Athens County Board of Elections (ABOE), for the May 6, 2025 primary election. On primary election day the voters of Nelsonville defeated issue 4 to repeal Issue #23.

7. As a result of the primary election, the Plaintiff became a candidate on the ballot for the general election for November 2025 for the position of Auditor for the City of Nelsonville pursuant to the abolition of the Nelsonville City Charter by Issue #23 [Exhibit 3 Issue #23].
8. On August 11, 2025 Nelsonville Council passed Nelsonville City Ordinance 54-25 “The Ordinance” [Exhibit 1 City Ordinance 54-25]. The Ordinance purports to have the effect to repeal Issue #23, thus arguably maintaining the Charter form of government for Nelsonville.
9. On August 13, 2025 Nelsonville filed for writs of mandamus and prohibition against the ABOE contesting the validity of the positions for the Nelsonville Offices contained on the November 4, 2025 ballot for Nelsonville [Supreme Court Case number 2025-1061].
10. The matter of the validity of the candidates for offices for Nelsonville was decided the Supreme Court of Ohio currently making that issue moot as *Res Judicata*. Plaintiff Andrea Nicole Thompson Hashman was a proper candidate for office of Nelsonville City Auditor on the general election ballot for November 4, 2025. Ohio Supreme Court Case 2025-1061 at ¶37 denied Nelsonville’s writs for mandamus and prohibition permitting the candidates to remain on the ballot reciting “Nelsonville seeks a writ of mandamus ordering the board of elections to remove elections for a slate of statutory offices from the ballot. Nelsonville points to no authority requiring the board to do so. Thus, it has not shown a clear legal right to its requested relief in mandamus or a clear legal duty on the part of the board to provide

it.” “All motions for Reconsideration denied.” See RECONSIDERATION ENTRY 2025-1061 Filed September 24, 2025.

11. On November 4, 2025 Plaintiff’s name appeared on the election ballot for Nelsonville under the section titled “For Auditor (Vote for not more than 1)” [Exhibit 4]. The results of the November 4 election by the ABOE reported Plaintiff as having received 273 valid votes for Auditor. The next highest total of valid votes for a candidate as a write-in, Nicholas Smith, was 172 valid votes for Auditor. Plaintiff, having the most votes for Auditor, was issued a Certificate of Election (R.C. 3505.08) (along with other certificates to the persons whose names appeared on the election ballot) by the Board of Of Elections of Athens County [Exhibit 5]. The Certificate certified the Plaintiff “WAS DULY ELECTED Auditor for the Full term January 1, 2026”.
12. Plaintiff brought a previous action for declaratory judgment action in Athens County Court of Common Pleas case Number 25CI0312 on September 19, 2025 [25CI0312 Docket September 19, 2025]. That case was dismissed as a result by the Court’s Entry Granting Defendants Motion For Judgment On The Pleadings [25CI0312 Docket December 10, 2025].¹ The Court’s decision opined “The Court finds that in an action for declaratory judgment, a party’s status as an elector, without more, is insufficient to establish standing.” [25CI0312 Docket Decision p.5 December 10, 2025]. The Court also opined “Because plaintiff cannot demonstrate a concrete and particularized injury that is fairly traceable to defendants or likely to be redressed by declaratory relief, she lacked standing. Moreover because plaintiff has not been denied Office, any challenge to her right to assume Office is not ripe.” *Id.* p.4

¹ That case is currently on appeal before the Fourth District Court of Appeals in Case Number 26CA0001.

13. Plaintiff's claims as an elector and an elected candidate with a particularized injury are now ripe.
14. As a result of the passage of Nelsonville City Ordinance 54-25, Plaintiff, as an elected candidate, has been unlawfully deprived of her election to the position of Auditor for the City of Nelsonville that was to take effect January 1, 2026 on November 4, 2025 as permitted by passage of Issue #23.
15. Ordinance 54-25 nullifies Plaintiff's constitutional right as an elector for her vote to have been counted to elect candidates of her choice in the November 4, 2025 ballot for Nelsonville Candidates.
16. Further, Ordinance 54-25 nullifies Plaintiff's constitutional right for her vote to have been counted to abolish the Nelsonville City Charter by initiative at the last general election by Plaintiff voting for Issue #23.
17. The procedure for passage of a City Ordinance is governed solely by the City Of Nelsonville City Charter at §4.10. [Exhibit 2 City Of Nelsonville City Charter]. In operative part the section reads "Each proposed ordinance ***shall be introduced in writing*** emphasis added] by a member of the council.... et seq."
18. City Ordinance 54-25 was not introduced in writing but merely read to Council by the City Law Director. No written copy of The Ordinance was provided to Council before or after the reading during the Council meeting before the adjournment. There is no record of written copy of The Ordinance being provided to the Clerk of Council before the adjournment. [Exhibit 11 <https://www.youtube.com/watch?v=cvA8Sl55AVw>].

19. Because Ordinance 54-25 was not submitted to City Council in writing as required by Nelsonville City Charter §4.10, Ordinance 54-25 is unlawful and unenforceable pursuant to Nelsonville City Charter §4.10. Ordinance 54-25 violates Nelsonville City Charter §4.10.
20. Further, Ordinance 54-25 is unlawful because failed to be published as mandated by Article IV §4.12 of the City Charter.
21. Nelsonville City Charter Article IV §4.12 recites “Publication of ordinances. Within fourteen (14) days after passage, ordinances required by law to be published, shall be published by posting the complete text of the ordinance in each of the four (4) public places in the City, such places to be designated by Council, for a period of at least fifteen (15) days. In addition, ***all ordinances*** [emphasis added not in the original] shall be posted on one prominent protected bulletin board in City Hall for a period of at least fifteen (15) days.” [Exhibit 2 Nelsonville Charter].
22. The Affidavit of the Plaintiff recites that Ordinance 54-25 was not posted in accordance with the mandate of Article IV §4.12. Plaintiff made a personal observation that Ordinance 54-25 was not posted during the time required by §4.12 [Affidavit of Andrea Nicole Thompson Hashman attached]. Ordinance 54-25 is therefore invalid for failure of publication mandated by City Charter Article IV §4.12.
23. Further, Ordinance 54–25 is unlawful because it has more than one subject in violation of Nelsonville City Charter Article IV §4.10.
24. Nelsonville City Charter Article IV §4.10 mandates, in part, “Each ordinance shall contain one subject only, which shall be d (sic) clearly in the title.”
25. Ordinance 54-25 contains 3 separate subjects in the ordination at the following paragraphs therein: Subject 1 “1. Issue 23, passed by the voters on November 5, 2024, which purports

to abolish the Nelsonville City Charter and transition the City to a statutory form of government, is hereby repealed and declared null and void as of the effective date of this Ordinance.” [This appears in the title] [Exhibit 1]. Subject 2 “3. The City Council directs the City Law Director to take all necessary legal actions to defend this Ordinance, including but not limited to filing or responding to any legal challenges related to the repeal of Issue 23, to ensure the continuity of home rule governance in Nelsonville.” [This does not appear in the title] [Exhibit 1]. Subject 3 “5. The City Council authorizes the establishment of a public education campaign to inform residents of the legal and practical implications of this resolution and to facilitate community input on future governance decisions, in coordination with non-partisan community organizations, including, if possible, the League of Women Voters of Ohio and Athens County or other appropriate organizations. “ [This does not appear in the title] [Exhibit 1].

26. The two additional subjects at 3. and 5. involve the requirement to perform other matters that do not repeal Issue #23, nor are they required to effect the repeal of Issue #23 and as such are separate subjects. Because Ordinance 54-25 violates Article IV §4.10 that, “Each ordinance shall contain one subject only, which shall be d (sic) clearly in the title.” Ordinance 54-25 is unlawful and unenforceable violating Article IV §4.10.
27. Article IV §4.10 acts only to suspend the number of times of reading the ordinance not the requirements of §4.10 that “Each ordinance shall contain one subject only, which shall be d (sic) clearly in the title.” Nor does it suspend the mandates of §4.12 “In addition, all ordinances shall be posted on one prominent protected bulletin board in City Hall for a period of at least fifteen (15) days.” [Exhibit 2 Nelsonville Charter].

“...Every ordinance shall be fully and distinctly read two (2) different days before its enactment, unless an emergency is declared as hereinafter provided or, unless,

by vote of five members elected to Council, the reading info on two different days dispense with, in which cases such ordinance may be read one time and passed on the day as such reading....” Article IV §4.10

28. Article IV §4.10 of the Charter, in declaring an emergency, does not eliminate the remaining Charter procedural mandates for all ordinances.
29. This Court’s analysis and dicta in its decision in prior case for a declaratory judgment by the Plaintiff 25CI0312 fails to identify which section of the Charter in §4.10, or any other section, removes the mandates created within §4.10 and §4.12 by merely declaring an emergency. The plain reading of §4.10 and §4.12 do not create such exceptions and thus Ordinance 54-25 violates the Charter.
30. In *State ex rel. Comm. for the Referendum of Ordinance No. 3543-00 v. White*, 90 Ohio St. 3d 212, 218 (2000)]. The Court held “... [W]e hold that the same procedural requirements that must be followed to enact an ordinance must be followed to repeal an ordinance ” *Id.* in the instant case, the procedural requirements were made pursuant to “§10.02. Commencement of proceedings; petitioner's committee. A. Any five (5) qualified voters may commence initiative,...” [Exhibit 2]. The Initiative placed Issue #23 on the ballot for a vote. To repeal Issue #23 Nelsonville was required to use the same procedural requirements, i.e. placing any repealing legislation before the people for a vote. Nelsonville failed to properly enact and place Ordinance 54-25 before the people for a vote. Because of that failure, Ordinance 54-25 is unlawful and void *ab initio*.
31. Additionally, the Nelsonville City Charter Section X at §10.06 is unconstitutional as applied to create City Ordinance 54-25 to repeal Issue #23, directly and adversely affecting and harming the Plaintiff and all other electors of the City. Nelsonville City Charter Section X at §10.06 unconstitutionally removes the power of initiative reserved to the people of

Nelsonville by Article II Section 1f of the Ohio Constitution. It unlawfully enables the passage of Ordinance 54-25 making such ordinance unconstitutional as applied to invalidate the lawful abolishment of the Nelsonville City Charter as passed by voters by initiative power reserved to the people of Nelsonville by Article II Section 1f of the Ohio Constitution to repeal Issue #23, directly adversely affecting and harming the Plaintiff as an elector and an elected candidate and all other electors of the City.

32. Section 1f of Article II of the Constitution of the State of Ohio reads as follows: “The initiative and referendum powers are hereby reserved to the people of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action”. The Nelsonville City Charter reserves the right of Initiative to the people and such right is derivative of the Ohio Constitution, Article II, §1f. There is no reasonable doubt that as an initiative, prepared in conformity with Nelsonville Charter Article X §10.01, Issue #23 is the exercise of a constitutional right. It is further inarguable that the power of initiative is retained by the people pursuant to City Charter §4.01. “The legislative powers of the City *except as are reserved to the people by this Charter (Initiative and Referendum), and by the Constitution of the State of Ohio*, shall be vested in a Council, which shall consist of seven (7) members elected at large by a non-partisan ballot...” The Nelsonville Charter does not create any right to Initiative, it merely sets the mechanics for how it is to be exercised as a Constitutional Article II 1(f) right.
33. The Fourth District Court of Appeals opined that “a proposal to abolish the city charter most closely fits the definition of an initiative.”... “a city charter is “framed” by a commission, and thus is not an “ordinance” that could be “repealed” by a referendum. However, a law

could be passed to abolish it, which would be an initiative.” *Smith v. Clement*, 2024-Ohio-5220 {¶26}.

34. In granting the original writ to have Issue #23 placed on the ballot, the Fourth District Court of Appeals speaks to the Charter. “The Nelsonville City Charter provides the *method* [emphasis added not in the original] to abolish the charter...” *Smith v. Clement*, 2024-Ohio-5220 {¶3}. Further, “the Nelsonville City Charter governs the *process* [emphasis added not in the original] and contains the applicable signature requirement.” *Id.*
35. Nelsonville City Charter Section X at §10.06 recites “ **Results of election.** A. Initiative. If a majority of the qualified electors voting on a proposed initiative vote in its favor, such initiative shall be considered adopted upon certification of the results and shall be treated in all respects in the same manner as ordinances or resolution of the same kind adopted by Council.”
36. When construing city charters, the Supreme Court applies general rules of statutory interpretation. *State ex rel. Beard v. Hardin*, 153 Ohio St.3d 571, 2018-Ohio-1286, 109 N.E.3d 1174, ¶ 27. “However, referring to the Ohio Constitution's reservation to the people of the right of municipal initiative, we have admonished that "provisions for municipal initiative or referendum should be liberally construed in favor of the power reserved so as to permit rather than preclude the exercise of such power, and the object clearly sought to be attained should be promoted rather than prevented or obstructed." *State ex rel. King v. Portsmouth*, 27 Ohio St.3d 1, 4, 27 Ohio B. 73, 497 N.E.2d 1126 (1986), quoting *State ex rel. Sharpe v. Hitt*, 155 Ohio St. 529, 535, 99 N.E.2d 659 (1951).” *State ex rel. Harris v. Rubino* 155 Ohio St. 3d 123, 128 (2018).

37. The object clearly sought to be attained by the initiative of Issue #23 is the abolition of the City Charter of Nelsonville by Issue #23.
38. *State ex rel. Sharpe v. Hitt*, 155 Ohio St. 529, 535-536, 99 N.E.2d 659 (1951) further emphasizes the power of the people's use of an initiative. "It is interesting to note that neither the Constitution of Ohio nor the statutes place any definite limitations on the use of the initiative. And ***the obvious purpose of the initiative as it affects municipalities is to reserve to the people of those municipalities the right to exercise their inherent or political power over the council or other legislative body as to local legislation.***[emphasis added not in the original] Moreover, especially in the light of Section 2, Article I of the Constitution, providing that "all political power is inherent in the people," ***the adoption of the initiative and referendum as a part of the Constitution evidenced a firm resolve on the part of the people that the legislative branch of the state or local government shall be subject to the control of the people with respect to legislative measures,*** [emphasis added not in the original] except as otherwise provided." *Id.*
39. The purpose of the power of initiative is to reserve to the people of those municipalities the right to exercise their inherent or political power over the council or other legislative body as to local legislation.
40. "In adopting the initiative and referendum provisions of Section 1f, Article II of the Constitution of Ohio, it was certainly not the intention of the people to leave the voters of a municipality powerless to override legislation which might be obnoxious to them. Even though the referendum is not available because an objectionable ordinance was passed as an emergency measure, perhaps arbitrarily, the initiative always remains as an authorized remedy. Otherwise, the people who elect the members of council and pay their salaries

would occupy a place below the council in legislative power. Surely such was not the design and purpose of Section 1f, Article II of the Constitution. *Id.* at 536-537.” This 75 year-old Supreme Court case makes the argument the people retain the right to Initiative as superior to municipal legislation. An initiative pursuant to Section 1f, Article II of the Constitution of the State of Ohio takes precedence over the legislative power of Council.

41. Further, the *Sharpe* opinion “[A]grees with the reasoning of the dissenting opinion in *State, ex rel. Smith, v. City of Fremont, supra*, and, since the majority holding in that case is contrary to the position presently taken in this opinion, the same is overruled. *Sharpe* further holds with that reasoning of the dissent of Judge Allen. Judge Allen’s recitation is a virtual mirror of the conduct of Nelsonville in passing Ordinance 54-25. “[S]ince the people in a municipality are precluded from having a referendum on an emergency ordinance and since the declaration of an emergency in an ordinance may not be judicially reviewed, the council of a municipality could arbitrarily deny the people a voice in legislative matters, and that such a situation would be repugnant to the purposes sought to be accomplished by the people in adopting the initiative and referendum. According to Judge Allen, “it was not the intention of the framers of the constitutional amendments of 1912 when they provided for the initiative in municipalities that the subjects upon which the initiative could be exercised should be limited to those not subject to the referendum. The very wording of Article II, Section 1f, refutes the idea. ***The Constitutional Convention and the electors who enacted the amendments of 1912 meant the voters themselves to have the power to enact legislation as a part of the legislative power, subject to no limitations excepting those specifically expressed in the Constitution itself.***” *Sharpe* at 539.

42. The adoption of Ordinance 54-25 was done by emergency [Exhibit 1] just as the ordinance in *Sharpe*.
43. Article X §10.06 of the Nelsonville City Charter enabling the adoption of Ordinance 54-25 is constitutionally repugnant as applied to the very purpose of the power of initiative and referendum reserved to the people.
44. Because Ordinance 54-25 finds its authority in Article X §10.06 of the Nelsonville City Charter, it is equally constitutionally repugnant as applied to Issue #23.
45. *Harris* and *Sharpe* read in *pari materia* recognize not only is the power of initiative reserved to the people but an initiative pursuant to Section 1f, Article II of the Constitution of Ohio takes precedence over the legislative power of Council because that the legislative branch of the state or local government shall be subject to the control of the people with respect to legislative measures *Sharpe, supra*, but also “Supporting inferentially at least the conclusion we have reached is the case of *City of Youngstown v. Craver et al., Board of Elections*, 127 Ohio St., 195, 187 N. E., 715, wherein it was held that the adopted charter of a municipality may be abolished by the use of the Initiative.
46. Article X §10.06 of the Nelsonville City Charter enabling the adoption of Ordinance 54-25 is unconstitutional as applied, abjectly failing to be liberally construed in favor of the constitutional power reserved to the people so as to permit rather than preclude the exercise of such power, and the object clearly sought to be attained should be promoted rather than prevented or obstructed as applied to Issue #23.
47. Further, the substantive enactment of Ordinance 54-25 is also an unlawful attempt to adopt a Charter by resurrecting the now deceased Nelsonville City Charter. A virtually identical

attempt was undertaken in *Hittle v. Muskingum County Bd. of Elections*, 1979 Ohio App. LEXIS 10706, (5th Dist. Ct of Appeals 1979).

48. In *Hittle* citizens in a general election voted on a proposed initiative to abolish the Zanesville City Charter in November 1979. The vote to abolish was approved 3,785 to 3,138. *Id.* p.1.
49. On February 27, 1979 a second group of citizens had a special election to submit to the electors of Zanesville the issue of “Shall the vote of the electorate of November 7, 1978, abolishing the Zanesville City Charter and all Legislative Acts done pursuant thereto be repealed hereby reinstating the Zanesville City Charter and all Amendments thereto?” *Id.* p.2. As a result of the election issue was approved by a vote of 2577 for and 2370 against. *Id.*
50. As a result of the passage of the “repealing” legislation, the first group filed for a declaratory judgment in the Muskingum County Common Pleas Court and obtained a declaratory judgment that the February 27, 1979 election was without legal effect. *Id.* p.2
51. The trial court held that the initiative petitions proposing the election to "repeal the abolition" of the Zanesville City Charter and also Zanesville Ordinance 79-7 which called the February 27, 1979 election on the issue are in fatal conflict with Article XVIII, Sections 7 and 8 of the Ohio Constitution.” *Id.*
52. The Trial Court’s decision in favor of the first group was appealed by the City of Zanesville. *Id.* p.1.
53. The Fifth District Court of Appeals² affirmed the decision of the Trial Court and overruled

² Plaintiff recognizes that the Fifth District Court’s decision is not binding on this District’s decision, however *Beard, King, Sharpe, Hitt and Craver, supra* are binding with *Hittle* (which has never been overruled or distinguished) being extremely persuasive authority.

all assignments of error. *Id.* p.2. The Court gave following reasons which are fully applicable to the instant action.

54. The finding of the Trial Court in *Hittle* as recited by the Court of Appeals also applies to the municipality of Nelsonville “Section 8 of Article XVIII of the Ohio Constitution expressly provides detailed procedures to be followed by a municipality in adopting a charter.” *Id.* p.2.
55. “The trial court held that the charter was abolished by the November 7, 1978 election and consequently the election of February 27, 1979, was an unconstitutional attempt to adopt a charter.” *Id.* p.2. Nelsonville’s Charter was abolished by vote in the November 5, 2024 general election. Here Nelsonville is attempting the same unconstitutional attempt to adopt a resurrected charter with Ordinance 54-25 by repealing Issue #23. The Fifth District Appellate Court further added “The trial court reasoned that once the charter was abolished, ***the exclusive means to enact any charter was that expressly provided in the Ohio Constitution, Article XVIII, §8*** [emphasis added not in the original].” *Id.*
56. Any argument that “where a repealing act is itself repealed before it goes into effect, the act originally sought to be repealed continues in force by virtue of its original enactment and not because of the act which repealed the repealer. *Adam v. Wright*, 84 GA. 720, 11 S.E. 893 (1890); *Clark v. Reynolds*, 136 Ga. 817, 72 S.E. 254 (1911); *Opinion of the Justices*, 357 So. 2d. 145 (Ala. S. Ct. 1978)” *Id.* pp.3-4 (which essentially argues the Charter remains in effect of the repealing ordinance is repealed) is likewise ineffective. *Hittle* at pp. 3-4
57. The Ordinance 54-25 unlawfully and unconstitutionally attempts to circumvent the requirements of the Ohio Constitution. *Hittle* is clear and its conclusion is applicable to Nelsonville in virtually identical circumstances when the Appellate Court recites “The

decision by initiative election November 7, 1978, to repeal the charter effective December 31, 1979, *constituted an exit from charter government. There can be no pathway of return to charter government except through compliance with the express special constitutional provisions of Article XVIII, §8 dealing therewith.* [emphasis added not in the original]” *Id.* p.6.

58. Further, “Article II, § 1f of the Ohio Constitution, reserves to the people of each municipality the power of initiative only on questions controlled by municipal legislation (See Appendix). Thus, the people of a municipality have the power implied therefrom to initiate a proposal to repeal their municipality's charter. *Youngstown v. Craver*, 127 Ohio St. 194 (1933). However, the subject of adoption of a charter is not governed by the general provisions of Article II, § 1f, but is covered by specific express constitutional provision (Article XVIII, §8), *and its requirements cannot be circumvented.* [emphasis added not in the original]” *Id.* p.5. Nelsonville has not complied with the express constitutional provision Article XVIII, §8 after the voters abolished the Nelsonville City Charter by a 70% majority on November 5, 2024.
59. Ordinance 54-25 is also an unlawful attempt of the city of Nelsonville to return to charter government in a manner that is expressly recognized as violative of the Ohio Constitution Article XVIII, §8. Ordinance 54-25 also violates the Ohio Constitution Article XVIII, §8.
60. Only the Plaintiff and the other persons possessing Certificates of Election from the ABOE for terms beginning January 1, 2026 [Exhibit 5] who have not chosen to serve on Council for the December 1 through December 31, 2025 terms are the current lawfully elected officials of the City of Nelsonville.

61. The ballot for the November 4, 2025 election for Nelsonville contains provisions “For Member Of Council At Large (vote for not more than 7)”, and “Member Of Council At Large (Term 12-1-2025 to 12-31-2025) (vote for not more than 4)” [Exhibit 4].
62. On November 21, 2026 the ABOE issued certificates of election to McCray Anthony Powell, Nicole A. Joseph Saul, Cory Ward Taylor and Cameron Austin Peck for terms as a Member of Council at Large, December 1, 2025 to December 31, 2025 [Exhibit 5].
63. On November 21, 2026 the ABOE issued certificates of election to Barbara Lynn Bishop, Wesley M. Henderson, Jessica L. Hollenbaugh, Nicole A. Joseph Saul, McCray Anthony Powell, Glenn Allan Smith and Carol Sue Powell as a Member of Council at Large, for Full term beginning January 1, 2026 [Exhibit 5].
64. Because this Court has held that Ordinance 54-25 remained in effect since the date of its passage on August 11, 2025, until at least December 19, 2025 in its dismissal order in case 25CI0386, all the elections for the City Council offices appearing on the ballot of November 4, 2025 for Nelsonville were held under the Charter of the City of Nelsonville as “Member of Council at Large”, electing 1) All seven candidates as a “Member of Council at Large” required by Charter §4.01 [Exhibit 2] and certified by Election Certificates from the ABOE for the Full term beginning January 1, 2026; and 2) Terms as a Member of Council at Large, December 1, 2025 to December 31, 2025 [Exhibit 5].
65. A special meeting of Council for December 1, 2025 was convened by McCray Anthony Powell, Nicole A. Joseph Saul, Cory Ward Taylor and Cameron Austin Peck. At that meeting appointments to Council for terms as a Member of Council at Large, December 1, 2025 to December 31, 2025 were made pursuant to City Charter §4.03 for Gregg Clement, Nancy Sonic and Amy Hollenbaugh because of three vacancies created by expiration of

terms in December 2025. All seven of those terms expired December 31, 2025. No member of Council whose terms expired December 31, 2025 has filed any action pursuant to R.C. §3515.09 objecting to the election. No other qualified person has timely filed any action pursuant to R.C. §3515.09 objecting to the election. The time requirement for any action pursuant to R.C. §3515.09 objecting to the election has since passed and no other objection is available as a remedy to challenge the validity of the November 4, 2025 election.

66. On January 5, 2026 Barbara Lynn Bishop, Wesley M. Henderson, Jessica L. Hollenbaugh, Glenn Allan Smith and Carol Sue Powell as Members of Council at Large, for Full term January 1, 2026 [Exhibit 5] held a special meeting with proper notice. The two other Members of Council at Large for Full term January 1, 2026, Nicole A. Joseph Saul and McCray Anthony Powell, did not attend the meeting. After being duly sworn to office Barbara Lynn Bishop, Wesley M. Henderson, Jessica L. Hollenbaugh, Glenn Allan Smith and Carol Sue Powell (attending members) conducted the business. [Exhibit 8 Council Minutes]. Because Nicole A. Joseph Saul and McCray Anthony Powell had attended the meetings of the Nelsonville City Council as Council Members in the month of December 2025 and further evidenced by the fact they did not attend the January 5, 2026 meeting, they are deemed to have accepted the elected ballot position terms of December 1 to December 31 of the Nelsonville City Council and to have vacated the Council seats for which they have Certificates of Election for Full Term beginning January 1, 2026. As a matter of law no person can fill two or more municipal offices at the same election. R.C. §3513.052 (A)(5). Therefore, although possessing a Certificate of Election for Full Term beginning January 1, 2026, Nicole A. Joseph Saul and McCray Anthony Powell are not qualified for the Council At Large positions under that election. Further, McCray Anthony Powell,

Nicole A. Joseph Saul, Cameron Austin Peck, Gregg Clement, Nancy Sonic and Amy Hollenbaugh have illegally continued to act as if there is a succession of the ballot positions of the December 1 to December 31 positions of the Nelsonville City Council into the Full Term beginning January 1, 2026. All Council positions for Nelsonville City Council expired December 31, 2025 without a continuing vacancy into January 2026. McCray Anthony Powell, Nicole A. Joseph Saul, Cameron Austin Peck, Gregg Clement, Nancy Sonic and Amy Hollenbaugh and Charlotte Beach, by lack of legal appointment by them, have no legal right to positions as Council Members beginning January 1, 2026.

67. Acting as Charter electees, the attending members at the January 5, 2026 meeting unanimously appointed Andrea Nicole Hashman Thompson as Auditor [Exhibit 8] under the Charter. As part of the business conducted, the attending members then passed Ordinance 02-26 [Exhibit 9] by emergency, having properly suspended the rules prior to its passage. Ordinance 02-26 repeals Ordinance 54-25. With the repeal of Ordinance 54-25, §733.10 of the Ohio Revised Code becomes applicable, and with the Certification of Election, Andrea Nicole Thompson Hashman is now the elected Auditor of the City of Nelsonville whether pursuant to the Charter or the statutory position of Auditor for the City of Nelsonville. “The auditor of a city shall be elected for a term of four years, commencing on the first day of January next after his election. He shall be an elector of the city.” R.C. §733.10.
68. In the alternative to the argument Ordinance 54-25 was illegally passed, as well as being unconstitutional as applied to effect a §10.06 unconstitutional as applied repeal of Issue #23 as averred *supra*, immediately after the repeal of Ordinance 54-25, passed under the Charter form of government, the repeal of Issue #23 was dissolved and Issue #23 became

immediately effective in returning the City of Nelsonville to a statutory government.

69. There was a subsequent meeting of individuals on January 6, 2026 (<https://www.youtube.com/watch?v=F86Cr0YI3t4&t=3s> for 22:43), January 7, 2026 (<https://www.youtube.com/watch?v=0gmdHpX7UXo> for 11:10), and January 12, 2026 (<https://www.youtube.com/watch?v=l-y-FLcQIp8> for 57:53) consisted of only two elected council persons possessing Certificates of Election for the Full term beginning January 1, 2026, Nicole A. Joseph Saul and McCray Anthony Powell [Exhibit 5]. However, as recited *supra*, Nicole A. Joseph Saul's and McCray Anthony Powell's decision to accept the December 1 - December 31 positions precludes their filling any position of the January 1, 2026 Full Term positions. As a matter of law, as of January 1, 2026, none of the persons meeting January 6, 7 or 12, 2026 are qualified elected Nelsonville City Council Members.
70. In the alternative, if Ordinance 54-25 has not been repealed by Ordinance 2-26 and the Charter is still in effect, under the City Charter §4.04, four (4) members (certified) of Council were required to be present to conduct business [Exhibit 2 p.2] on and after January 1, 2026. Because no quorum of council persons possessing Certificates of Election for the Full term beginning January 1, 2026, were present, all actions of those persons present on January 6, 7, and 12, whether possessed of Certificates of Election or not, are unlawful under the City Charter. The City of Nelsonville is not lawfully bound to any contract, resolution, ordinance passed or adopted by action of any individuals meeting on January 6, 7, and 12 pursuant to any notice of a City Council regular or special public meeting or any committee or commission. The meetings comprised of any group of less than four individuals possessed of Certificates of Election after January 1, 2026 are unlawful pursuant §4.04 of

the City Charter. Further, any future attempt to remove Andrea Nicole Thompson Hashman during her full term by less than four persons possessing Certificates of Election for full term beginning January 1, 2026 is unlawful.

WHEREFORE, the Plaintiff asks this Court to declare the following enumerated items by Judgment and by Order decree that:

- 1) Plaintiff Andrea Nicole Thompson Hashman has standing to bring the action herein because Plaintiff can demonstrate a concrete and particularized injury that is fairly traceable to defendants and is likely to be redressed by declaratory relief. Moreover because Plaintiff has been denied Office for which she possesses a Certificate of Election, any challenge to her right to assume Office is ripe;
- 2) Issue #23 [Exhibit 3 Issue #23] was lawfully passed by the voters of the City Of Nelsonville and abolished the Nelsonville City Charter and returned Nelsonville to a statutory form of government;
- 3) Issue #23 is a lawful initiative exercising the Constitutional right reserved under Article II § 1f of the Ohio Constitution for the people of Nelsonville to abolish their City Charter and is not subject to repeal pursuant to Article X §10.06 of the Nelsonville City Charter enabling Ordinance 54–25 or any other act of repeal or invalidation pursuant to the Nelsonville City Charter.
- 4) The Supreme Court of Ohio in case 2025-1061 at ¶37 denied Nelsonville’s writs for mandamus and prohibition permitting the candidates, including Andrea Nicole Thompson Hashman, to remain on the ballot reciting “Nelsonville seeks a writ of mandamus ordering the board of

elections to remove elections for a slate of statutory offices from the ballot. Nelsonville points to no authority requiring the board to do so. Thus, it has not shown a clear legal right to its requested relief in mandamus or a clear legal duty on the part of the board to provide it.” “All motions for Reconsideration denied.” See RECONSIDERATION ENTRY 2025-1061 Filed September 24, 2025.

Thus Andrea Nicole Thompson Hashman’s name appeared lawfully on the ballot for the position of City Auditor, received the majority of votes for the position and was the lawfully elected person to take office January 1, 2026 for the Full Term as certified by issuance of a Certificate of Election to her in her name [Exhibit 5. p.5];

- 5) As a result of the passage of Nelsonville City Ordinance 54-25, Plaintiff Andrea Nicole Thompson Hashman, as an elected candidate, was unlawfully deprived of her election and her legal right to the position of Auditor for the City of Nelsonville that was to take effect January 1, 2026. On December 31, 2025 Plaintiff requested the keys to the office of the Auditor by email to the current auditor Nick Smith, in the city manager. Plaintiff was denied the keys on the basis of Ordinance 54-25 by “Devon Tolliver Chief of Police/Acting City Manager” by return email on January 2, 2026. [Exhibit 10]
- 6) The Nelsonville City Charter Section X at §10.06 is unconstitutional as applied to create City Ordinance 54-25 to repeal Issue #23, directly and adversely affecting and harming the Plaintiff Andrea Nicole Thompson Hashman and all other electors of the City. Nelsonville City Charter Section X at §10.06 unconstitutionally removes the power of initiative reserved to the people of Nelsonville by Article II § 1f of the Ohio Constitution. It unlawfully enables the passage of Ordinance 54-25 making Ordinance 54-25 unconstitutional as applied to invalidate the lawful

abolishment of the Nelsonville City Charter as passed by voters by initiative power reserved to the people of Nelsonville by Article II § 1f of the Ohio Constitution to repeal Issue #23, directly adversely affecting and harming the Plaintiff Andrea Nicole Thompson Hashman as an elector and as an elected candidate and all other electors of the City.

- 7) City Ordinance 54-25 is also unlawful as passed pursuant to the City Charter. City Charter Article IV §4.10, as it applies to emergency ordinances, acts only to suspend the number of times of reading the ordinance. Not being submitted to Council in writing and having more than one subject, City Ordinance 54-25 fails to meet Article IV §4.10 requirements that an ordinance be introduced in writing and that it have only one subject. It is unlawful on those bases. Further City Ordinance 54-25 fails to meet Article IV §4.12 requirements that “all ordinances shall be posted on one prominent protected bulletin board in City Hall for a period of at least fifteen (15) days.” [Exhibit 2]. It is also unlawful on that basis;
- 8) The object clearly sought to be attained by the initiative of Issue #23 is the abolition of the City Charter of Nelsonville by Issue #23. *State ex rel. Sharpe v. Hitt*, 155 Ohio St. 529, 535-536, 99 N.E.2d 659 (1951) further emphasizes the power of the peoples use of an initiative “ [T]he adoption of the initiative and referendum as a part of the Constitution evidenced a firm resolve on the part of the people that the legislative branch of the state or local government shall be subject to the control of the people with respect to legislative measures, except as otherwise provided.” *Id.* Ordinance 54-25 violates the purpose of the use of the initiative in passing Issue #23. An initiative pursuant to § 1f, Article II of the Constitution of the State of Ohio takes precedence over the legislative power of Council. *State ex rel. Sharpe v. Hitt*.
- 9) Ordinance 54-25 and Article X §10.06 of the Nelsonville City Charter as applied violates the Ohio Constitution Article XVIII, §8 as an unlawful attempt to adopt a Charter. *Hittle v.*

Muskingum County Bd. of Elections, 1979 Ohio App. LEXIS 10706, (5th Dist. Ct of Appeals 1979);

10) IN THE ALTERNATIVE. Because this Court has held that Ordinance 54-25 remained in effect since the date of its passage on August 11, 2025, until at least December 19, 2025 in its dismissal order in case 25CI0386, all the elections for the City Council offices appearing on the ballot of November 4, 2025 for Nelsonville were held under the Charter of the City of Nelsonville as “Member of Council at Large”, electing: 1) All seven candidates as a “Member of Council at Large” required by Charter §4.01 [Exhibit 2] and certified by Election Certificates from the ABOE for the Full term beginning January 1, 2026 are lawful elections; and 2) Terms for a Members of Council at Large, December 1, 2025 to December 31, 2025 are lawful elections [Exhibit 5].

11) IN THE ALTERNATIVE. A special meeting of Council for December 1, 2025 was convened. McCray Anthony Powell, Nicole A. Joseph Saul, Cory Ward Taylor and Cameron Austin Peck were sworn in by City Attorney. At that meeting appointments to Council for terms as a Member of Council at Large, December 1, 2025 to December 31, 2025, were made pursuant to City Charter §4.03 for Gregg Clement, Nancy Sonic and Amy Hollenbaugh because of three vacancies created by expiration of terms prior to December 2025. <https://www.youtube.com/watch?v=wmWcOQTUPZ0> 07:55. All seven of those December 2025 terms expired December 31, 2025. On January 1, 2026 all seven council member positions were to be filled by those individuals possessing Certificates of Election for Full Term beginning January 1, 2026.

As of January 1, 2026, the only lawfully elected members of Council with Certificates of Election for the Full Term beginning January 1, 2026 were Barbara Lynn Bishop, Wesley M.

Henderson, Jessica L. Hollenbaugh, Glenn Allan Smith and Carol Sue Powell as Members of Council at Large, for Full term January 1, 2026 [Exhibit 5]. Nicole A. Joseph Saul and McCray Anthony Powell are deemed to have accepted those December 2025 terms of office which expired December 31, 2025 and are precluded by law from serving Full Term beginning January 1, 2026 by R.C. §3513.052(A)(5). Barbara Lynn Bishop, Wesley M. Henderson, Jessica L. Hollenbaugh, Glenn Allan Smith and Carol Sue Powell are the duly elected Members of Council at Large, for Full term January 1, 2026.

Because no quorum of council persons possessing Certificates of Election for the Full term beginning January 1, 2026 were present on January 6, 7, and 12, all legislative or administrative actions of those persons present on January 6, 7, and 12, whether possessed of Certificates of Election or not, are unlawful under the City Charter and not binding on the City of Nelsonville.

The only lawfully elected Auditor for the City of Nelsonville with a Certificate of Election for the Full term beginning January 1, 2026 is Andrea Nicole Thompson Hashman who is deemed to have occupied that office as of January 1, 2026 and to continue for its Full Term.

- 10) **NELSONVILLE IS THEREFORE FURTHER ORDERED:** 1) To provide access to the office of Auditor to Andrea Nicole Thompson Hashman as Nelsonville City Auditor forthwith and; 2) To remove and otherwise prohibit all persons not in possession of a Certificate of Election for Council Member at Large or who served on the December 1-December 30, 2025 Council and Charlotte Beach from participating as a member of Nelsonville City Council at any meeting announced by those elected officials possessing a Certificate of Election for Council Member at Large for the Full term beginning January 1, 2026, excluding Nicole A. Joseph Saul and McCray Anthony Powell; and 3) To prohibit all persons not in possession of a Certificate of Election and Nicole A. Joseph Saul and McCray Anthony Powell from participating as a

member of Council at a meeting announced by those officials not possessing a Certificate of Election for Council Member at Large for the Full term beginning January 1, 2026.

IT IS FURTHER Adjudged and decreed:

Defendants Cameron Austin Peck Gregg Clement, Nancy Sonic and Amy Hollenbaugh, by virtue of having no Certificate of Election and whose terms of office as council members for the City of Nelsonville expired December 31, 2025 and that elected council members Nicole A. Joseph Saul and McCray Anthony Powell together with any other persons not possessing a Certificate of Election were insufficient to constitute a quorum for any Council Meeting after January 1, 2025; that the appointment of Defendant Charlotte Beach to Council as a member, or any subsequent person who may be purportedly appointed fails as matter of law pursuant to §4.04 of the City Charter. Charlotte Beach, Cameron Austin Peck, Gregg Clement, Nancy Sonic and Amy Hollenbaugh have no legal claim to the offices for which any person possesses a current Certificate of Election for a Full Term beginning January 1, 2026. Nicole A. Joseph Saul and McCray Anthony Powell, notwithstanding being issued Certificates of Election, have no legal claim to the offices Council for a Full Term beginning January 1, 2026, having chosen to serve on the City Council for the December 1 to December 31, 2025 elected term which expired December 31, 2025.

The only lawfully elected Auditor for the City of Nelsonville with a Certificate of Election for the Full term beginning January 1, 2026 is Andrea Nicole Thompson Hashman who is deemed to have occupied that office as of January 1, 2026 and is to continue for its Full Term.

THEREFORE and further there was good cause for this action and it is equitable and just that costs are awarded to the Plaintiff, Defendants to pay all costs. R.C. 2721.11.

Respectfully submitted,



Daniel H. Klos (0031294

1911 Country Place

Lancaster, Ohio 43130

Voice (614 261-9581)

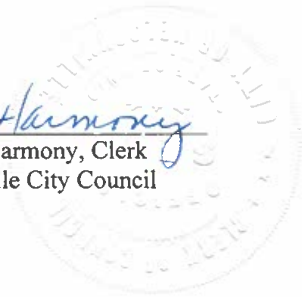
Email klosdhesq@aol.com

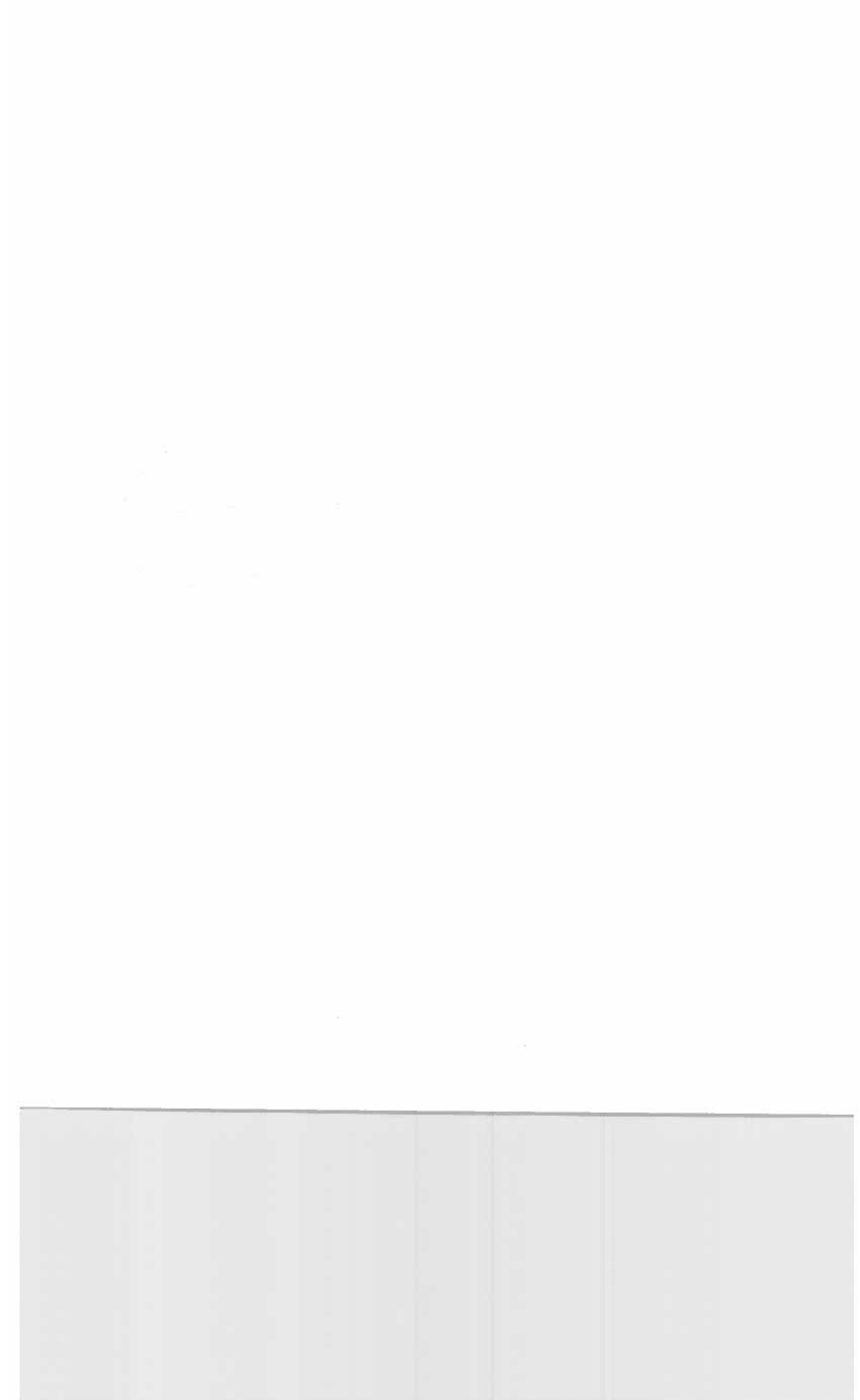
Attorney for Andrea Nicole Thompson Hashman

CLERK'S CERTIFICATION

I, Susan Harmony, Clerk of Nelsonville City Council, certify that the attached copy of **ORDINANCE 54-25, AN ORDINANCE REPEALING ISSUE 23 DUE TO ITS LACK OF TRANSITIONAL PLAN AND AUTHORITY AND DECLARING AN EMERGENCY**, is a true and correct copy of the Ordinance 54-25 adopted by Nelsonville City Council on August 11, 2025.


Susan Harmony, Clerk
Nelsonville City Council





Ordinance No. 54-25Passed AUGUST 11, 2025**ORDINANCE 54-25****AN ORDINANCE REPEALING ISSUE 23 DUE TO ITS LACK OF TRANSITIONAL PLAN AND AUTHORITY AND DECLARING AN EMERGENCY.**

WHEREAS, Nelsonville City Charter, adopted by the voters in November 1994 and effective January 1, 1995, serves as the foundational governing document of the City of Nelsonville, establishing its home rule authority and structure of governance under the Ohio Constitution;

WHEREAS, each Member of Council swears an oath to support the United States Constitution, the Ohio Constitution, and Nelsonville City Charter and therefore each Member must fulfill their duties in accordance with such oath, including supporting and defending Nelsonville City Charter when there is a lack of clear superior law supplying a rule of decision;

WHEREAS, the Ohio Constitution guarantees to the people of a municipality the right to choose their form of government, a principle which Council reaffirmed in Resolution 2305;

WHEREAS, the Council of the City of Nelsonville desires to reaffirm the City's commitment to respecting the right of the people of the City of Nelsonville to choose the form of government for the City of Nelsonville;

WHEREAS, it has long been the legal position of the City of Nelsonville that the proper procedures for lawfully abolishing Nelsonville City Charter, should the people so choose to exercise their right, are set forth in the Ohio Constitution and applicable implementing state law and not Nelsonville City Charter;

WHEREAS, Article X of Nelsonville City Charter lays out the procedures by which the people of Nelsonville may exercise the initiative and referendum powers for "ordinances or resolutions";

WHEREAS, Nelsonville City Charter cannot be abolished by an ordinance or resolution because Nelsonville City Charter is of superior legal obligation to any Nelsonville ordinance or resolution;

WHEREAS, therefore, the initiative procedures set forth in Article X of Nelsonville City Charter do not apply to abolishing Nelsonville City Charter;

WHEREAS, therefore, Nelsonville City Charter Section 10.03 pertains to initiative, referendum, and recall petitions other than the abolishment of a charter;

WHEREAS, the Fourth District Court of Appeals held in *State ex rel. Smith, et al. vs. Clement, et al.*, 2024 Ohio 5220 (Athens Cnty) that a hybrid approach mixing procedural requirements under Ohio Constitution Article XVIII procedures with Nelsonville City Charter Article X procedures is unlawful and that only the procedures of Article X applied to Issue 23;

WHEREAS, Issue 23, a citizen-led initiative passed by the voters on November 5, 2024, seeks to abolish the Nelsonville City Charter and transition the city to a statutory form of government under the Ohio Revised Code, effective January 1, 2026;

WHEREAS, Nelsonville City Charter Section 10.06 expressly provides "If a majority of the qualified electors voting on a proposed initiative vote in its favor, such initiative shall be considered adopted upon certification of the results and shall

RECORD OF ORDINANCES

GRAPHIC VILLAGE - CINCINNATI, OH

Form V62205

Ordinance No. 54-25

Passed AUGUST 11 2025

be treated in all respects in the same manner as ordinances or resolutions of the same kind adopted by Council;

WHEREAS, the Nelsonville City Charter, as the city's foundational governing document, cannot be abolished through a citizen initiative under its own provisions, rendering Issue 23 legally invalid;

WHEREAS, the Ohio Constitution, under Article XVIII, Sections 7 and 9, grants municipalities the authority to adopt and amend charters but does not provide clear statutory guidance for abolishing a charter, creating ambiguity that supports the position that Issue 23's procedure was improper;

WHEREAS, the Fourth District Court of Appeals upheld in 2024 litigation a lower court's order to place Issue 23 on the ballot, but the question of its substantive legality remains unresolved and subject to potential legal challenge, particularly due to Issue 23's lack of a transitional plan and authority;

WHEREAS, the City appealed the Fourth District Court of Appeals' decision to the Ohio Supreme Court, which declined to take the appeal and therefore the City must accept the decision of the courts on the 2024 litigation; however, the decision of the courts left to Nelsonville City Council the authority and discretion under Nelsonville City Charter Section 10.06 to amend or repeal Issue 23;

WHEREAS, the passage of Issue 23 without a clear transition plan, as noted by the Nelsonville Ad-Hoc Advisory Commission, risks significant disruption to city governance, including the expiration of current council terms on November 30, 2025, and the lack of legal authority to establish wards or other necessary governance structures;

WHEREAS, the Nelsonville City Council finds that the potential illegality of Issue 23, combined with the absence of a transition plan and authority, constitutes an emergency affecting the health, safety, and welfare of the residents of Nelsonville, necessitating immediate action to preserve continuity of government and public services;

WHEREAS, the Nelsonville City Council, in exercising its authority under the Nelsonville City Charter and Ohio law, seeks to repeal Issue 23 to prevent legal uncertainty, ensure continuity of governance, and protect the rights of Nelsonville residents to maintain their home rule authority;

WHEREAS, the City remains committed to the right of the people of the City of Nelsonville to choose the form of government for the City of Nelsonville under the lawful measures available to the people under the Ohio Constitution;

WHEREAS, exercise of the right of the people of the City of Nelsonville to choose the form of government for the City of Nelsonville under the Ohio Constitution and procedures set forth therein cannot be questioned by Nelsonville City Council;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NELSONVILLE, ATHENS COUNTY, OHIO, AS FOLLOWS:

1. Issue 23, passed by the voters on November 5, 2024, which purports to abolish the Nelsonville City Charter and transition the City to a statutory form of government, is hereby repealed and declared null and void as of the effective date of this Ordinance.
2. Nelsonville City Charter remains in full force and effect, and all existing ordinances, resolutions, and governmental structures established under the

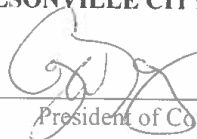
Ordinance No. 5725Passed AUGUST 11, 2025

charter shall continue uninterrupted until lawfully amended or repealed in accordance with the Ohio Constitution and Nelsonville City Charter.

3. The City Council directs the City Law Director to take all necessary legal actions to defend this Ordinance, including but not limited to filing or responding to any legal challenges related to the repeal of Issue 23, to ensure the continuity of home rule governance in Nelsonville.
4. The City Council Clerk is directed to certify a copy of this Ordinance and transmit it to the Athens County Board of Elections.
5. The City Council authorizes the establishment of a public education campaign to inform residents of the legal and practical implications of this resolution and to facilitate community input on future governance decisions, in coordination with non-partisan community organizations, including, if possible, the League of Women Voters of Ohio and Athens County or other appropriate organizations.
6. Council hereby finds and determines that all formal actions taken relative to the adoption of this ordinance were taken in an open meeting of the Nelsonville City Council, and that all deliberations of Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements.
7. Five (5) members of Council voting to dispense with the two readings of this Ordinance, the rules are hereby suspended for this Ordinance and this Ordinance is hereby enacted on the first reading, pursuant to O.R.C. 731.15, and Nelsonville City Charter Sections 4.09 through 4.11. This Ordinance is hereby passed as an emergency measure pursuant to O.R.C. 731.30 and Article IV, Sections 4.09 through 4.11 of Nelsonville City Charter as an emergency in the operation of the City government as the Athens County Board of Elections deadline for certifying November 2025 ballots is August 18, 2025 and is near approaching and this Ordinance needs to be conveyed to the Athens County Board of Elections prior to the August 18 deadline and is necessary for the immediate preservation of the public peace, health, safety, morals or welfare of the City, and this Ordinance shall be in full force and effect upon its adoption.

Duly enacted by Council on first reading on the 11th day of August, 2025.

NELSONVILLE CITY COUNCIL


President of Council


Clerk of Council

First Reading:

08/11/2025

Under suspension of the rules

Nelsonville City Charter

NELSONVILLE CITY CHARTER

PREAMBLE

ARTICLE I - Name, Succession and Boundaries

ARTICLE II - Form of Government

ARTICLE III - Powers

ARTICLE IV - The Council

ARTICLE V - City Manager

ARTICLE VI - Administrative Departments

ARTICLE VII - Boards and Commissions

ARTICLE VIII - Finance, Taxation and Debt

ARTICLE IX - Nominations and Elections

ARTICLE X - Initiative, Referendum and Recall

ARTICLE XI - General Provisions

ARTICLE XII - Transitional Provisions

PREAMBLE

We, the people of the City of Nelsonville, Ohio, in order to obtain and secure the benefits of home rule powers under the Constitution of the State of Ohio, do hereby adopt this Charter for the government of the City of Nelsonville.

Through this Charter with divine guidance we express our beliefs and convey our trusts, so that its concepts shall long endure without regard to age, race, color, sex, marital status, handicap, religion, ancestry, or national origin.

ARTICLE I - NAME, SUCCESSION AND BOUNDARIES

§1.01. Name, succession and boundaries

The City shall be known as the "City of Nelsonville", shall continue under this Charter to be a body politic and corporate, and as such shall have perpetual succession. The City shall have the same boundaries existing at the time of adoption of this Charter, with the power and authority to change its boundaries and annex territory thereto in the manner authorized by the laws of the State of Ohio.

ARTICLE II - FORM OF GOVERNMENT

§2.01. Form of government.

The government provided by this Charter shall be known as the Council-Manager form.

ARTICLE III - POWERS

§3.01. Powers.

§3.02. Construction

§3.03. Intergovernmental relations.

§3.01. Powers.

The City shall have all powers to which a city is entitled under the Constitution and laws of the State of Ohio, either expressly or by implication, as fully and completely though specifically enumerated in this Charter. The

enumeration of specific powers in this Charter or the reference in this Charter to specific powers granted by the Constitution or laws of the State of Ohio shall not be construed to be exclusive, and the City may determine to exercise any power in the manner provided under this Charter or in the manner provided under the Constitution or laws of the State of Ohio. Unless otherwise specified by ordinance or resolution, powers shall be exercised in the manner provided under this Charter. It is the intention of the people by the adoption of this Charter that a substantial compliance with the Charter's provisions shall be sufficient to sustain any action taken under this Charter.

§3.02. Construction.

The powers of the City under this Charter shall be construed liberally in favor of the City. As applied in this Charter, unless the context otherwise requires, the singular includes the plural; the plural includes the singular; words of one gender include the other gender; and words in the present tense include the future tense.

§3.03. Intergovernmental relations.

The City may exercise any of its functions, and participate in the financing thereof, including the incurrence of debt, jointly or in cooperation, by contract or otherwise, with one or more political subdivisions, or civil divisions thereof, or the United States or any agency thereof.

ARTICLE IV - THE COUNCIL

§4.01. Number, selection and term.

§4.02. Qualifications.

§4.03. Vacancies.

§4.04. Quorum.

§4.05. Meetings.

§4.06. Clerk of Council.

§4.07. Special meetings.

§4.08. Powers of Council.

§4.09. Forms of action by Council.

§4.10. Enactment of ordinances.

§4.11. Effective date.

§4.12. Publication of ordinances.

§4.13. Initiative and referendum.

§4.14. Adoption of standard codes by reference.

§4.15. Council compensation.

§4.01. Number, selection and term.

The legislative powers of the City except as are reserved to the people by this Charter (Initiative and Referendum), and by the Constitution of the State of Ohio, shall be vested in a Council, which shall consist of seven (7) members elected at large by a non-partisan ballot. All such members must be and must remain residents of the City. The term of office of members of Council shall be for four (4) years beginning the first Monday of December next following their election and they shall hold office until their successors

are elected and qualified. To effect election by staggered terms of its members, the four (4) members who receive the highest number of votes shall be elected for four (4) years, and the three (3) members receiving the next highest votes shall be elected for two (2) years. At succeeding elections all members shall be elected for four (4) year terms of office.

§4.02. Qualifications.

Any qualified elector who has been continuously a resident and a qualified elector of the City of one (1) year next prior to their election, and who is not the occupant of an incompatible office, shall be eligible to serve as a member of City Council. Each member of Council shall continue to be a resident and qualified elector of the City throughout his term of office, failing which Council shall remove him from office.

§4.03. Vacancies.

Vacancies in Council shall be filled by appointment of a qualified person. The appointment shall be made by a majority vote of Council and shall continue until the next election is held at which time a successor shall be elected to fill the unexpired term. In the event Council fails to fill the vacancy within thirty (30) days the President of Council shall make the appointment within fifteen (15) days of Council's failure to do so.

§4.04. Quorum.

Four (4) members of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Council rules and regulations duly adopted.

§4.05. Meetings.

The Council shall meet at such times and places as may be prescribed by its ordinances, resolutions, rules or by motion. Regular meetings shall be held at least twice in each calendar month, except that during the months of July and August the Council may dispense with one of its regular meetings. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings. Council may appoint, from its own body, such officers or employees deemed necessary for efficient operation of Council. Except for such closed executive sessions as may be permitted by Ohio law, all meetings of Council and its committees shall be open to the public. Any person shall have access to the public records of the City as permitted by Ohio law.

§4.06. Clerk of Council.

Council shall appoint, by majority vote, a person to serve as Clerk of Council. The Clerk shall serve at the pleasure of Council and may be removed by a majority vote of Council. The Clerk of Council may not hold other office or position of employment in the City. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as this Charter or Council may require. Council shall set a reasonable salary for

the position of Clerk of Council, before any such appointment is made.

§4.07. Special meetings.

The President of Council or any three (3) members thereof may call special meetings of Council upon written notice served personally upon each member, or left at their usual place of residence twenty-four (24) hours previous to the time fixed for such meeting. Any request for a special meeting and the notice calling same shall the subject(s) to be considered, and such meeting shall be limited to a consideration of such subject(s).

§4.08. Powers of Council.

All legislative power of the City shall be vested in the Council except as otherwise provided by this Charter and The Constitution of the State of Ohio therefore. Council shall have authority to:

- (1) Adopt ordinances and resolutions on any subject within the scope of its powers and provide penalties for the violation thereof;
- (2) Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter;
- (3) Set up such additional departments, boards, or commissions as it may deem necessary and determine their powers and duties;
- (4) Adopt and modify the master plan and official map of the City;
- (5) Have the power to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinance as authorized under the provisions of the Ohio law;
- (6) Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto.
- (7) Enact a comprehensive building code;
- (8) Adopt an annual appropriation ordinance based upon the annual budget;
- (9) Appoint and remove, and establish compensation for, the office of Mayor and Vice-Mayor. The Mayor and Vice-Mayor will be elected biennially from among the seven Council members. The Mayor shall act as President of Council and preside over Council, but will have no veto powers. The Mayor will act as a ceremonial figure for various civic functions where the City should be represented. The Mayor shall preside over Mayor's Court and supervise the bailiff of that Court. The Vice-Mayor shall perform the duties of the Mayor when the Mayor is absent;
- (10) Appoint and remove, and establish compensation for, the position of City Manager, and appoint an acting Manager when necessary;
- (11) Confirm and remove, and establish compensation for, the position of City Attorney;
- (12) Inquire into the conduct of any City officer or employee in the performance of their functions;
- (13) Make investigations of any office, department or agency of the City;

Nelsonville City Code

(14) Employ a public accountant to make an audit of the financial affairs of the City whenever such audit is deemed necessary or required by law;

(15) Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary; and

(16) Issue subpoenas for witnesses and the production of books and papers which may be necessary in the conduct of any hearing or investigation.

§4.09. Forms of action by Council.

The action of Council shall be by ordinance or resolution. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating money, or contracting indebtedness, or issuing bonds or notes, or for the purchase, lease or transfer of property, action shall be taken formally, by ordinance, in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution.

§4.10. Enactment of ordinances.

Each proposed ordinance shall be introduced in writing by a member of the Council, and, in addition to the title, shall contain an opening clause reading as follows, "Be it ordained by the Council of the City of Nelsonville, Ohio." The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only, which shall be clearly in the title. No ordinance shall be passed without the concurrence of a majority of all the members elected to Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of five (5) members elected to Council for passage. Every ordinance shall be fully and distinctly read on two (2) different days before its enactment, unless an emergency is declared as hereinafter provided, or unless, by a vote of five (5) members elected to Council, the reading in full on two (2) different days is dispensed with, in which cases such ordinance may be read one (1) time and passed on the day as such reading. Final passage of all ordinances and resolutions shall be certified by the Mayor or Vice-Mayor and the Clerk of Council.

§4.11. Effective date.

Ordinances provided for appropriations for current expenses of the City, or for public improvements petitioned for by the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or for raising revenue, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect thirty (30) days after passage. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than thirty (30) days to meet an emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance must contain therein a separate Section setting forth the reason for the emergency.

No ordinance granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure.

§4.12. Publication of ordinances.

Within fourteen (14) days after passage, ordinances required by law to be published, shall be published by posting the complete text of the ordinance in each of the four (4) public places in the City, such places to be designated by Council, for a period of at least fifteen (15) days. In addition, all ordinances shall be posted on one prominent protected bulletin board in City Hall for a period of at least fifteen (15) days.

§4.13. Initiative and referendum.

Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedures set forth in Ohio law.

§4.14. Adoption of standard codes by reference.

The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as building construction, plumbing, heating, ventilation, air conditioning, electric wiring, smoke regulation, fire prevention and other similar regulatory subjects by reference to the date and source of the code without reproducing the same in full in the ordinance. At least six (6) copies of all such Codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall always be available for sale, at cost, by the Clerk of Council. Any standard code adopted in this manner shall not be required to be published at length.

§4.15. Council compensation.

Compensation of Council members shall be established by ordinance but shall not be changed during their terms of office, nor by any ordinance passed subsequent to thirty (30) days before the final date fixed by the general election laws of Ohio or by provisions of this Charter for filing as candidate for such office.

For the first term of service under this Charter, Council members shall receive a salary of \$1,200.00 per year. The President of Council shall receive an additional \$1,200.00.

ARTICLE V- CITY MANAGER

§5.01. Approval and removal.

§5.02. Qualifications.

§5.03. Acting Manager.

§5.04. Powers and duties of the City Manager.

§5.05. Council, Manager relations.

§5.01. Appointment and removal.

Council shall appoint a City Manager, herein also referred to as the Manager, and establish the compensation for that position. A majority vote of the members elected to Council shall be required for the appointment of the City

Manager. The Council may remove the City Manager from office in accordance with the following procedures:

(1) If the City Manager served less than six (6) months he may be removed by a two-thirds vote of the members of Council without any right to a public hearing and without the benefit of the provisions of subsections (2) to (4), inclusive, of this Section;

(2) If the City Manager has served six (6) months or more the Council shall adopt by a vote of two-thirds of its members a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the City Manager;

(3) Within five (5) days after a copy of the resolution is delivered to the City Manager, he may file with the Clerk of Council a written request for a public hearing. This hearing shall be held at a regular or special Council meeting not earlier than fifteen (15) days and no later than thirty (30) days after the request is filed. The date of the public hearing shall be set by the City Manager. The City Manager may file with the Clerk of Council a written reply to the reasons for removal contained in the preliminary resolutions, not later than five (5) days before the hearing;

(4) The Council may adopt a final resolution of removal which may be made effective immediately, by a vote of two-thirds of its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Mayor, if he has not requested a public hearing, or at any time after the public hearing, if he has requested one;

(5) The City Manager shall continue to receive his salary until the effective date of a final resolution of removal. The decision of the Council to suspend or remove the City Manager shall be the sole discretion of the Council and shall not be subject to review by any Court; or

(6) If the City Manager is suspended from duty under subsections (1) or (2), the Council shall appoint by vote of a majority of the members thereof an administrative officer who shall serve as acting manager until the City Manager is restored to duty, or until Council shall appoint another person as Acting Manager, or until another person is appointed City Manager in accordance with this Charter. The Acting Manager so appointed shall exercise all powers, duties and functions of the City Manager under this Charter.

§ 5.02. Qualifications.

The City Manager shall be appointed solely on the basis of his executive and administrative qualifications, and need not be a resident of the City at the time of his appointment, but shall become a resident of the City within six (6) months after his appointment.

§5.03. Acting Manager.

The City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the City to perform his powers, duties and functions during his temporary absence from the City or during his disability. Such designation shall not be effective until the Council has approved it by a majority vote of the members of the Council,

and the Council may revoke such designation by a majority vote of the members thereto. If such designation has not been made and the Manager is absent from the City or unable to perform his duties or to make such designation, Council may, by motion, appoint any qualified administrative officer of the City to perform the powers, duties and functions of the City Manager during the temporary absence from the City due to disability of the City Manager.

In the event of a vacancy in the office of City Manager, the Council may designate a person as Acting City Manager, who shall exercise all powers, duties and functions of the City Manager until a City Manager is appointed.

Upon the recommendation of the City Manager, the Police Chief is hereby appointed the Acting City Manager in the absence of the City Manager. The City Manager shall still file with the Clerk of Council the designation of the Police Chief as Acting City Manager and the term of each designation. City Council reserves the right pursuant to this Section of the Nelsonville City Charter to revoke this designation at any time by passage of this ordinance.

§5.04. Powers and duties of the City Manager.

The City Manager shall be the chief executive and administrative officer of the City. He shall be responsible to the Council for the administration of all City affairs placed in his charge by or under this Chapter, the ordinances of the City and Ohio laws. He shall have the following powers and duties:

(1) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove or otherwise discipline all City employees and appointive administrative officers, except as provided for by or under this Charter, in the manner provided by the rules adopted by the Civil Service Commission pursuant to this Charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, division, office or agency. He shall have the power and authority to appoint various City positions, including the City Attorney, under this Charter. He shall not have the power or authority to appoint or remove, suspend or discipline any member of any board or commission established under this Charter;

(2) He shall direct and supervise the administration of all departments, divisions, offices and agencies of the City, except as otherwise provided by this Charter;

(3) He shall attend all Council meetings and shall have the right to take part in discussion but may not vote;

(4) He shall see that all laws, provisions of this Charter, and ordinances and resolutions of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;

(5) He shall prepare and submit the annual budget and capital program to Council;

(6) He shall submit to Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

(7) He shall make such other reports as the Council may require concerning the operations of City departments,

divisions, offices, boards, commissions and agencies subject to his direction and supervision;

(8) He shall make detailed monthly reports to Council fully advising Council as to the financial condition and future operating and capital needs of the City and make such recommendations to the Council concerning the affairs of the City;

(9) He shall require reports and information of subordinate officers and employees of the City as he deems necessary in the orderly operation of the City, or when requested to do so by Council or any board or commission of the City;

(10) He shall be the contracting officer of the City and shall award and execute contracts and agreements on behalf of the City in the manner and under the procedures required by this Charter, provided that:

(a) When the expenditure of funds for the purchase of supplies or materials, or to provide labor for any work to be performed under contract exceeds the amount specified by the laws of the State of Ohio for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by the Council. The City Manager shall recommend to Council the lowest and best bid, and upon approval of Council, may award a written contract to the lowest and best bidder after advertisement on the same day of each week for not less than two (2) nor more than four (4) consecutive weeks in a newspaper determined by the Council to be of circulation within the City;

(b) Compensation of persons and employees; contracts with persons, firms or corporations for services requiring specialized skill, knowledge, or training; and expenditures required because of a real and present emergency arising in connection with the maintenance, operation or repair of City buildings, equipment and facilities, and City services, when authorized by ordinance adopted by a two-thirds vote of all members of the Council, need not be advertised and notices need not be published as provided hereinabove;

(c) Modifications and changes to contracts awarded under competitive bidding, and in excess of One Thousand Dollars (\$1,000), shall first be authorized by ordinance;

(d) The City Manager may designate an administrative officer or employee of the City to act as purchasing agent to award and execute contracts, orders or agreements on behalf of the City, when such contracts, orders or agreements do not authorize an expenditure of money in excess of Five Thousand Dollars (\$5,000); and

(e) The City Manager or any other person designated by him as purchasing agent shall not willfully cause or allow any contract or order to be split or divided into separate orders or contracts in order to avoid the requirements of subsection (4) above, or the requirements of competitive bidding as provided by this Charter.

(11) He shall execute on behalf of the City all contracts and agreements, except as otherwise hereinabove provided by paragraph (10) of this Section regarding the

designation of a purchasing agent, conveyances, evidences of indebtedness and other instruments to which the City is a party;

(12) He shall affix to official documents and instruments of the City the City Manager's Seal which shall be the seal of the City, but the absence of the seal shall not affect the validity of any such document or instrument;

(13) He shall perform such duties and have such other powers as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio; and

(14) He shall endeavor to actively pursue the awarding of grants to aid in the operation of the City.

§5.05. Council, Manager relations.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided by this Charter, but the Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees. Except for the purpose of inquiries and investigations, the Council or its members shall deal with officers and employees who are subject to the direction and supervision of the City Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately, except that the Council may require of the Departments of Law and Finance such reports, information, and opinions as Council shall determine. This Section shall not be construed as limiting the power of Council to remove or suspend the City Manager because of his practices in connection with the appointment, promotion, disciplining or removal of officers and employees of the City.

ARTICLE VI- ADMINISTRATIVE DEPARTMENTS

- §6.01. Creation of departments.
- §6.02. Creation of new departments.
- §6.03. Department directors and division heads.
- §6.04. Administrative Code.
- §6.05. Department of Law.
- §6.06. Department of Finance.
 - §6.06.01. Auditor: term.
 - §6.06.02. Auditor: qualifications.
 - §6.06.03. Auditor: powers and duties.
 - §6.06.04. Auditor: compensation.
 - §6.06.05. Auditor: vacancy.
 - §6.06.06. Auditor: staff.
 - §6.06.07. Treasurer: term.
 - §6.06.08. Treasurer: qualifications.
 - §6.06.09. Treasurer: powers and duties.
 - §6.06.10. Treasurer: compensation.
 - §6.06.11. Treasurer: vacancy.
- §6.07. Department of Public Safety.
 - §6.07.01. Division of Water.

§6.07.02. Division of Water Distribution.

§6.07.03. Division of Sewers.

§6.07.04. Division of Streets.

§6.08. Department of Public Safety.

§6.08.01. Division of Police.

§6.08.02. Division of Fire.

§6.08.03. Residence requirements.

§6.08.04. Procedure for appointment of Police and Fire Chief.

§6.01. Creation of departments.

The administrative functions of the City shall be carried on by the departments of Law, Finance, Public Safety, and Public Service. This Section shall not preclude the Council from providing for such services by contract or through joint participation with other governmental agencies.

§6.02. Creation of new departments.

The Council may, by ordinance or resolution, create, change or abolish any office, department, division, or subunit of any department or division, or agency, other than those established by the Charter. Council may assign additional duties to any department 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.

§6.03. Department directors and division heads.

Unless otherwise provided by this Charter, the Director of each department shall be the Manager. Unless otherwise provided by this Charter, the head of each division shall be a part-time or full-time Division Head, appointed by the City Manager and approved by a majority vote of Council, who shall exercise division supervision and control subject to the direction of the Manager. Two (2) or more divisions may be headed by the same person, and the Manager, with approval of Council, may serve as the division head of one (1) or more divisions. Each division head shall be an administrative officer of the City.

§6.04. Administrative Code.

Subject to the provisions of this Charter, Council shall, by ordinance or resolution, adopt, revise or repeal an ordinance or resolution referred to as the Administrative Code, which Code shall provide for the organization of the City government that is consistent with this Charter, define the powers and duties of each organizational unit, and determine administrative procedures. Council may delegate to the City Manager the power to make rules and regulations to govern management practices, consistent with this Charter, the Administrative Code and other ordinances and resolutions.

§6.05. Department of Law.

There shall be a Department of Law, the head of which shall be the City Attorney. The City Attorney shall be an attorney-at-law, qualified to practice law in the State of Ohio, appointed by the City Manager subject to approval by a majority vote of City Council.

A law firm, as well as an individual attorney, may serve as the City Attorney and in that case, the person

designated by the law firm shall serve with the title of City Attorney, and other persons so designated may serve as Acting City Attorney with all the power, duties and functions of the City Attorney when the person designated as City Attorney is not available. The City Attorney shall serve as the chief legal advisor to Council, the City Manager, and all city departments, divisions, offices and other agencies, boards or commissions. The City Attorney shall represent the City in all legal proceedings and shall perform any other duties prescribed by this Charter, by ordinance or resolution or by the Administrative Code or the general laws of Ohio, except that the person or firm holding the office of City Attorney shall not be required to represent any school district or any other unit of government, other than the City, by virtue of holding the office of City Attorney. When necessary, the Council may appoint special legal counsel to represent the City, together with or in place of the City Attorney. The City Attorney shall be present at all Council meetings, and may be requested to attend any Commission and Board meetings. The person or firm holding the office of City Attorney shall not be required to be resident of the City.

§6.06. Department of Finance.

The direction of and the responsibility for the Department of Finance shall be split between the City Auditor and the City Treasurer, each being elected by the public. Each shall be solely responsible for the operation of their office as prescribed by this Charter and the laws of Ohio.

§6.06.01. Auditor: term.

The City Auditor, herein referred to as the Auditor, shall be elected at the regular municipal election held in the year 1995 and every four (4) years thereafter, for a term of four (4) years, commencing on the first day of December next after such election, and shall serve until succeeded as in this Charter provided. The office of Auditor shall be a nonpartisan office.

§6.06.02. Auditor: qualifications.

No person shall be eligible to hold office of Auditor unless he shall have been continuously a resident and a qualified elector of the City for one (1) year next prior to his election. The Auditor shall continue to be a resident and qualified elector of the City throughout his term of office, failing which Council shall remove him from office.

§6.06.03. Auditor: powers and duties.

The Auditor shall attend all regular meetings of Council, and may be requested to attend any special or committee meetings. The Auditor (and the Manager) shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party.

The Auditor shall be the fiscal officer of the City. He shall serve the Manager and the Council as financial adviser in connection with City affairs, shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures and appropriation measures and shall at all times keep the Manager and Council informed of

the financial condition and needs of the City. He shall authenticate all records, documents and instruments of the City on which authentication are proper. The Auditor shall examine all payrolls, bills and other claims against the City and shall issue no warrant unless he shall find that the claim is in proper form, correctly computed and duly approved, that it is due and payable, that a lawful appropriation has been made therefore, and that the amount required to pay said claim is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. He shall perform such other duties consistent with their office as the Manager or the Council may request and shall comply with the laws of Ohio relating to certifications for expenditures of public moneys.

§6.06.04. Auditor: compensation.

The Council shall fix the salary of the Auditor, which salary, for the term of 1995 through 1999, shall be fixed by Council prior to August 1, 1995.

If the established salary of the Auditor is to be changed or adjusted in respect to a succeeding term of Office, such change or adjustment must be made by Council not later than February 1st of the last year of the elective term then being served by the Auditor but the salary shall not be increased or decreased during the elective term of office which is then being served by the Auditor. Unless and until the salary is changed, it shall remain as last fixed.

§6.06.05. Auditor: vacancy.

When a vacancy occurs in the office of Auditor, the vacancy shall be filled by an appointment made by the Manager, subject to confirmation by a majority of the members of Council, and the person so appointed shall serve for the unexpired term or until succeeded as in this Charter provided.

§6.06.06. Auditor: staff.

The Auditor shall have a staff of two (2) employees. They shall be titled the Deputy Auditor and the City Tax Clerk. They shall be hired subject to the requirements of the Civil Service provisions, where applicable, and shall be subject to a job description as provided by the City Auditor. Council may approve to increase or decrease this staff, but Council may never decrease below a staff of two (2).

§6.06.07. Treasurer: term.

The City Treasurer, herein also referred to as the Treasurer, shall be elected at the regular municipal election held in the year 1995 and 1997, and every four (4) years thereafter, for a term of four (4) years, commencing on the 1st day of December next after such election, and shall serve until succeeded as in this Charter provided. The office of City Treasurer shall be a nonpartisan office.

§6.06.08. Treasurer: qualifications.

No person shall be eligible to hold the office of Treasurer unless he shall have been continuously a resident and a qualified elector of the City for one (1) year next prior to his election. The Treasurer shall continue to be a resident and

qualified elector of the City throughout his term of office, failing which Council shall remove him from office.

§6.06.09. Treasurer: powers and duties.

The Treasurer shall be custodian of all moneys of the City and of all evidences of investments of City moneys, and shall keep and preserve the same in such public depositories as are authorized by the laws of the State of Ohio or by ordinance of Council. They shall pay out money from the City treasury only on warrants issued by the Auditor. They shall keep a detailed record of all receipts from taxes and other sources, as well as a detailed record of all disbursements of City moneys and a record of the expenditures from various appropriated funds.

§6.06.10. Treasurer: compensation

The Council shall fix the salary of the Treasurer, which salary, for the term of 1995 through 1997, shall be fixed by Council prior to August 1, 1995.

If the established salary of the Treasurer is to be changed or adjusted in respect to a succeeding term of office, such change or adjustment must be made by Council not later than February 1st of the last year of the elective term then being served by the Treasurer, but the salary shall not be increased or decreased during the elective term of office which is then being served by the Treasurer. Unless and until the salary is changed, it shall remain as last fixed.

§6.06.11. Treasurer: vacancy.

When a vacancy occurs in the office of Treasurer, the vacancy shall be filled by an appointment made by the Manager, subject to confirmation by a majority of the members of Council, and the person so appointed shall serve for the unexpired term or until succeeded as in this Charter provided.

§6.07. Department of Public Service

There shall be a Department of Public Service, the head of which shall be the City Manager. The Department of Public Service shall be responsible for the general supervision, custody, care and maintenance of the public buildings, grounds, streets, sewers, utilities, cemeteries and property owned or operated by the City. The department shall consist of four (4) divisions: Water, Water Distribution, Sewers, and Streets, with each division having its own Division Head.

§6.07.01. Division of Water.

The direction of and the responsibility for the Division of Water shall be vested in the Manager. The Division Head shall be appointed by the Manager with the majority approval of Council, and shall report to the Manager for administrative purposes. The appointment of all members of the Division of Water shall be made by the Manager, subject to the requirements of the Civil Service Provisions where applicable.

§6.07.02. Division of Water Distribution.

The direction of and the responsibility for the Division of Water Distribution shall be vested in the Manager.

The Division Head shall be appointed by the Manager with the majority approval of Council, and shall report to the Manager for administrative purposes. The appointment of all members of the Division of Water Distribution shall be made by the Manager, subject to the requirements of the Civil Service Provisions where applicable.

§6.07.03. Division of Sewers.

The direction of and the responsibility for the Division of Sewers shall be vested in the Manager. The Division Head shall be appointed by the Manager with the majority approval of Council, and shall report to the Manager for administrative purposes. The appointment of all members of the Division of Sewers shall be made by the Manager, subject to the requirements of the Civil Service Provisions where applicable.

§6.07.04. Division of Streets.

The direction of and the responsibility for the Division of Streets shall be vested in the Manager. The Division Head shall be appointed by the manager with the majority approval of Council, and shall report to the Manager for administrative purposes. The appointment of all members of the Division of Streets shall be made by the Manager, subject to the requirements of the Civil Service Provisions where applicable.

§6.08. Department of Public Safety.

There shall be a Department of Public Safety, the administrative head of which shall be the City Manager.

§6.08.01. Division of Police.

The Division of Police as presently established shall continue in existence. The operating rules and procedures shall be under the direction of a Chief of Police who shall report to the Manager for administrative purposes. The appointment and removal of all members of the Division of Police, excluding the appointment of the Chief of Police, shall be made by the Manager with approval of the majority of Council, subject to the requirements of the Civil Service Provisions where applicable.

§6.08.02. Division of Fire.

The Division of Fire as presently established shall continue in existence. The operating rules and procedures shall be under the direction of a Chief of Fire who shall report to the Manager for administrative purposes. The appointment and removal of all members of the Division of Fire, excluding the appointment of the Chief of Fire, shall be made by the Manager with approval of the majority of Council, subject to the requirements of the Civil Service Provisions where applicable.

§6.08.03. Residence requirement.

As of January 1, 2001, all new employees of the Department of Public Safety must reside within 25 miles of the corporate limits of the City, within one (1) year after completing their probation.

§6.08.04. Procedure for appointment of Police and Fire Chief.

The City Manager, by rule and regulation subject to Council's approval, shall provide for and develop procedures for the operation of a review board to consider applicants for a vacancy in the office of Chief of Police and Chief of Fire. The Civil Service Commission shall adopt rules and regulations for the certification to the review board of the names of the applicants who receive the top five scores on the written examination for the position of Chief of Police and Chief of Fire without regard to whether or not any individual whose name is so certified is serving or has served previously with the Nelsonville Police Department or the Nelsonville Fire Department.

The Review Board established in Section 6.08.4 of this Charter shall consist of four (4) members, two being Chiefs from surrounding communities, plus the City Manager. The appointment of the four (4) members shall be made by the City Manager with approval of the majority of Council. Each time the Review Board is convened, the members of the Review Board shall be compensated for their services.

The Review Board shall interview each applicant certified to them, and thereafter shall submit to the City Manager the names of the top (3) applicants whom the Review Board by consensus or by majority vote, finds to be the best qualified for the appointment to the vacancy. The Review Board, in its discretion may rank the candidates in order of preference. Each applicant shall be interviewed concerning the following areas applicable to either the Police or Fire Chief: procedure skills, administrative skills, and leadership skills. A psychological evaluation shall be performed on each applicant. In making its selection, the Review Board shall consider each applicant's job experience, education, and work history, as well as skills, knowledge, and abilities shown by the applicant during the Review Board process. The Review Board shall be supplied with any materials necessary to make an informed decision.

The appointment of the Police Chief or Fire Chief shall be made by the City Manager with the approval of majority of Council from the list submitted by the Review Board. Should either the City Manager or City Council decline to make an appointment from the Review Board list, the process shall be repeated after the City Manager calls for a new Civil Service test.

ARTICLE VII- BOARDS AND COMMISSIONS

- §7.01. Creation of boards and commissions.
- §7.02. Appointment of members of boards and commissions.
- §7.03. General rules for boards and commissions.
- §7.04. The Civil Service Commission.
- §7.05. City Planning Commission.
- §7.06. Board of Zoning Appeals.
- §7.07. Board of Parks and Recreation.

- §7.01. **Creation of boards and commissions.**
The Boards and Commissions of the City shall include: A Civil Service Commission; a Planning

Commission; a Board of Zoning Appeals; a Board of Parks and Recreation; and such other boards and commissions as may be created by Council by ordinance or resolution.

§7.02. Appointment of members of boards and commissions.

By concurrence of a majority of its members then holding office, Council shall have the power to appoint members of boards and commissions. Vacancies on boards and commissions shall be filled by a majority vote of the members of Council then holding office for the unexpired term of office.

§7.03. General rules for boards and commissions

A. Unless otherwise provided for in this Charter:

(1) Members of a board or commission of the City shall be electors of the City;

(2) Each board or commission shall elect a Chairperson and Vice Chairperson, and shall appoint a Secretary, which Secretary may be (1) a member of the board or commission or (2) hold other employment with the City, if the Manager approves of the person holding such other employment to serve as the Secretary;

(3) Each board or commission shall keep a journal or other records of its proceedings;

(4) Each board or commission shall establish its own rules for its operation, which rules shall not conflict with this Charter or the City's ordinances or resolutions;

(5) All members of boards and commissions shall serve without compensation unless otherwise provided for by the Council by ordinance or resolution;

(6) The City Manager, or the Manager's designee, shall be an ex officio member, without voting power, of each board and commission except the Civil Service Commission; and

(7) Boards and commissions shall have all powers and shall perform all duties and functions imposed upon them by this Charter and the City's ordinances and resolutions.

B. A majority vote of the members of the board or commission then holding office shall be required to take action.

§7.04. The Civil Service Commission.

A. Composition and Term.

The Civil Service Commission shall consist of three (3) electors of the City, not holding other municipal office, to be appointed for a term of six (6) years, except that of the three first appointed, one shall be appointed for a term of two (2) years, one for a term of four (4) years, and one for a term of six (6) years.

B. Duties.

The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion of all regular employees in the service of the City as required by the Constitution and laws of

Ohio, and for appeals from the action of the City Manager in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final, except as otherwise provided by the laws of Ohio.

Civil Service examination shall not be required for the appointment of any member of a board or commission, or to the Clerk, or to appointment to any office or position requiring professional or exceptional qualifications.

All permanent employees who have had at least twelve (12) months service with this City prior to the effective date of this Section may be retained in the same or any similar position without examinations. Except as herein provided, the Civil Service Commission shall determine the practicability of competitive examinations for any non-elective office or job classification in the service of the City.

§7.05. City Planning Commission.

The Planning Commission shall consist of five (5) members serving overlapping terms of five (5) years each, provided that initial appointments under this Charter shall be as follows: One for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, and one for a term of five (5) years.

The Council, by ordinance or resolution, shall designate the Planning Commission to serve as the platting commission of the City, and the Commission shall have control of platting and shall recommend regulations to Council covering the platting of all lands within the City.

The Planning Commission shall recommend to Council, for the Council's adoption with or without revisions thereto, a comprehensive general plan or revisions thereto for the physical development of the City, which shall include, but not be limited to: The location of public ways, property, bridges, utilities, buildings, parks, playgrounds, bikeways, and recreation areas. The comprehensive general plan shall show the existing school locations in the City and shall show the projected locations of all new schools as determined by the governing board of the appropriate school district.

The Planning Commission shall prepare and recommend to Council such ordinances and resolutions as will promote the general welfare of the City and its inhabitants; recommend for the Council's approval a base map to be titled the "Official Map of the City of Nelsonville"; and exercise control over the subdivision of lands and the improvement or development thereof as authorized by the City's ordinances and resolutions.

In the performance of its functions, the Planning Commission may enter upon any land in a lawful manner to make examinations and surveys, and place and maintain necessary monuments and markers thereon. The Planning Commission shall have such other powers and perform such other duties and functions as provided by the City's ordinances and resolutions.

§7.06. Board of Zoning Appeals.

The Board of Zoning Appeals shall consist of five (5) members serving overlapping terms of five (5) years each. The first members appointed under this Charter shall be appointed for terms as follows: One for a term of one (1)

year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, and one for a term of five (5) years.

The Board of Zoning Appeals shall hear and determine applications for variances from the provisions of any zoning ordinances and resolutions, in harmony with the intent and purposes of any zoning ordinances and resolutions and in accordance with procedures provided therein. The Board of Zoning Appeals shall also hear and determine appeals from any order, requirement, decision, or determination made by the administrative department or administrative officer who is in charge of the enforcement and application of any zoning ordinances and resolutions. The Board shall have such other powers and perform such other duties and functions as provided by ordinance or resolution.

§7.07. Board of Parks and Recreation.

The Board of Parks and Recreation shall consist of five (5) members serving overlapping terms of five (5) years each. The first members appointed under this Charter shall be appointed for terms as follows: One for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, and one for a term of five (5) years.

It shall be the function and duty of the Board of Parks and Recreation to recommend a program to Council for the operation of public parks, recreation facilities, and the acquisition, improvement, construction and maintenance of the parks, parkways, bikeways, and any other services related thereto. The Board's functions and duties shall be advisory only.

ARTICLE VIII- FINANCE, TAXATION AND DEBT

- §8.01. General.
- §8.02. Capital Improvements Plan.
- §8.03. Temporary appropriations.
- §8.04. Income tax.
- §8.05. Purchasing and contracting; competitive bidding.

§8.01. General.

The laws of Ohio relating to budgets, appropriations, taxation, debt, bonds and notes, assessments, and other fiscal matters of the City shall be applicable to the City, except as such laws are modified by or are inconsistent with the provisions of this Charter, or when provisions for such matters are made in the Constitution of Ohio.

§8.02. Capital Improvement Plan.

A. Submission to Council.

The City Manager shall prepare and submit to Council a five (5) year Capital Improvement Plan, or revision thereto, at least one (1) month prior to the final date for submission of the tax budget to the Council.

B. Contents.

The Capital Improvement Plan shall include:

- (1) A clear, general summary of its contents;
- (2) a list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) cost estimates, methods of financing and recommended time schedules for each improvement; and
- (4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

C. Adoption by Council.

The Council, by ordinance or resolution, shall adopt the Capital Improvements Plan, with or without amendment, prior to adoption of the tax budget. The Capital Improvements Plan shall be advisory only and shall not affect the validity of any tax budget and shall not prevent the Council from undertaking capital improvements, or the issuance of debt therefore, which are not shown in or are inconsistent with the Capital Improvements Plan.

§8.03. Temporary appropriations.

If the annual appropriation measure is not adopted by the first day of January, the Council may, by ordinance or resolution, provide for temporary appropriations. If a temporary appropriations measure is not adopted, the amounts appropriated for the preceding fiscal year shall be deemed appropriated for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as Council adopts the annual appropriations resolution for the ensuing year.

§8.04. Income tax.

After the effective date of this Charter the Council shall not have the power to adopt and levy a City income tax without the approval of a majority vote of the electors voting on such issue at a general, primary or special election.

§8.05. Purchasing and contracting; competitive bidding.

A. The Manager shall award all contracts in manner consistent with subsections (j) and (k) of Section 5.04 of this Charter. Where competitive bidding is required pursuant to Council's determination under subsection (B) of this Section, the contract shall be awarded to the lowest and best bidder.

B. The Council shall, by ordinance or resolution, provide for:

- (1) The circumstances under which competitive bidding shall be required, including but not limited to the amount of an expenditure to be made pursuant to a contract above which bidding shall be required; contractual expenditures which shall be exempted from competitive bidding requirements; and the procedure to be followed where bidding is required. The Council may, by ordinance or resolution, exempt any specific contract or contractual expenditure from bidding requirements which would, under the City's general ordinances or resolutions, be subject to bidding.
- (2) All other matters relating to the contracting powers and procedures of the City. Until the Council acts pursuant to subsection (B) of this Section, the

general laws of Ohio shall apply with respect to the matters described in this subsection B.

ARTICLE IX- NOMINATIONS AND ELECTIONS

- §9.01. City elections.
- §9.02. Nominations.
- §9.03. Absence of general laws.

§9.01. City elections.

All City elections shall be on a non-partisan basis and there shall be no party designation on either nominating petitions or ballots for any City office.

Both regular and special City elections shall be conducted by the Board of Elections of Athens County, Ohio, under the provisions of this Charter. Where this Charter is silent, the provisions of the election laws of the State of Ohio shall apply.

Regular City elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Any matter which, by the terms of this Charter, may be submitted to the electors of the City at any special election may be submitted at the time of a primary election or of a general election.

The candidates for any office, equal in number to the places to be filled, who shall receive the highest number of votes, shall be declared elected.

Passage of tax levies and bond issues shall require an affirmative vote of a simple majority of those voting therein.

In case of a tie between candidates or issues, the plan of the laws of the State of Ohio shall be followed concerning such emergencies.

§9.02. Nominations.

Qualifications as a candidate for City office shall be a petition signed by not less than fifty (50) electors of the City. Petitions shall be standard forms provided by the election authorities under the general laws for the nomination of individual non-partisan candidates for municipal offices. Group petitions shall not be used. Petitions shall be filed with the Board of Elections in the time and manner prescribed by the general laws of Ohio.

§9.03. Absence of general laws.

Whenever the general laws of Ohio do not provide for the procedures or the method of conducting elections or the nomination of officers, and this Charter refers to the general laws, the Council shall, by ordinance or resolution, provide the necessary procedure to implement this Charter's provisions.

ARTICLE X- INITIATIVE, REFERENDUM AND RECALL

§10.01. General authority.

- §10.02. Commencement of proceedings; petitioner's committee.
- §10.03. Petitions.
- §10.04. Referendum petitions; suspension of effect of ordinance.
- §10.05. Action of petitions.
- §10.06. Results of election.

§10.01. General authority.

A. Initiative.

The qualified voters of the City shall have the power to propose ordinances or resolutions to Council provided that such power shall apply only to the first ordinance, resolution or other measure required to be passed and not to any subsequent ordinances, resolutions or other measures relating thereto, and further provided that such power shall not extend to the tax budget or any ordinance relating to the appropriation of money or salaries of non-elected City Officers or employees. If Council fails to adopt an ordinance or resolution so proposed without any change in substance, the voters may adopt or reject said ordinance or resolution at a general, primary or special election.

B. Referendum.

The qualified voters of the City shall have the power to reject any adopted ordinance or resolution provided that the power to reject shall apply only to the first ordinance, resolution or other measure required to be passed and not to any subsequent ordinances, resolutions or other measures relating thereto, and further provided that such power to reject ordinances and resolutions shall not extend to the tax budget, or any other ordinance relating to the appropriation of money or salaries of non-elected City officers or employees or ordinances or resolutions adopted as emergency measures. The voters may approve or reject such ordinance or resolution at a general, primary or special election.

C. Recall.

The qualified voters of the City shall have the power to propose the removal of any elected City official as herein provided, and if said official fails to resign, to remove said official by majority vote of those electors voting on the issue.

§10.02. Commencement of proceedings; petitioner's committee.

A. Any five (5) qualified voters may commence initiative, referendum or recall proceedings by filing with the Clerk of Council a written statement that they constitute the petitioner's committee and will be responsible for circulating and filing the petition in proper form and in such compliance with all applicable general laws of Ohio. Such statement shall list the names and addresses of all committee members, specify a mailing address for the committee, and set out in full, the proposed initiative ordinance, the ordinance sought to be considered, or the office and name of the official to be considered for recall and shall be accompanied by a non-refundable fee of fifty dollars (\$50.00) payable to the City.

B. Upon the filing of a petitioners' statement, the Clerk of Council shall promptly inform the Council of the committee's intent. Within ten (10) days of receipt of a petition, the Clerk of Council shall determine its sufficiency

and advise the petitioners' committee and Council of such findings. If the petition is found to be sufficient, Council shall pass an ordinance at its next regular meeting that the issue be placed on the ballot in accordance with Ohio law. If the Clerk of Council finds the petition deficient, the Clerk shall inform the petitioners' committee of such deficiency and return the petition. The petitioners' committee shall have thirty (30) days in which to correct the petition, and failure to do so shall void the petition.

§10.03. Petitions.

A. Number of signatures.

Initiative, referendum and recall petitions must be signed by qualified electors of the City in number to at least fifteen percent (15%) of the total number of the votes cast within the City in the last gubernatorial election.

B. Form and content.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil, and shall be followed by the address of the person signing. Petitions shall contain, or have attached thereto throughout their circulation, the full text of the ordinance or resolution proposed, or sought to be reconsidered, or the name and office of the official to be recalled.

C. Procedure.

Each petition shall be circulated and signed in the manner prescribed by applicable law and not in conflict with the provisions of this Charter.

D. Time for filing referendum petitions.

Referendum petitions must be filed within thirty (30) days after adoption by Council of the ordinance or resolution sought to be reconsidered. All petitions shall be filed with the election authorities. The election authorities shall review same for sufficiency according to law, and shall notify both the petitioners' committee and the Clerk of Council as to the outcome of said review.

§10.04. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the Clerk of Council, the ordinance or resolution sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) there is a final determination of insufficiency of the petition;
- (2) the petitioners' committee withdraws the petition;
- (3) the Council repeals the ordinance or resolution; or
- (4) the electors of the City have approved the adoption of the ordinance or resolution and the election authorities have certified the results of the election.

§10.05. Action of petitions.

A. Submission to voters.

The vote of the electors of the City on a proposed or referred ordinance or resolution shall be held at the next scheduled general or primary election or a special election

called by Council, not less than seventy-five (75) days after the ordinance or resolution is certified by the election authorities.

B. Action by official.

When a recall petition has been determined sufficient, the City official shall have ten (10) days to resign. If said official fails to resign during the ten-day period, a recall election shall be held at the next general or primary election or at the next possible special election called by Council, if the next scheduled general or primary election or a special election called by Council shall not occur within seventy-five (75) days.

C. Withdrawal of petitions.

An initiative, referendum or recall petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the electors in the City, by filing with the Clerk of Council a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings therein shall be terminated.

§10.06. Results of election.

A. Initiative.

If a majority of the qualified electors voting on a proposed initiative vote in its favor, such initiative shall be considered adopted upon certification of the results and shall be treated in all respects in the same manner as ordinances or resolutions of the same kind adopted by Council. If conflicting ordinances or resolutions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

B. Referendum.

If a majority of the qualified electors vote on a referred ordinance or resolution vote for its passage, such ordinance or resolution shall take effect upon the certification of the election results.

C. Recall.

If a majority of the votes cast at a recall election are in favor of recall, the official in questions shall forfeit office upon certification of the election results. Such vacancy shall be filled as set forth in this Charter. The official recalled shall be ineligible to hold any City office for the remainder of the unexpired term of said office. If the majority of the votes cast at a recall election are against the recall, the official may not again be subject to recall for a period of eighteen (18) months after the election at which he was unsuccessfully subjected to recall.

ARTICLE XI- GENERAL PROVISIONS

§11.01. Oath of Office.

§11.02. Official bonds.

§11.03. Fees.

§11.04. Amendments.

§11.05. Conflicting amendments.

§11.06. Effect of partial invalidity.

§11.07. Political activity.

Nelsonville City Code

- §11.08. Removal of official.
- §11.09. Conflicts of interest; ethics; campaign financing.
- §11.10. Succession.
- §11.11. Effect of Charter on existing laws and rights.

§11.01. Oath of Office.

All officers of the City shall, before entering upon their offices, take and subscribe an appropriate oath or affirmation to be filed and kept in the office of the Clerk of Council.

§11.02. Official bonds.

The City shall pay the costs of all surety bonds for those of its officers and employees that are required by the Council to be bonded. The amount of such bonds shall be established by Council. Surety bonds shall be issued by a company authorized to do business in the State of Ohio, and such bonds shall be approved as to form and content by the City Attorney.

§11.03. Fees.

All fees and costs received directly by officers or employees of the City in connection with the performance of their official duties and functions that are included within the scope of their office or employment with the City shall be accounted for and paid into the City's treasury.

§11.04. Amendments.

This Charter may be amended as provided in Article XVIII of the Ohio Constitution.

§11.05. Conflicting amendments.

In the event conflicting amendments of the Charter are approved at the same election by a majority of the total number of votes cast, the amendment receiving the highest number of affirmative votes shall prevail to the extent of such conflict.

§11.06. Effect of partial invalidity.

A determination that all or any part of any Article, Section or Division of this Charter is invalid shall not invalidate or impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

§11.07. Political activity.

A. Except for one's own campaign, no employee or officer of the City, other than an elected official or a member of a board or commission of the City, shall:

- (1) solicit or receive any contributions to the campaign funds of any candidate for City office; or
- (2) take any part in the campaign for the office of any candidate for City office other than to vote and to express personal opinions.

§11.08. Removal of official.

A. The Council members and members of boards and commissions shall be removed for cause as provided in this Section of this Charter.

B. The Charging Official having reason to believe there is probable cause (as such causes are defined in this Section) for the removal of a Council member or member of a board or commission, shall give notice of the alleged cause for removal and the time, date and place of the commencement of hearing for removal, which shall not be earlier than ten (10) days after the service of the notice to the accused person by personal service, certified mail, or by leaving a copy of such notice at the person's last known place of residence in the City. At such time, date and place, and at any adjourned meetings, the Council shall hear, provide an opportunity to the accused person to be heard and present defense, and determine whether the accused person shall be removed from office. The Council shall remove an official for any of the following causes by a two-thirds (2/3) vote of the Council members then holding office, providing that if the accused person is a Council member, such person shall not vote on any matter during the removal procedures and shall not be counted in determining required majorities:

- (1) Failure to possess or maintain the qualifications of the office prescribed by this Charter;
- (2) Intentional violation of Section 5.05 of this Charter;

(3) Conviction of a felony; or

(4) Unexcused absence from any three (3) consecutive regular meetings of the Council, board or commission on which such person serves. An absence from a regular meeting may be excused by a majority vote of the members of the Council then holding office, or by a majority vote of the members of the board or commission then holding office on which such person serves. Such absence may be excused at any time, including the excusing of any absence after the action is initiated but prior to the commencement of hearings for the person's removal under this Section.

C. Upon the removal of an official from office pursuant to this Section, the office of the offending person shall be vacant, subject to any appeal to and review by an appropriate Court, and the vacancy shall be filled as provided in this Charter.

D. The removal of an official or the occurrence of any of the causes permitting the removal shall not invalidate any official action of the Council, board or commission in which the member participated. The subsequent removal of a person, who fills a vacancy created pursuant to this Section by the reinstatement by a Court of a person previously removed by the council, shall not invalidate any action of the person who filled the vacancy or the Council, board or commission in which such person who filled the vacancy participated.

E. The Council shall be the judge of the grounds for removal from office and shall conduct the proceedings relative to removal. The Council shall have the power to subpoena witnesses, administer oaths and require the producing of evidence, either on its own motion or through the process of any appropriate Court or officer thereof. A person charged with conduct constituting grounds for removal from office shall be entitled to a public hearing on demand, but in any case, a record of the proceedings shall be made and preserved. If a public hearing is demanded, a notice of such hearing shall be published in one or more newspapers of general circulation

in the City at least one (1) week in advance of the hearing, and in such an event, the Charging Official may reschedule the time, date and place of the hearing to accommodate the publication of the notice. If the hearing is rescheduled, the Charging Official shall notify the accused person of such fact. Decisions made by the Council under this Section shall be subject to review by the Courts on matters of law and whether the Council acted arbitrarily and without probative evidence to support the grounds for removal.

F. Council shall request the County Prosecutor or his designee to prosecute the removal proceedings before the Council and any reviews thereof by the Courts. If the County Prosecutor refuses to accept the responsibility, Council shall appoint a Special Prosecutor who shall prosecute the removal proceedings before the Council and any reviews thereof by the Courts. If a person accused is not finally removed, the City shall pay the reasonable costs of the defense of such persons and any compensation withheld pending the appeal of the action of the Council.

§11.09. Conflicts of interest; ethics; campaign financing.

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by City officials and employees, and campaign financing and other election practices of candidates for City office shall apply under this Charter.

§11.10. Succession.

The City of Nelsonville under this Charter is hereby declared to be the legal successor of the City of Nelsonville under the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action, the City shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any Court with jurisdiction. All contracts entered into by the City or for its benefit prior to the effective date of this Charter shall continue in full force and effort.

§11.11. Effect of Charter on existing laws and rights

A. The adoption of this Charter shall not affect any pre-existing rights of the City nor any right, liability, pending suit or prosecution, either on behalf of or against the City or any officer thereof, nor any franchise granted by the City nor pending proceedings for the authorization of public improvements or the levy of assessments thereof. Except as a contrary intent appears in this Charter, all acts of Council of the City including ordinances and resolutions in effect the date this Charter becomes effective, shall continue in effect until amended or repealed.

B. No action or proceeding pending against the City or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

ARTICLE XII- TRANSITIONAL PROVISIONS

§12.01. Effective date.

§12.02. Effect of Charter on existing personnel.

§12.03. Votes of Council during transition period.

§12.01. Effective date.

A. This Charter shall be submitted to the electors of the City of Nelsonville, Ohio, at an election to be held on November 8, 1994. If approved by a majority of the electors voting on the issue, this Charter shall become effective January 1, 1995.

B. Except as provided in Section 12.02 of this Charter, the Council members, the Mayor and any other elected City officials provided for under this Charter shall be those persons who are elected at the primary and general elections to be held in 1995 and at subsequent elections pursuant to the provisions of this Charter and any person appointed to fill a vacancy in any elected office. All persons elected to public office at the primary and general election to be held in 1995, shall be elected to terms of office prescribed in this Charter commencing on June 1, 1995, or December 1, 1995, respectively.

C. In the interim period beginning January 1, 1995, and ending November 30, 1995, the City shall function under this Charter as described in Section 12.02 hereafter.

§12.02. Effect of Charter on existing personnel.

A. All elected offices and the terms of elected offices under the general statutory plan of government for cities shall be abolished and terminated as of December 31, 1994, however, said elected City office holders as of January 1, 1995, shall continue in service to the City until May 31, 1995, or November 30, 1995, upon the following conditions:

(1) All persons elected to the office of Council member at or before the regular election on November 8, 1994, serve as Council members under this Charter until May 31, 1995.

(2) The person holding the office of City Attorney under the general statutory plan of government on December 31, 1994, shall serve as City Attorney under this Charter until January 1, 1996.

(3) The person holding the office of City Treasurer under the general statutory plan of government on December 31, 1994, shall serve as City Treasurer under this Charter until November 30, 1995.

(4) The person holding the office of City Auditor under the general statutory plan of government on December 31, 1994, shall serve as City Auditor under this Charter until November 30, 1995.

(5) Should vacancies on Council occur during the period of December 31, 1994, through May 31, 1995, the vacancies created shall be filled as provided in this Charter on an interim basis, terminating May 31, 1995.

(6) No person holding a City elective office on December 31, 1994, shall be prohibited from being appointed as a City official by virtue of this Charter.

(7) The elected positions of Mayor and Council President under the general statutory plan of government on December 31, 1994, shall be abolished.

B. The person holding the office of Director of Public Safety and Service under the general statutory plan of government on December 31, 1994, shall serve as Acting City Manager under this Charter until Council appoints a City Manager. Except as otherwise provided by this Charter, all other persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until other provisions have been made in accordance with this Charter for the performance of their duties by others or the discontinuance of the duties of or the discontinuance of the office. When such provisions shall have been made, the term of any officer shall expire and the office shall be abolished. The powers conferred and the duties imposed upon any office, body, commission, board, department or division of the City under the laws of Ohio or under any municipal ordinance, resolution or contract in force at the time of this Charter takes effect, if the office, body, commission, board, department or division is abolished by this Charter, shall be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.

C. Every employee of the City on January 1, 1995, shall continue in such employment subject in all respects to the provisions of this Charter and ordinances, resolutions, rules or regulations enacted or promulgated under this Charter.

§12.03. Votes of Council during transition period.

During the transition period beginning January 1, 1995, and ending May 31, 1995, wherever this Charter requires a vote of five (5) members of Council or a majority of Council, such vote shall be defined as the simple majority of the remaining number of Council members then serving; a majority of two-thirds ($\frac{2}{3}$) shall be defined as two-thirds ($\frac{2}{3}$) of the remaining number of Council members then serving; and a three-fourths ($\frac{3}{4}$) majority of Council shall be defined as three-fourths ($\frac{3}{4}$) of the remaining number of Council members then serving.

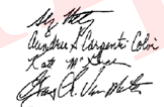
CERTIFICATE

We, the qualified members of the Charter Commission of the City of Nelsonville, Ohio, elected May 3, 1994, have framed the foregoing Charter and have fixed November 8, 1994, as the time of the election at which the Charter shall be submitted to the electors of the City of Nelsonville, Ohio.

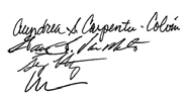
Gary Edwards, Chairperson
Mary T. Sparks, Vice Chairperson
Janet Pritchard, Secretary
Bill McKnight, Treasurer
Ruth Brooker
Lowell Cole
Keith Conner
Violet Hollenbaugh
Wilma Lanning
Melvin MacCombs
Mary Jane McKinley
Melissa Meeks
Dan Pfeiffer
Charles Schnipke
Theodore Sharpe

OFFICIAL GENERAL ELECTION BALLOT			EXHIBIT 3
Athens County	General Election	November 5, 2024	
Instructions to Voter • To vote: completely darken the oval (●) to the left of your choice. • Note the permitted number of choices directly below the title of each candidate office. Do not mark the ballot for more choices than allowed. • If you mark the ballot for more choices than permitted, that contest or question will not be counted. • To vote for a write-in candidate: completely darken the oval (●) to the left of the blank line and write in the candidate's name. Only votes cast for candidates who filed as write-in candidates can be counted. • Do not write in a candidate's name if that person's name already is printed on the ballot for that same contest. • If you make a mistake or want to change your vote: return your ballot to an election official and get a new ballot. You may ask for a new ballot up to two times.			
For President and Vice President (Vote for not more than 1 pair) A vote for any candidates for President and Vice President shall be a vote for the electors of those candidates whose names have been certified to the Secretary of State.	For Justice of the Supreme Court (Full term commencing 1-2-2025) (Vote for not more than 1) ☐ Melody J. Stewart Democratic ☐ Joseph T. Deters Republican	For Judge of the Court of Appeals (4th District) (Full term commencing 2-9-2025) (Vote for not more than 1) ☐ Jason P. Smith Republican	
☐ For President Peter Sonski For Vice President Lauren Onak Other-party candidate	For Justice of the Supreme Court (Unexpired term ending 12-31-2026) (Vote for not more than 1) ☐ Daniel R. Hawkins Republican	For Judge of the Court of Appeals (4th District) (Full term commencing 2-10-2025) (Vote for not more than 1) ☐ Mike Hess Republican	
☐ For President Jill Stein For Vice President Anita Rios Other-party candidate	☐ Lisa Forbes Democratic	For U.S. Senator (Vote for not more than 1)	
☐ For President Donald J. Trump For Vice President JD Vance Republican	☐ Sherrrod Brown Democratic ☐ Don Kissick Libertarian ☐ Bernie Moreno Republican	For County Commissioner (Full term commencing 1-3-2025) (Vote for not more than 1) ☐ Jon Rose ☐ Charlie R. Adkins Democratic	
☐ For President Richard Duncan For Vice President Mitchell Preston Bupp Nonparty candidate	☐ Write-in	For County Commissioner (Full term commencing 1-3-2025) (Vote for not more than 1) ☐ Chris Chmiel Democratic	
☐ For President Kamala D. Harris For Vice President Tim Walz Democratic	For Representative to Congress (12th District) (Vote for not more than 1) ☐ Jerrad Christian Democratic ☐ Troy Balderson Republican	For Prosecuting Attorney (Vote for not more than 1) ☐ Keller J. Blackburn Democratic	
☐ For President Chase Oliver For Vice President Mike ter Maat Libertarian	For State Senator (30th District) (Vote for not more than 1) ☐ Iva Faber Democratic ☐ Brian M. Chavez Republican	For Clerk of the Court of Common Pleas (Vote for not more than 1) ☐ Candy S. Russell Democratic	
☐ For President Write-in For Vice President Write-in	For State Representative (94th District) (Vote for not more than 1) ☐ Wenda Sheard Democratic ☐ Kevin Ritter Republican	For Sheriff (Vote for not more than 1) ☐ Rodney Smith Democratic	
For Justice of the Supreme Court (Full term commencing 1-1-2025) (Vote for not more than 1) ☐ Megan E. Shanahan Republican ☐ Michael P. Donnelly Democratic	☐ Write-in	For County Recorder (Vote for not more than 1) ☐ Jessica Markins Democratic	
Nelsonville 1		Continue Voting Next Page Page 1 of 3	
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Athens County	General Election	November 5, 2024
For County Treasurer (Vote for not more than 1)	incapacity, willful neglect of duty or gross misconduct.	freely express their opinions to members of the commission or to commission staff regarding the redistricting process or proposed redistricting plans, other than through designated meetings, hearings and an online public portal, and would forbid communication with the commission members and staff outside of those contexts.
☐ Taylor Sappington Democratic	5. Prohibit any citizen from filing a lawsuit challenging a redistricting plan in any court, except if the lawsuit challenges the proportionality standard applied by the commission, requirements pertaining to an incumbent elected official's residence, or the expiration of certain senator's terms, and then only before the Ohio Supreme Court.	9. Require the commission to immediately create new legislative and congressional districts in 2025 to replace the most recent districts adopted by the citizens of Ohio through their elected representatives.
☐ Write-in	6. Create the following process for appointing commission members: Four partisan appointees on the Ohio Ballot Board will choose a panel of 4 partisan retired judges (2 affiliated with the first major political party and 2 affiliated with the second major political party). Provide that the 4 legislative appointees of the Ohio Ballot Board would be responsible for appointing the panel members as follows: the Ballot Board legislative appointees affiliated with the same major political party would select 8 applicants and present those to the Ballot Board legislative appointees affiliated with the other major political party, who would then select 2 persons from the 8 for appointment to the panel, resulting in 4 panel appointees. The panel would then hire a private professional search firm to help them choose 6 of the 15 individuals on the commission. The panel will choose those 6 individuals by initially creating a pool of 90 individuals (30 from the first major political party, 30 from the second major political party, and 30 from neither the first nor second major political parties). The panel of 4 partisan retired judges will create a portal for public comment on the applicants and will conduct and publicly broadcast interviews with each applicant in the pool. The panel will then narrow the pool of 90 individuals down to 45 (15 from the first major political party; 15 from the second major political party; and 15 from neither the first nor second major political parties). Randomly, by draw, the 4 partisan retired judges will then blindly select 6 names out of the pool of 45 to be members of the commission (2 from the first major political party; 2 from the second major political party; and 2 from neither the first nor second major political parties). The 6 randomly drawn individuals will then review the applications of the remaining 39 individuals not randomly drawn and select the final 9 individuals to serve with them on the commission, the majority of which shall be from the first and the second major political parties (3 from the first major political party, 3 from the second major political party, and 3 from neither the first nor second major political parties).	10. Impose new taxpayer-funded costs on the State of Ohio to pay the commission members, the commission staff and appointed special masters, professionals, and private consultants that the commission is required to hire; and an unlimited amount for legal expenses incurred by the commission in any related litigation.
For County Engineer (Vote for not more than 1)		If approved, the amendment will be effective 30 days after the election.
☐ Jeff Maiden Democratic		SHALL THE AMENDMENT BE APPROVED?
For Coroner (Vote for not more than 1)		☐ YES
☐ Carl Ortman Democratic		☐ NO
For Member of State Board of Education (8th District) (Vote for not more than 1)		2 Proposed Tax Levy (Renewal) City of Nelsonville
☐ Karen A. Lloyd		A majority affirmative vote is necessary for passage.
Issue 1 To create an appointed redistricting commission not elected by or subject to removal by the voters of the state Proposed Constitutional Amendment Proposed by Initiative Petition To repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Article XI, Repeal sections 1, 2 and 3 of Article XIX, And enact Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article XX of the Constitution of the State of Ohio A majority yes vote is necessary for the amendment to pass.		A renewal of a tax for the benefit of City of Nelsonville for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges that the county auditor estimates will collect \$100,000 annually, at a rate not exceeding 2 mills for each \$1 of taxable value, which amounts to \$53 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2024, first due in calendar year 2025.
The proposed amendment would: 1. Repeal constitutional protections against gerrymandering approved by nearly three-quarters of Ohio electors participating in the statewide elections of 2015 and 2018, and eliminate the longstanding ability of Ohio citizens to hold their representatives accountable for establishing fair state legislative and congressional districts. 2. Establish a new taxpayer-funded commission of appointees required to gerrymander the boundaries of state legislative and congressional districts to favor either of the two largest political parties in the state of Ohio, according to a formula based on partisan outcomes as the dominant factor, so that: A. Each district shall contain single-member districts that are geographically contiguous, but state legislative and congressional districts will no longer be required to be compact; and B. Counties, townships and cities throughout Ohio can be split and divided across multiple districts, and preserving communities of interest will be secondary to the formula that is based on partisan political outcomes. 3. Require that a majority of the partisan commission members belong to the state's two largest political parties. 4. Prevent a commission member from being removed, except by a vote of their fellow commission members, even for	7. Require the affirmative votes of 9 of 15 members of the appointed commission to create legislative and congressional districts. If the commission is not able to determine a plan by September 19, 2025, or July 15 of every year ending in one, the following impasse procedure will be used: for any plan at an impasse, each commissioner shall have 3 days to submit no more than one proposed redistricting plan to be subject to a commission vote through a ranked-choice selection process, with the goal of having a majority of the commission members rank one of those plans first. If a majority cannot be obtained, the plan with the highest number of points in the ranked-choice process is eliminated, and the process is repeated until a plan receives a majority of first-place rankings. If the ranked-choice process ends in a tie for the highest point total, the tie shall be broken through a random process. 8. Limit the right of Ohio citizens to	☐ For the Tax Levy ☐ Against the Tax Levy
Nelsonville 1	01	Continue Voting Next Page Page 2 of 3
		Typ:01 Seq:0024

OFFICIAL GENERAL ELECTION BALLOT		
Athens County	General Election	November 5, 2024
23 Proposed Ordinance (By Petition) City Of Nelsonville A majority affirmative vote is necessary for passage. Shall the Charter of the City of Nelsonville, Ohio, submitted to the Electors of the City of Nelsonville on November 8, 1994, which became effective January 1, 1995, and it's subsequent amendments, be abolished and return to the same form of government as it had prior to and up to January 1, 1995, to be effective January 1, 2026? Upon approval of this initiative submitted to the electors of the City of Nelsonville at the general election on November 5, 2024, the election of all city offices which were required by the form of government of Nelsonville Ohio prior to January 1, 1995, shall be elected during the municipal elections of 2025. Those elected shall take office on January 1, 2026. Shall the proposed ordinance to abolish charter and return to same form of government as it had prior be adopted? ☐ YES ☐ NO	19 Proposed Tax Levy (Renewal) Athens County A majority affirmative vote is necessary for passage. A renewal of a tax for the benefit of Athens County for the purpose of operating a tuberculosis clinic for care and treatment of tubercular residents that the county auditor estimates will collect \$213,000 annually, at a rate not exceeding 0.3 mill for each \$1 of taxable value, which amounts to \$4 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2025, first due in calendar year 2026. ☐ For the Tax Levy ☐ Against the Tax Levy 20 Proposed Tax Levy (Renewal) Athens County A majority affirmative vote is necessary for passage. A renewal of a tax for the benefit of Athens County for the purpose of operation and maintenance of emergency medical services that the county auditor estimates will collect \$557,000 annually, at a rate not exceeding 0.5 mill for each \$1 of taxable value, which amounts to \$11 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2024, first due in calendar year 2025. ☐ For the Tax Levy ☐ Against the Tax Levy 21 Proposed Tax Levy (Renewal) Athens County A majority affirmative vote is necessary for passage. A renewal of a tax for the benefit of Athens County for the purpose of providing support of senior citizens facilities or services that the county auditor estimates will collect \$278,000 annually, at a rate not exceeding 0.25 mill for each \$1 of taxable value, which amounts to \$5 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2024, first due in calendar year 2025. ☐ For the Tax Levy ☐ Against the Tax Levy	22 Proposed Tax Levy (Renewal) Athens County A majority affirmative vote is necessary for passage. A renewal of a tax for the benefit of Athens County for the purpose of supporting children services and the care, protection, and placement of abused, neglected and dependent children that the county auditor estimates will collect \$2,871,000 annually, at a rate not exceeding 3 mills for each \$1 of taxable value, which amounts to \$60 for each \$100,000 of the county auditor's appraised value, for 10 years, commencing in 2025, first due in calendar year 2026. ☐ For the Tax Levy ☐ Against the Tax Levy  Board Members Page 3 of 3
15 Proposed Tax Levy (Renewal) York Township (Including Nelsonville City and Buchtel Village) A majority affirmative vote is necessary for passage. A renewal of a tax for the benefit of York Township (Including Nelsonville City and Buchtel Village) for the purpose of cemeteries operation and maintenance that the county auditor estimates will collect \$111,000 annually, at a rate not exceeding 1 mill for each \$1 of taxable value, which amounts to \$25 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2024, first due in calendar year 2025. ☐ For the Tax Levy ☐ Against the Tax Levy		
17 Proposed Tax Levy (Replacement and Increase) Athens County A majority affirmative vote is necessary for passage. A replacement of 1.2 mills and an increase of 0.3 mill for each \$1 of taxable value to constitute a tax for the benefit of Athens County for the purpose of current expenses of the library that the county auditor estimates will collect \$2,175,000 annually, at a rate not exceeding 1.5 mills for each \$1 of taxable value, which amounts to \$47 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2024, first due in calendar year 2025. ☐ For the Tax Levy ☐ Against the Tax Levy		
Nelsonville 1	01	Typ:02 Seq:0024

OFFICIAL GENERAL ELECTION BALLOT		
Athens County	General Election	November 4, 2025
Instructions to Voter - To vote, darken the oval (●) to the left of your choice. - Note the permitted number of choices directly below each office title. - Do not mark the ballot for more choices than allowed. If you do, that contest or question will not be counted. - To vote for a write-in candidate: darken the oval (●) to the left of the blank line and write in the candidate's name. - Only votes cast for candidates who filed as write-in candidates can be counted. - Do not write in a candidate's name if their name is already printed on the ballot for that same contest. - If you make a mistake or want to change your vote, return your ballot to an election official and get a new ballot. - You may ask for a new ballot up to two times.		EXHIBIT 4
CITY OF NELSONVILLE	For Member of Council at Large (Vote for not more than 7)	For Member of Board of Education (Unexpired term ending 12-31-2027) (Vote for not more than 1)
For Mayor (Vote for not more than 1)	☐ Lynn Bishop ☐ Wesley M. Henderson ☐ Jessica L. Hollenbaugh Republican ☐ Nic Joseph Saul ☐ McCray Powell ☐ Glenn A. Smith ☐ _____ Write-in	No Valid Petition Filed #1 Proposed Tax Levy (Renewal) Athens County A majority affirmative vote is necessary for passage. A renewal of a tax for the benefit of Athens County for the purpose of maintenance and operation of programs and services of the Athens County Board of Developmental Disabilities, for persons with developmental disabilities for the benefit of the County of Athens that the county auditor estimates will collect \$2,076,213 annually, at a rate not exceeding 1.8 mills for each \$1 of taxable value, which amounts to \$44 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2026, first due in calendar year 2027.
☐ Jonathan R. Flowers Republican ☐ _____ Write-in	☐ _____ Write-in	☐ For the Tax Levy ☐ Against the Tax Levy
For President of Council (Vote for not more than 1)	☐ Daniel L. Sherman Republican ☐ _____ Write-in	#2 Proposed Sales and Use Tax Athens County A majority affirmative vote is necessary for passage. The Board of County Commissioners of Athens County proposes to continue to levy a sales and use tax in the amount of 0.25 per cent for the purpose of the operation of 9-1-1 for a period of 5 years. Shall the resolution of the Athens County Commissioners proposing a 0.25 per cent sales and use tax be approved?
For Auditor (Vote for not more than 1)	Member of Council at Large (Term 12-1-2025 to 12-31-2025) (Vote for not more than 4) ☐ Andrea Nicole Thompson-Hashman Republican ☐ Cameron Peck ☐ _____ Write-in	☐ _____ Write-in
For Treasurer (Vote for not more than 1)	☐ _____ Write-in	☐ _____ Write-in
For Director of Law (Vote for not more than 1)	TOWNSHIP OF YORK	
No Valid Petition Filed	For Township Trustees (Vote for not more than 2)	
	☐ Bill Mellinger ☐ Timothy R. Warren NELSONVILLE-YORK CITY SCHOOL DISTRICT	
	For Member of Board of Education (Vote for not more than 2)	
	☐ Micah J. Covert ☐ Michael S. Elliott	
Nelsonville 1	01	Continue Voting Next Page Page 1 of 2 Typ:01 Seq:0024

Athens County	General Election	November 4, 2025
#3 Proposed Tax Levy (Replacement and Increase) Athens County A majority affirmative vote is necessary for passage. A replacement of 1 mill of an existing levy and an increase of 0.5 mill to constitute a tax for the benefit of Athens County for the purpose of operation and maintenance of emergency medical services that the county auditor estimates will collect \$2,250,474 annually, at a rate not exceeding 1.5 mills for each \$1 of taxable value, which amounts to \$53 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2025, first due in calendar year 2026. ☐ For the Tax Levy ☐ Against the Tax Levy	#32 Local Liquor Option For Particular Location (By Petition) (Sunday Sales) Nelsonville 1 A majority affirmative vote is necessary for passage. Shall the sale of beer, wine and mixed beverages and spirituous liquor be permitted for sale on Sunday by Black Diamond Brewery, Distillation COLLC; dba Black Diamond Brewery and Distillery an applicant for a D-6 liquor permit who is engaged in the business of brewery, distillery and food service at 185 W. Canal St., Nelsonville, OH 45764 in this precinct? ☐ Yes ☐ No	
#4 Proposed Tax Levy (Replacement) City of Nelsonville A majority affirmative vote is necessary for passage. A replacement of a tax for the benefit of the City of Nelsonville for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges that the county auditor estimates will collect \$186,055 annually, at a rate not exceeding 3 mills for each \$1 of taxable value, which amounts to \$105 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2025, first due in calendar year 2026. ☐ For the Tax Levy ☐ Against the Tax Levy		
#27 Proposed Tax Levy (Renewal) York Township (Including Nelsonville and Buchtel) A majority affirmative vote is necessary for passage. A renewal of a tax for the benefit of York Township (Including Nelsonville and Buchtel) for the purpose of cemeteries operation and maintenance that the county auditor estimates will collect \$230,017 annually, at a rate not exceeding 2 mills for each \$1 of taxable value, which amounts to \$52 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2026, first due in calendar year 2027. ☐ For the Tax Levy ☐ Against the Tax Levy		
		 Board Members Page 2 of 2
Nelsonville 1	01	Typ:01 Seq:0024

Form No. 156. Prescribed by the Secretary of State. (1/1/2024)

R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for Nelsonville City _____,
(County, City, District, etc.)

DO HEREBY CERTIFY THAT Jonathan R. Flowers WAS DULY ELECTED

(Name)
Mayor

(Office)

for the Full term January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

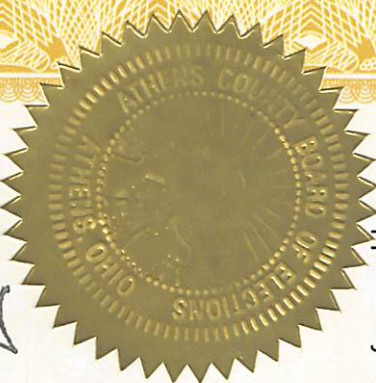
In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at Athens, Ohio, this 21st

day of November 2025

Chair

Attest: Tom J. Brooks II
Director

Board of Elections



R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for _____
Nelsonville City
(County, City, District, etc.)

DO HEREBY CERTIFY THAT _____ Daniel Lynn Sherman _____ WAS DULY ELECTED
(Name)
President of Council _____
(Office)

for the _____ Full _____ term _____ January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at _____ Athens _____, Ohio, this 21st _____

day of _____ November _____ 2025

Chair

Attest:

Director

Board of Elections



R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for Nelsonville City

DO HEREBY CERTIFY THAT Andrea Nicole Thompson-Hashman (County, City, District, etc.) WAS DULY ELECTED
(Name)

Auditor
(Office)

for the Full term January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at Athens, Ohio, this 21st

day of November 2025

Chair

Wanda J. Carpenter - Nelsonville
Sharon J. Daniels
Mya

Board of Elections

Attest: *Jonny A. Brooks II*
Director



R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for _____ Nelsonville City _____,

DO HEREBY CERTIFY THAT _____ Brian Michael Elkins _____ WAS DULY ELECTED
(County, City, District, etc.) (Name)

Treasurer (Office)

for the _____ Full _____ term _____ January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at _____ Athens _____, Ohio, this 21st _____

day of _____ November _____ 2025

Wanda J. Carpenter - Chair

Sharon J. Daniels

Chair

Attest: _____ Tony J. Brooker II _____
Director Board of Elections



R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for _____ Nelsonville City _____,

DO HEREBY CERTIFY THAT _____ Barbara Lynn Bishop _____ WAS DULY ELECTED
(Name)
Member of Council at Large _____
(Office)

for the _____ Full _____ term _____ January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at _____ Athens _____, Ohio, this 21st _____

day of _____ November _____ 2025

Chair

Attest:

Director

Board of Elections

Certificate of Election

COUNTY, SS.

(County, City, District, etc.)

WAS DULY ELECTED

(Office)

January 1, 2026
(beginning or ending)

(beginning or ending)

seal to be affixed at _____ Athens _____, Ohio, this _____ 21st _____

November 4, 2025

Board of Elections

R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for _____
Nelsonville City

DO HEREBY CERTIFY THAT _____ Jessica L. Hollenbaugh _____ WAS DULY ELECTED
(Name)
Member of Council at Large
(Office)

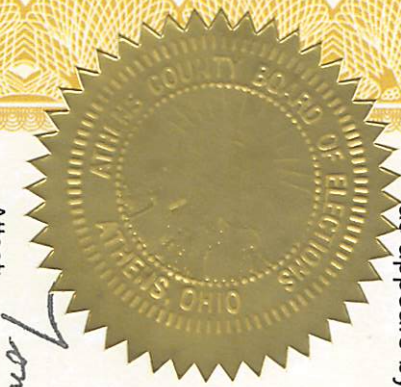
for the _____ Full _____ term _____ January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at _____ Athens _____, Ohio, this 21st _____

day of _____ November _____ 2025

Chair



Attest: _____
Director

Board of Elections

R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for _____
Nelsonville City

DO HEREBY CERTIFY THAT _____ Nicole A. Joseph Saul _____ WAS DULY ELECTED
(County, City, District, etc.)
Member of Council at Large
(Office)

for the _____ Full _____ term _____ January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at _____ Athens _____, Ohio, this 21st _____
day of _____ November _____ 2025


Attest: _____ *James A. Brooker II* _____
Director

Wendell A. Carpenter - Chair
James A. Brooker II
My
Chair
Board of Elections

R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for Nelsonville City

DO HEREBY CERTIFY THAT McCray Anthony Powell WAS DULY ELECTED
(County, City, District, etc.)
Member of Council at Large
(Name)
(Office)

for the Full term January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at Athens, Ohio, this 21st

day of November 2025

Wendell A. Carpenter - Chair
Chair

Shane J. Daniels

My

Attest: *Tommy A. Brooks II*

Director

Board of Elections



R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for Nelsonville City _____,

DO HEREBY CERTIFY THAT Glenn Allan Smith (Name) WAS DULY ELECTED
Member of Council at Large (Office)

for the Full term January 1, 2026
(full or unexpired) (beginning or ending)
as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at Athens, Ohio, this 21st
day of November 2025



Attest: Tom J. Brooker II
Director

Donald A. Carpenter - Chair
Glenn A. Smith
Heidi
Board of Elections

R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for Nelsonville City

DO HEREBY CERTIFY THAT Carol Sue Powell (Name) WAS DULY ELECTED
Member of Council at Large (Office)

for the Full term January 1, 2026
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at Athens, Ohio, this 21st

day of November 2025

Wendell A. Carpenter - Chairman
Charles J. Daniels
[Signature]

Chair

Attest: Tony J. Bricker II
Director

Board of Elections



Form No. 156. Prescribed by the Secretary of State. (11/2024)

Certificate of Election
R.C. 3505.38

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)

within and for _____ Nelsonville City _____,
(County, City, District, etc.)

DO HEREBY CERTIFY THAT _____ McCray Anthony Powell _____ WAS DULY ELECTED
(Name)
Member of Council at Large _____
(Office)

for the _____ Full _____ term _____ December 1, 2025 to December 31, 2025
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at _____ Athens _____, Ohio, this 21st _____
day of _____ November 2025



Attest: _____ *David A. Brooks II* _____
Director

Board of Elections

R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for _____ Nelsonville City _____,

DO HEREBY CERTIFY THAT _____ Nicole A. Joseph Saul _____ WAS DULY ELECTED
(County, City, District, etc.)
Member of Council at Large _____
(Name)
(Office)

for the _____ Full _____ term _____ December 1, 2025 to December 31, 2025
(full or unexpired) (beginning or ending)
as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at _____ Athens _____, Ohio, this 21st _____

day of _____ November _____ 2025

_____ Wanda J. Carpenter - Nelsonville
Chair

_____ [Signature]
_____ [Signature]

Attest: _____ Tony D. Brooks II _____
Director Board of Elections



R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for _____
Nelsonville City
(County, City, District, etc.)

DO HEREBY CERTIFY THAT _____ Cory Ward Taylor _____ WAS DULY ELECTED
(Name)
Member of Council at Large
(Office)

for the _____ Full term _____ December 1, 2025 to December 31, 2025
(full or unexpired) (beginning or ending)
as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at _____ Athens _____, Ohio, this 21st

day of _____ November 2025

_____ *Wendell A. Carpenter - Chairman* _____
Chair

_____ *Shane J. Daniels* _____

_____ *My* _____

Attest: _____ *Tom J. Brooker II* _____
Director Board of Elections



R.C. 3505.38

Certificate of Election

THE STATE OF OHIO, _____ Athens _____ COUNTY, ss.

We, the undersigned, BOARD OF ELECTIONS, having canvassed all the returns and declared the result of the
General Election held on Tuesday, the 4th day of November, 2025,
(Primary or General)
within and for Nelsonville City
(County, City, District, etc.)

DO HEREBY CERTIFY THAT Cameron Austin Peck WAS DULY ELECTED
(Name)
Member of Council at Large
(Office)

for the Full term December 1, 2025 to December 31, 2025
(full or unexpired) (beginning or ending)

as appears by the returns of the election and the abstract of votes now on file in the office of the Board of Elections.

In Witness Whereof, we have hereunto subscribed our names and caused our official
seal to be affixed at Athens, Ohio, this 21st

day of November 2025

Christopher J. Carpenter - Chairman
Chair

Gregory J. ...

Attest: *David A. Brooker II* Director
Board of Elections



Summary Results Report
2025 General Election
November 4, 2025

EXHIBIT 7

Official Results

Athens County

Statistics

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Election Day Precincts Reporting	56 of 56	56	0	0	0
Registered Voters - Total	34,905				
Ballots Cast - Total	8,670	6,982	586	992	110
Voter Turnout - Total	24.84%				

Tommy D. Hooke #
Shantelle M. Hooke
Aundrea A. Carpenter-Colvin
Alex L. Van Meter
[Signature]
Sig. Hooke

Summary Results Report
2025 General Election
November 4, 2025

Official Results

Athens County

President of Council City of Athens

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Dem Micah McCarey	1,594	1,120	70	342	62
Total Votes Cast	1,594	1,120	70	342	62
Overvotes	0	0	0	0	0
Undervotes	272	198	25	47	2
Contest Totals	1,866	1,318	95	389	64

Treasurer City of Athens

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Dem Joshua Thomas	1,546	1,088	67	332	59
Total Votes Cast	1,546	1,088	67	332	59
Overvotes	0	0	0	0	0
Undervotes	320	230	28	57	5
Contest Totals	1,866	1,318	95	389	64

Member of Council at Large City of Athens

Vote For 3

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Dem Beth Clodfelter	1,378	960	59	306	53
Dem Paul Isherwood	1,303	900	53	305	45
Dem Jessica Thomas	1,361	937	60	312	52
Total Votes Cast	4,042	2,797	172	923	150
Overvotes	0	0	0	0	0
Undervotes	1,556	1,157	113	244	42
Contest Totals	5,598	3,954	285	1,167	192

Member of Council City of Athens First Ward

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Dem Megan Leah Almeida	270	177	19	57	17
Total Votes Cast	270	177	19	57	17
Overvotes	0	0	0	0	0
Undervotes	67	47	9	8	3
Contest Totals	337	224	28	65	20

Member of Council City of Athens Second Ward

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Dem John Adams Staser	351	253	17	70	11
Total Votes Cast	351	253	17	70	11
Overvotes	0	0	0	0	0
Undervotes	101	79	5	16	1
Contest Totals	452	332	22	86	12

Summary Results Report
2025 General Election
November 4, 2025

Official Results

Athens County

Member of Council City of Athens Third Ward

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Dem Michael Harrison Burchby Wood	438	293	18	111	16
Total Votes Cast	438	293	18	111	16
Overvotes	0	0	0	0	0
Undervotes	112	87	7	17	1
Contest Totals	550	380	25	128	17

Member of Council City of Athens Fourth Ward

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Dem Alan G. Swank	419	301	15	89	14
Total Votes Cast	419	301	15	89	14
Overvotes	0	0	0	0	0
Undervotes	108	81	5	21	1
Contest Totals	527	382	20	110	15

Mayor City of Nelsonville

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Rep Jonathan R. Flowers	307	248	28	29	2
Write-In Totals	221	193	12	15	1
Write-In: Fred Holmes	205	180	10	14	1
Write-In: Nancy Sonick	3	2	1	0	0
Write-In: Invalid	13	11	1	1	0
Not Assigned	0	0	0	0	0
Total Votes Cast	528	441	40	44	3
Overvotes	0	0	0	0	0
Undervotes	59	47	4	5	3
Contest Totals	587	488	44	49	6

President of Council City of Nelsonville

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Rep Daniel L. Sherman	235	194	20	20	1
Total Votes Cast	235	194	20	20	1
Overvotes	0	0	0	0	0
Undervotes	352	294	24	29	5
Contest Totals	587	488	44	49	6

Summary Results Report
2025 General Election
November 4, 2025

Official Results

Athens County

Auditor City of Nelsonville

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Rep Andrea Nicole Thompson-Hashman	273	224	24	23	2
Write-In Totals	183	157	11	14	1
Write-In: Nicholas Smith	172	149	9	13	1
Write-In: Invalid	11	8	2	1	0
Not Assigned	0	0	0	0	0
Total Votes Cast	456	381	35	37	3
Overvotes	1	1	0	0	0
Undervotes	130	106	9	12	3
Contest Totals	587	488	44	49	6

Treasurer City of Nelsonville

Vote For 1

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Write-In Totals	86	74	1	10	1
Write-In: Brian Elkins	51	42	0	8	1
Write-In: Invalid	35	32	1	2	0
Not Assigned	0	0	0	0	0
Total Votes Cast	86	74	1	10	1
Overvotes	0	0	0	0	0
Undervotes	501	414	43	39	5
Contest Totals	587	488	44	49	6

Member of Council at Large City of Nelsonville

Vote For 7

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Lynn Bishop	279	217	29	32	1
Wesley M. Henderson	126	103	9	12	2
Rep Jessica L. Hollenbaugh	310	251	31	28	0
Nic Joseph Saul	179	151	12	16	0
McCray Powell	207	177	10	17	3
Glenn A. Smith	147	116	13	16	2
Write-In Totals	107	79	7	21	0
Write-In: Carol Sue Powell	78	50	7	21	0
Write-In: Invalid	29	29	0	0	0
Not Assigned	0	0	0	0	0
Total Votes Cast	1,355	1,094	111	142	8
Overvotes	0	0	0	0	0
Undervotes	2,754	2,322	197	201	34
Contest Totals	4,109	3,416	308	343	42

Summary Results Report
2025 General Election
November 4, 2025

Official Results

Athens County

Member of Council at Large 12-1-25 to 12-31-25 City of Nelsonville

Vote For 4

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Cameron Peck	234	202	14	15	3
Write-In Totals	180	143	8	28	1
Write-In: Invalid2	2	2	0	0	0
Write-In: Invalid3	1	1	0	0	0
Write-In: Cory Taylor	55	42	5	7	1
Write-In: Nic Joseph Saul	43	36	1	6	0
Write-In: McCray Powell	44	37	2	5	0
Write-In: Invalid	35	25	0	10	0
Not Assigned	0	0	0	0	0
Total Votes Cast	414	345	22	43	4
Overvotes	0	0	0	0	0
Undervotes	1,934	1,607	154	153	20
Contest Totals	2,348	1,952	176	196	24

Member of Council Village of Albany

Vote For 4

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Debra L. Andrews	81	61	6	13	1
Elliot John-Conry	67	49	4	13	1
Neal Reynolds	80	61	8	10	1
Write-In Totals	9	8	0	1	0
Write-In: Sandi Rehl	4	4	0	0	0
Write-In: Invalid	5	4	0	1	0
Not Assigned	0	0	0	0	0
Total Votes Cast	237	179	18	37	3
Overvotes	0	0	0	0	0
Undervotes	355	289	18	47	1
Contest Totals	592	468	36	84	4

Member of Council Village of Amesville

Vote For 4

	TOTAL	Election Day	Absentee Mail Out	Absentee In Office	Provisional
Michael Ford	42	35	4	3	0
Lynne M. Genter	42	34	5	3	0
No Other Valid Petition Filed	0	0	0	0	0
Write-In Totals	6	5	0	1	0
Write-In: Invalid	1	1	0	0	0
Write-In: Christopher Payne	5	4	0	1	0
Not Assigned	0	0	0	0	0
Total Votes Cast	90	74	9	7	0
Overvotes	0	0	0	0	0
Undervotes	134	118	11	5	0
Contest Totals	224	192	20	12	0

ORDINANCE 02-26

AN ORDINANCE REPEALING ORDINANCE 54-25 AND DECLARING AN EMERGENCY.

Whereas The City of Nelsonville has experienced significant litigation costs and is facing potential multiple lawsuits and legal challenges because of the passage of Ordinance 54-25;

Whereas The City of Nelsonville is experiencing general fund financial difficulties and it is in the best interest of the City of Nelsonville to eliminate the litigation costs and risks associated with the passage of Ordinance 54-25;

Whereas the newly elected council to take office January 1, 2026 finds the previous process of paying legal fees from the water and sewer funds to finance opposition to the memorialized ballot results to abolish the City Charter as the electoral will of the voters objectionable and not proper;

Whereas Article I, Section 2 of the Ohio Constitution states: “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; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the general assembly” and Article II, Section 1f of the Ohio Constitution states “The initiative and referendum powers are hereby reserved to the people of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action; such powers shall be exercised in the manner now or hereafter provided by law.” ;

Whereas the electors of the City of Nelsonville exercised their constitutional right of initiative to abolish the Nelsonville City Charter by a vote of over 70 percent in the November 2024 general election;

Whereas the elected Nelsonville City Council members taking office January 1, 2026 are enforcing the electoral will of the people;

Whereas it was the will of the people of Nelsonville by its voters upon passage of Issue #23 that the City of Nelsonville will return to the same form of government which was in place before the Nelsonville City Charter was adopted and by holding an election to place into office those persons holding election certificates from the Athens County Board of Elections for offices commencing January 1, 2026 to assume their office as identified on their respective election certificates;

and

Whereas all employees and legal counsel as may be appointed or retained by Nelsonville to represent any interest of Nelsonville have a responsibility to act by their actions as city employees and legal counsel to give full force and effect of the directives, purpose and intent of Issue # 23 for it to to have abolished the City of Nelsonville Charter;

Whereas Nelsonville City Council hereby believes Ordinance 54-25 to be unconstitutional as applied to those persons holding election certificates from the Athens County Board of Elections for offices commencing January 1, 2026 to assume their office as identified on their respective election certificates;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Nelsonville, Ohio, as follows:

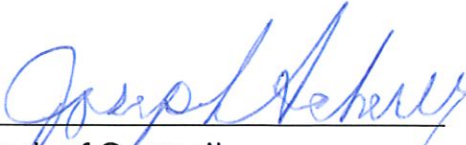
1. Ordinance 54-25 is hereby immediately repealed upon passage of this ordinance.
2. This Ordinance is being passed as an emergency measure pursuant to O.R.C. 731.30, Article IV, Sections 4.09 through 4.11 as an emergency in the operation of the City government and is necessary because the City of Nelsonville must have a elected council immediately, and this Ordinance shall be in full force and effect upon its adoption.

Duly enacted by Council on first reading under suspension of the rules on the 5th day of January, 2026.

NELSONVILLE CITY COUNCIL



President of Council



Clerk of Council

First Reading: 01/05/26 Adopted under suspension of the rules

From: Andrea Nicole andreanicole79@gmail.com
Subject: Fwd:
Date: January 2, 2026 at 11:59 AM
To: Daniel Klos klosdhesq@aol.com

Sent from my iPhone

Begin forwarded message:

From: Fred Holmes <citymanager@cityofnelsonville.com>
Date: January 2, 2026 at 10:13:55AM EST
To: Andrea Thompson <andreanicole79@gmail.com>, Nick Smith <nick.smith@cityofnelsonville.com>, Michael Milane <mike.milane@cityofnelsonville.com>, Fred Holmes <citymanager@cityofnelsonville.com>
Subject: Re:

Good morning Andrea,

Thanks for your email, I will not be turning over any keys for the city building. Again, the city recognizes that ordinance 54-25 abolished the transition and there are no statutory seats available to be taken. And the City has not appointed you to the position of Auditor.

Currently no court as affirmatively repealed ordinance 54-25 and the Athens County Common Pleas Court has affirmed that the ordinance is still in effect. Until such a time the City receives an order to do so, I will not transfer any city property to any individual. If such order does exist the city will gladly comply.

I appreciate you reaching out during this situation and I ask that you please follow the proper legal process so this matter can be effectively resolved.

Devon Tolliver
Chief of Police/Acting City Manager
Nelsonville Police Department
Phone - (740)753-1736
Fax - (740)753-4422

From: Andrea Thompson <andreanicole79@gmail.com>
Sent: Wednesday, December 31, 2025 3:11 PM
To: Nick Smith <nick.smith@cityofnelsonville.com>; Michael Milane

<mike.milane@cityofnelsonville.com>; Fred Holmes <citymanager@cityofnelsonville.com>

Subject:

Good afternoon,

Would you please be so kind as to provide me with the keys to the Auditor's office after securing it at the end of business today. As the new elected Auditor I am responsible for the security and access to the office and will be opening the office for business this coming Monday.

I have attached my election Certificate, Oath of Office and bond to this email as well. The bonding company has advised that they have mailed the original copy of the bond to the auditor's office; however, since Federal law does allow for electronic submission of documents, I am attaching them here for the current auditor and treasurer's records.

Kind regards,

Andrea Thompson-Hashman

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO
CIVIL DIVISION

ANDREA NICOLE
THOMPSON HASHMAN,

Plaintiff,

v.

CITY OF NELSONVILLE, OHIO et al,
Defendants.

Case Number:

Judge:

AFFIDAVIT OF PLAINTIFF
ANDREA NICOLE THOMPSON HASHMAN

STATE OF OHIO :
: ss.
COUNTY OF ATHENS :

1. I, ANDREA NICOLE THOMPSON HASHMAN, being first duly sworn, depose and state the following as true based on my personal knowledge:
2. I am over 18 years of age and competent to give testimony in a court of law;
3. I am the Plaintiff in the above captioned case.
4. On August 25, 2025 I checked the bulletin board case at the Nelsonville City Hall. This was within 14 days after the passage of Ordinance 54-25. Article IV §4.12 of Nelsonville City Charter requires posting of all ordinances within 14 days after passage at this location. I observed no ordinance titled ordinance 54-25 nor did I see any text of ordinance 54-25 posted on the bulletin board.
5. I then returned to the Nelsonville City Hall on August 29, 2025 to again check the bulletin board to see if Ordinance 54-25 have been posted in the intervening days. Again, I observed no ordinance titled 54-25 nor did I see any text of Ordinance 54-25 posted on the bulletin board.
6. Further the affiant sayeth naught

Sworn to and subscribed in my presence this 25th day of September 2025.

Andrea Nicole Thompson Hashman
Andrea Nicole Thompson Hashman, Affiant

Tori M. Williams
Notary Public



Tori M Williams
Notary Public, State of Ohio
My Commission Expires
November 14, 2028