

1st READING 6/3/19
2nd READING 6/17/19
3rd READING Not Passed

ORDINANCE NUMBER 2019- 13

**AN ORDINANCE PROVIDING FOR THE ELECTION OF
AMENDMENTS TO THE CITY CHARTER PURSUANT TO THE
RECOMMENDATION OF THE CHARTER REVIEW COMMISSION
AND DECLARING AN EMERGENCY**

WHEREAS, in accordance with Article XII, Section 9 of the Charter of the City of St. Clairsville, the Charter Review Commission has completed its review of the Charter of the City of St. Clairsville; and

WHEREAS, the Charter Review Commission has recommended that two (2) Articles in the City's Charter be amended; and

WHEREAS, the recommended amendments to the City's Charter are to be placed before the qualified electors of the City of St. Clairsville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. CLAIRSVILLE, OHIO:

Section 1: That the question of the amendments of Article II and Article IV of the Charter of the City of St. Clairsville be submitted to a vote of the qualified electors of the City at the general election to be held in November, 2019, at the regular places of voting in the City of St. Clairsville.

The proposed amendments are as follows:

A. ARTICLE II - SECTION 5, PARAGRAPH 2, shall be amended as follows:

ORIGINALLY READ:

Section 5. Executive Powers of the Mayor.

The Mayor shall be the chief executive officer of the City. He shall be the chief conservator of the peace and shall see that all laws and ordinances are enforced therein. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed. The Mayor shall execute, on behalf of the City, all contracts, conveyances, evidences of

indebtedness and all other instruments to which the City is a part. He shall have the custody of the seal of the City and shall affix it to all of the above mentioned documents, but the absence of the seal shall not affect the validity of any such document.

Except as may otherwise be provided by this Charter, or laws of the State of Ohio governing Civil Service, the Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of the City, except

- (a) those required by this Charter to be elected, and
- (b) those whose terms of office may be fixed by this Charter.

The Director of Public Safety, the Director of Public Service and all appointive officers may be removed by the Mayor, provided however, that such removal shall not take effect without the concurrence of two-thirds of the full membership of Council.

AMENDED TO READ:

Section 5. Executive Powers of the Mayor.

The Mayor shall be the chief executive officer of the City. He shall be the chief conservator of the peace and shall see that all laws and ordinances are enforced therein. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed. The Mayor shall execute, on behalf of the City, all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a part. He shall have the custody of the seal of the City and shall affix it to all of the above mentioned documents, but the absence of the seal shall not affect the validity of any such document.

Except as may otherwise be provided by this Charter, or laws of the State of Ohio governing Civil Service, the Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of the City, except

- (a) those required by this Charter to be elected, and
- (b) those whose terms of office may be fixed by this Charter.

~~The Director of Public Safety, the Director of Public Service and a~~ All appointive officers may be removed by the Mayor, provided however, that such removal shall not take effect without the concurrence of two-thirds of the full membership of Council.

The Mayor or any person serving as an appointive officer shall not, directly or indirectly, solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work or service with, or for, the City. Any such contract in which the Mayor and/or any appointive officer is, or may become interested, may be declared void by Council.

B. ARTICLE IV - SECTION 1, PARAGRAPH 4, shall be amended as follows:

ORIGINALLY READ:

Section 1. Director of Finance.

The Director of Finance shall be the chief fiscal officer of the City and shall be the collector and custodian and shall disburse all of the moneys of the City. He shall supervise the keeping of all financial accounts of the City and of the several departments and officers

thereof. It shall be his duty to keep an accurate account of all taxes and assessments, all moneys due the City, all receipts and disbursements by the City, all the assets and liabilities of the City, and all appropriations made by the Council.

He shall examine and approve, if in proper form, and if an appropriation has been duly made, payrolls, bills, and other claims; prepare and sign all warrants and checks. He shall be responsible for the preparation and submission of appropriation measures and shall assist the Mayor and the Council in the preparation of estimates, budgets, and other financial matters, and at all times keep the Mayor and Council fully advised as to the financial conditions and needs of the City.

He shall perform those functions customarily performed by the City Auditor and City Treasurer under the Revised Code of Ohio and shall perform all other duties now or hereafter imposed on City Auditors and Treasurers by the laws of the State of Ohio, except as otherwise provided by the Charter or ordinance of Council.

He should have an accredited four year degree and knowledge and experience in accounting, taxation and business or governmental administration or five years of experience in governmental administration and finance. The Director of Finance shall be a full-time position. The Director of Finance shall be appointed by the Mayor, subject to the confirmation of the majority of Council, for a period not to exceed the Mayor's term of office.

AMENDED TO READ:

Section 1. Director of Finance.

The Director of Finance shall be the chief fiscal officer of the City and shall be the collector and custodian and shall disburse all of the moneys of the City. He shall supervise the keeping of all financial accounts of the City and of the several departments and officers thereof. It shall be his duty to keep an accurate account of all taxes and assessments, all moneys due the City, all receipts and disbursements by the City, all the assets and liabilities of the City, and all appropriations made by the Council.

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He should have an accredited four year degree and knowledge and experience in accounting, taxation and business or governmental administration or five years of experience in governmental administration and finance. The Director of Finance shall be a full-time position. The Director of Finance shall be appointed by the Mayor, subject to the confirmation of the majority of Council, for a period not to exceed the Mayor's term of office. **The Director of Finance term shall begin the first day of April of each Mayor's term in office.**

The Director of Finance shall reconcile the funds of the City and provide a detailed reporting of the same to the City Council and Mayor on a monthly basis. The reconciliation of the bank statements must be performed by the Assistant Finance Director or separate qualified individual in order to have a complete checks and balances within the City. The Director of Finance and Mayor are the only two persons provided with permission to manage the disbursement of city funds through the local banking facility.

C. ARTICLE IV - SECTION 3 shall be amended as follows:

ORIGINALLY READ:

Section 3. Vacancy of Director of Finance or Director of Law.

In case of the death, disqualification, removal or resignation of the Director of Finance or Director of Law, their successor shall be appointed by the Mayor, subject to confirmation of the majority of Council, for a period not to exceed the Mayor's term of office.

AMENDED TO READ:

Section 3. Vacancy of Director of Finance, ~~or Director of Law~~, and/or Director of Public Service/Safety

In case of the death, disqualification, removal or resignation of the Director of Finance, ~~or Director of Law~~, and/or Director of Public Service/Safety, their successor shall be appointed by the Mayor, subject to confirmation of the majority of Council, for a period not to exceed the ~~Mayor's term of office~~ **current term of office for which they are being appointed.**

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Section 2: That the Clerk of Council is directed to publish the full text of the proposed Charter amendments as set forth above once a week for not less than two (2) consecutive weeks, in the *Times Leader*, with the first publication being at least fifteen (15) days prior to the election, in accordance with Section 9, Article XVIII, Ohio Constitution and Ohio Revised Code §713.211.

Section 3: That this Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and economic well being of the City of St. Clairsville in order that the City of St. Clairsville be authorized to provide for the election of amendments to the City Charter pursuant to the recommendation of the Charter Review Commission.

Section 4: This Ordinance shall take effect and be in force from and after the earliest period allowed by the Charter of the City of St. Clairsville, Ohio.

PASSED at a meeting of the council of the City of St. Clairsville on this ____ day of _____, 2019, by the affirmative vote of _____ members of the council.

Passed: _____, 2019

President of Council

Approved: _____, 2019

Mayor

Clerk of Council