

**CITY OF XENIA, OHIO
ORDINANCE 2018 – 27**

**AMENDING CHAPTER 234. AND SECTIONS 260.03, 274.05 AND 274.07 OF THE CODIFIED
ORDINANCES OF THE CITY OF XENIA, OHIO**

WHEREAS, Chapter 234. of the Codified Ordinances, titled “Law Department” needs to be updated to reflect the current divisions and functions of the Department and its positions;

WHEREAS, Sections 260.03, 274.05 and 274.07 of the Codified Ordinances also need to be amended to match the changes made to Chapter 234.; and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to amend Chapter 234. and Sections 260.03, 274.05, and 274.07 of the Codified Ordinances to make the additions and amendments needed to outline the structure, functions and positions of the City’s Law Department,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. Sections 234.02 and 234.03 of Chapter 234, titled Law Department, of Part Two - Administration Code, Title Six - Administration, of the City of Xenia Codified Ordinances are hereby amended, and Sections 234.01, 234.04 and 234.05 are hereby enacted, as shown in the attached Exhibit A.

Section 2. Section 260.03 of Chapter 260., titled “Employees Generally,” of Part Two - Administration Code, Title Six - Administration, of the City of Xenia Codified Ordinances is hereby amended as shown in the attached Exhibit B.

Section 3. Sections 274.05 and 274.07 of Chapter 274, titled “Civil Service Commission,” of Part Two – Administration Code, Title Eight – Boards, Commissions and Committees, of the City of Xenia Codified Ordinances are hereby amended as shown in the attached Exhibit C.

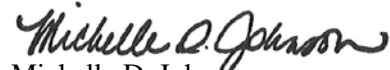
Section 4. Existing Chapter 234., Section 260.03, Section 274.05 and Section 274.07 are hereby repealed.


Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall be effective as of October 13, 2018.

Introduced: August 23, 2018
Adopted: September 13, 2018

Attest:


Michelle D. Johnson
City Clerk


Michael D. Engle
President, Xenia City Council

CHAPTER 234
Department of Law

234.01	<u>Establishment</u>	234.04	<u>Victim Advocate Division</u>
234.02	<u>Acting Law Director</u>	234.05	<u>Assistants; Special Counsel</u>
234.03	City <u>Prosecution Division</u>		<u>Prosecuting Attorney</u>

CROSS REFERENCES

Collection of Debts - see CHTR. 9.19
Criminal Prosecution – see ORC 1901.34
Endorsement on Contracts Required – see CHTR. 6.06
Law Director -
 Appointment and supervision - see CHTR. 6.05 and 7.01
 Powers and duties - see CHTR. 6.06
 Unclassified service - see CHTR. 10.04
Rights of Victims of Crimes – see ORC Chapter 2930

234.01 ESTABLISHMENT.

(a) Establishment: A Department of Law, to be headed by the Law Director, or Director of Law, is hereby established in accordance with Section 6.06 and 7.01 of the City’s Charter.

(b) Divisions: The Department of Law shall include the following Divisions:

(1) The City Prosecution Division;

(2) The Victim Advocate Division.

(Ord. 2018-27. Passed 09/13/18)

234.02 **ACTING LAW DIRECTOR.**

(a) Appointment: The Law Director shall be appointed by City Council and shall be under the direct supervision of the City Council.

(Charter 6.05 and 7.01)

(b) Powers and Duties:

(1) The Law Director shall be the Head of the Department of Law. He or she shall have supervision of all legal affairs of the City and direct all activities of the Department of Law, including supervision of the City Prosecution Division, the Victim Advocate Division, all assistants and employees of the Department of Law and its Divisions, and special counsel.

(2) The Law Director shall have those powers and duties assigned to him or her by Section 6.06 of the City’s Charter and any additional duties or powers assigned by the Council.

(3) The Law Director shall be an administrative officer of the City.

(4) Unless a City Prosecutor has been provided for by the City Council, the Law Director shall also serve as City Prosecutor, in accordance with ORC Section 1901.34.

(c) Additional Powers and Duties: Council hereby assigns the following powers and duties to the Director of Law:

(1) Prepare, review and approve all ordinances, resolutions, deeds, contracts and other legal documents.

- (2) Attend all meetings of the City Council, unless excused by the President of Council, and attend meetings of other City Boards and Commissions when requested by that body or by Council or as necessary.**

(d) Unclassified Service: In accordance with Section 10.04 of the City's Charter, the position of Law Director shall be in the unclassified service.

(e) Acting Law Director:

- (1) ~~(a)(1)~~ During the temporary absence or disability of the Director of Law or if there is a vacancy in the office of the Director of Law for any reason lasting thirty (30) days or more, a majority of the City Council shall appoint an Acting Law Director for the period of the temporary absence, disability or vacancy. the City Prosecuting Attorney shall execute the functions of the office.**
- (2) In cases where the Law Director is vacant from his or her office for a period of less than thirty (30) days due to vacation, illness or other leave, the Law Director shall appoint an Acting Law Director to serve in his or her absence by administrative directive. In the event of the absence or both the Director of Law and the City Prosecuting Attorney, Council shall appoint an Acting Director of Law.**
- ~~(b) In the event that more than one person is appointed to the office of City Prosecuting Attorney, Council shall appoint one person as Acting Director of Law.~~**

~~(e) For the period in which the office of the Director of Law is vacant, or when the Director of Law is absent for an extended period as determined by Council, or under disability for an extended period as determined by Council, and the City Prosecuting Attorney is executing the functions of the office of the Director of Law, he or she shall be compensated for his or her services as Acting Director of Law at a rate to be determined by Council.~~

~~(Ord. 90-15. Passed 04/12/90; Ord. 99-54. Passed 10/28/99; **Ord. 2018-27. Passed 09/13/18**)~~

243.03 CITY PROSECUTION DIVISION PROSECUTING ATTORNEY.

(a) City Prosecution Division: There is hereby established the office of A City Prosecution Division is hereby created within the Department of Law, which shall have such officers, assistants and other employees as may from time-to-time be determined by the Law Director, with the approval of the City Council. All employees shall be appointed by the Law Director, and shall be under the supervision and control of the City Prosecutor, who City Prosecuting Attorney, which shall be under the supervision and direction of the Director of Law. Appointments to such office shall be made by the Director of Law, subject to the approval of Council. If more than one person is appointed to the office of City Prosecuting Attorney, the duties of the office and the compensation therefor shall be apportioned between or among the persons occupying the office, as directed by the Director of Law.

(b) City Prosecutor:

- (1) Appointment: The City Prosecutor shall be the head of the City Prosecution Division, and shall be under the supervision and control of the Law Director.**
- (2) Powers and Duties: The City Prosecutor shall perform such duties and have such obligations and responsibilities as are set forth in this Section and all other ordinances and resolutions passed by the City Council or applicable statutes of this State relative to prosecution, and as assigned and directed by the Law Director.**
- (2) Unclassified Service: In accordance with Section 10.04 of the City's Charter, the position of City Prosecutor shall be in the unclassified service.**

(c) Functions: The City Prosecution Division, under the supervision and direction of the City Prosecutor, shall perform the following functions:

- (1) Represent the City and/or the State in the prosecution of all violations of codes, regulations, laws and ordinances that occur within the City's jurisdiction;**
- (2) Represent the City and/or the State in administrative appeals under ORC Chapter 4510.;**
- (3) Represent the City and/or the State in appeals from the Xenia Municipal Court, including the preparation of briefs and legal documents;**
- (4) Advise the City's law enforcement officers; and**
- (5) Prosecute criminal cases in the Xenia Municipal Court, which includes consultations with complaining witnesses and police officers, both prior to trial and prior to filing charges; holding of pre-trial conferences; presentation of prosecution witnesses and evidence at trials; preparation and filing of trial briefs and other necessary papers; and negotiations with attorneys for various defendants pertaining to changes and trial of the same.**

(d) Additional Powers and Duties: The City Prosecution Division may also perform any other functions consistent with prosecution as may be necessary or as the Law Director, the City's ordinances, or State law may designate.

(Ord. 73-51. Passed 11/08/73; **Ord. 2018-27. Passed 09/13/18**)

234.04 VICTIM ADVOCATE DIVISION.

(a) Victim Advocate Division: There is hereby established the office of A Victim Advocate Division is hereby created within the Department of Law, which shall have such officers, assistants and other employees as may from time-to-time be determined by the Law Director, with the approval of the City Council. All employees shall be appointed by the Law Director, and shall be under the supervision and control of the Law Director.

(b) Victim Advocate Supervisor:

- (1) Appointment: The Victim Advocate Supervisor shall be the head of the Victim Advocate Division, and shall be under the supervision and control of the Law Director.**
- (2) Powers and Duties: The Victim Advocate Supervisor shall oversee the general operation of the Victim Advocate Division and shall perform such duties and have such obligations and responsibilities as are set forth in this Section and all other ordinances and resolutions passed by the City Council or applicable statutes of this State relative to victim advocate services, and as assigned and directed by the Law Director.**
- (3) Unclassified Service: In accordance with Section 10.04 of the City's Charter, the position of Victim Advocate Supervisor shall be in the unclassified service.**

(c) Functions: The Victim Advocate Division, under the supervision and direction of the Victim Advocate Supervisor, shall perform the following functions:

- (1) Provide support and court advocacy for victims of misdemeanor crimes that are prosecuted through the Xenia Municipal Court;**
- (2) Assist victims with their legal rights and protections, provide victims information on the criminal justice process, assist victims with finding shelter, transportation and other needs;**
- (3) Act as a liaison between victims of crime, their families, and the City Prosecution Division;**
- (4) Make service referrals, such as counseling and public services; and**

(5) Notify victims of court hearings and other court-related appearances.

(d) Additional Powers and Duties: The Victim Advocate Division may also perform any other functions consistent with victim advocate services as may be necessary or as the Law Director, the City's ordinances, or State law may designate.

(Ord. 73-51. Passed 11/08/73; Ord. 2018-27. Passed 09/13/18)

234.05 ASSISTANTS; SPECIAL COUNSEL.

(a) Assistants: In accordance with Section 6.06 of the City's Charter, the Law Director may appoint or employ assistants or employees to assist the Law Director when such positions have been authorized by Council. All such assistants and employees shall be responsible to the Law Director, and when authorized by him or her, may exercise all or any part of the powers, duties, and functions granted to the Law Director under the City's Charter, this Chapter or relevant State statute.

(b) Special Counsel: As provided in Section 6.06 of the City's Charter, with the consent of Council, the Law Director may employ special counsel to handle particular legal matters for the City, and such special counsel may perform those powers, duties and functions as authorized by and in the manner, subject to the direction of the Law Director.

(Ord. 2018-27. Passed 09/13/18)

260.03 PAY SOURCES.

(a) All employees **listed below** shall have their compensation, including fringe benefits, distributed among the various Departments and charged to the various funds for which services are performed. The following employees shall be paid from the various funds herein specified, **in the percentages herein specified**:

Position Title	General	Muni. Court	Street	St. Rt. Repair	Police & Fire	Garage	Water	Sewer	Sanitation	Parking	Storm	Housing	Loan Trust
City Manager	30		17				23	23	7				
Assistant City Manager	20		20				25	25	10				
Management Analyst - CMO	41		17				21	20	1				
Secretary to City Manager CMO 20 Income Tax 1	21		19				25	25	10				
Assistant to City Manager CMO 20 Income Tax 1	21		19				25	25	10				
Clerk Typist/ Secretary - CMO CMO 20 Income Tax 1	21		19				27	27	6				
Human Resources Director HR 20 Income Tax 1	21		17				31	30	1				
Human Resources Technician HR 20 Income Tax 1	41		17				20	21	1				
Director of Homeland Safety/ Risk Management	30						30	30	10				
Deputy Fire Chief	70						15	15					
Development Director	80						10	10					
Community Development Coordinator	80						10	10					

Position Title	General	Muni. Court	Street	St. Rt. Repair	Police & Fire	Garage	Water	Sewer	Sanitation	Parking	Storm	Housing	Loan Trust
Secretary to Development Department	70						10	10	10				
Public Relations Coordinator	30		20				20	20	10				
Public Service Director/Engineer	10		20				25	25	10		10		
Director of Public Service			25				25	25	25				
Management Analyst – PS	15		20				30	25	10				
Clerk Typist/ Secretary (PS/Engineering)	60		10				12.5	12.5	0.5				
Clerk Typist/ Secretary (PS)	20		25				25	20	10				
City Engineer	15		25				25	25			10		
Asst. Engineer	10		10				30	30	10		10		
Construction Inspector	25		25				25	25					
Engineering Technician	10		10				35	35			10		
Public Service Maintenance Supervisor – Utilities & Streets			25				30	30			15		
Public Service Maintenance Supervisor – Facilities & Fleet	20		20	5			20	20	15				
Maintenance Supervisor			23.4				33.3	33.3			10		
Utilities Superintendent							35	55	10				
Maintenance Superintendent			33.4				33.3	33.3					
Maintenance Foreman			33.4				33.3	33.3					

Position Title	General	Muni. Court	Street	St. Rt. Repair	Police & Fire	Garage	Water	Sewer	Sanitation	Parking	Storm	Housing	Loan Trust
Equipment Operator I & II			33.3				33.4	33.3					
Electrician			33.3				33.3	33.4					
Maintenance Worker	5		20				30	30	5		10		
Laborer	16		17	12			17	17	21				
Facility & Grounds Attendant JC – 18 % CAB – 19%	37		5		32		10	10	6				
City Planner	54						22	22	2				
Code Enforcement Officer	50								50				
Zoning Enforcement Officer	60						20	20					
Finance Director Finance – 25 Income Tax – 10	30		10				23	23	13			1	
Assistant Finance Director Finance – 25 Income Tax – 10	35		10				20.5	20.5	13			1	
Finance Technician	20					15		28.5	28.5	5		3	
Finance Clerk (Finance Office)	20		20				25	25	9	1			
City Clerk City Clerk – 20 Income Tax – 5	25		15				26	26	8				
Accounts Receivable Manager (Income Tax)	40.2						18.3	18.3	18.2	5			
Accounts Receivable Office Supervisor (Utility Billing) (Not Filled)							32	32	31	5			
Finance Clerk (Utility Billing)							33.4	33.3	33.3				

Position Title	General	Muni. Court	Street	St. Rt. Repair	Police & Fire	Garage	Water	Sewer	Sanitation	Parking	Storm	Housing	Loan Trust
Finance Clerk (Utility Billing)							31.7	31.7	31.6	5			
IT Director IT 20 Income Tax 20	40		15				20	20	5				
IT Analyst IT 20 Income Tax 20	40		15				20	20	5				
IT Technician IT 20 Income Tax 20	40		15				20	20	5				
Network Administrator IT 20 Income Tax 20	40	8	15				16	16	5				
Systems Administrator IT 20 Income Tax 20	40	8	15				16	16	5				
Law Director	35						27	27	11				
Legal Assistant to Law Director	40						25	25	10				
City Prosecutor Law Dept. 80 Law Director Income Tax 20	100												
Management Analyst Law	80							15					5

274.05 UNCLASSIFIED SERVICE.

The positions identified herein, as specified in Section 10.04, Classification of Civil Service, of the City Charter, are not subject to the rules and regulations of the Civil Service Commission. The unclassified service of the employment paid by the City is as follows:

Position	Pay Grade or Range No.
City Council Appointees	
City Manager	009
Finance Director	009
Law Director	009
Municipal Court Employees	
Court Clerk of Courts	006
Chief Deputy Clerk	004
Deputy Clerk	003
Chief Bailiff	
Bailiff	003
Chief Probation Officer	004
Probation Officer	003
Court Reporter	003
Department of Law	
Legal Assistant to the Law Director	003
City Prosecutor	006
Assistant City Prosecutor	005
Division/Department Heads	
Assistant City Manager	008
Assistant to the City Manager	3
Human Resources Director	006
Director of Homeland Safety/Risk Management	004
Police Chief	007
Communications Director	006
Communications Technical Director	005
Fire Chief	007
Deputy Fire Chief	006
Director of Development	007
Community Development Coordinator	004
Director of Community Development	6
Public Relations Coordinator	004
Director of Public Service/Engineer	008
Director of Public Service	007
City Engineer	007
Assistant Engineer	005
Public Service Superintendent	006
Recreation and Parks Director	004
City Planner	006
Assistant Finance Director	007
City Clerk	004
Accounts Receivable Manager	005

Position	Pay Grade or Range No.
IT Director	006
Network Administrator	005
Systems Administrator	005
Victim Advocate Supervisor	005
Utilities Manager	6
Clerical	
Secretary to the City Manager	003
Unskilled Labor	
Unskilled Laborer	001
Facility and Grounds Attendant	001
Videographer	001
Parking Enforcement Attendant	410
Office Aide	001

274.07 CLASSIFIED SERVICE.

The classified service of the employment paid by the City of Xenia is as follows:

<i>Position</i>	<i>Pay Grade or Range No.</i>
Clerical	
	Pay Grade
Clerk – Typist	410
Finance Clerk – AR (Utility Billing/Income Tax)	412
Secretary	412
Human Resources Technician	003
Management Analyst – CMO	003
Management Analyst – PS	003
Administrative and Fiscal	
	Pay Grade
Finance Clerk (Accounts Payable/Payroll)	414
IT Information Technology Technician	414
Finance Technician	416
IT Information Technology Analyst	004
Engineering	
	Pay Grade
Construction Inspector	004
Engineering Technician	004
Planning and Zoning Department	
Code Enforcement Officer	003
Zoning Enforcement Officer	003
Police and Fire	
Non-Union	Pay Grade
Parking Enforcement Officer & Volunteer Coordinator	2
Communications Supervisor	003
Fire Inspector	004
Union	Pay Grade
Police Service Aide I	414
Police Cadet	005
Communications Operator I	305
Communications Operator II	312
Police Officer	215
Firefighter	315
Police Sergeant	224
Fire Lieutenant	324
Police Captain	227
Fire Captain	327

<i>Position</i>	<i>Pay Grade or Range No.</i>
Parks and Recreation	
	Pay Grade
Playground Leader	001
Recreation Program Specialist	001
Labor and Crafts	
Hourly Employees – Non-Union	Pay Grade
Water Treatment Plant Operator (Part-Time)	003
Hourly Employees – Union	Range Number
Laborer	109
Maintenance Worker	112
Water Meter Service Worker	112
Equipment Operator	114
Wastewater Treatment Plant Operator I	114
Water Treatment Plant Operator I	114
Wastewater Treatment Plant Semi-Tractor Trailer Driver	114
Equipment Operator II	115
Equipment Mechanic	115
Maintenance Foreman	116
Treatment Plant Laboratory Technician I	117
Wastewater Treatment Plant Operator II	117
Water Treatment Plant Operator II	117
Electrician	117
Treatment Plant Laboratory Technician II	118
Supervision and Administration	Pay Grade
Water Treatment Plant Supervisor	005
Wastewater Treatment Plant Supervisor	005
Public Service Maintenance Supervisor	005
Public Service Maintenance Supervisor – Utilities & Streets	005
Public Service Maintenance Supervisor – Facilities & Fleet	005
Equipment Mechanic Supervisor	004
Department of Law	
	Pay Grade
Paralegal Assistant	3
Victim Witness Program Director	5
Victim Witness Advocate	003
Management Analyst	3