

XENIA CITY CHARTER

XENIA CITY CHARTER

EDITOR’S NOTE: The Charter of the City of Xenia was originally adopted by the electors at a special election held on August 30, 1917. The Charter was re-adopted in its entirety by the voters at a general election held on November 3, 1998. Dates appearing in parentheses following a section heading in the Table of Contents, or following a section in the text, indicate that the section was subsequently enacted, amended or repealed on the date given.

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XENIA CITY CHARTER / PREAMBLE

PREAMBLE

WE THE PEOPLE of the City of Xenia, Greene County, State of Ohio, in order to exercise the power and full privileges of Home Rule (local self-government) available to us under the Constitution of the State of Ohio, believing thereby that a more efficient and capable conduct of municipal affairs may be obtained, do ordain, adopt and enact this Charter for the Government of the City of Xenia, Ohio.

XENIA CITY CHARTER / ARTICLE I: NAME

ARTICLE I: NAME

XENIA CITY CHARTER / ARTICLE I: NAME / Section 1.01. Name.

Section 1.01. Name.

The inhabitants of the City of Xenia as its limits now are, or may hereinafter be,

shall continue to be a body politic and corporate to be known as the City of Xenia, and shall have perpetual succession as such, with all powers of home rule granted under the Constitution and laws of the State of Ohio, as amended.

XENIA CITY CHARTER / ARTICLE II: FORM OF GOVERNMENT

ARTICLE II: FORM OF GOVERNMENT

XENIA CITY CHARTER / ARTICLE II: FORM OF GOVERNMENT / Section 2.01. Council-Manager Government.

Section 2.01. Council-Manager Government.

The municipal government provided by this Charter shall be known as the “Council-Manager Government.” Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the City shall be vested in an elected council, hereinafter referred to as “the Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, Finance Director and Law Director, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

XENIA CITY CHARTER / ARTICLE III: POWERS OF THE CITY

ARTICLE III: POWERS OF THE CITY

XENIA CITY CHARTER / ARTICLE III: POWERS OF THE CITY / Section 3.01. Application of General Laws.

Section 3.01. Application of General Laws.

All general laws of the State of Ohio applicable to municipal corporations now existing, or which may hereinafter be enacted, when not in conflict with the provisions of this Charter, or with any ordinances enacted for its government, shall apply to the government of the City of Xenia, Ohio. All ordinances of the City of Xenia now in force,

or when this Charter takes effect, and not inconsistent therewith, shall continue in full force and effect until repealed, altered or amended by the City of Xenia through its duly constituted authority for such purpose, and herein provided for.

**XENIA CITY CHARTER / ARTICLE III: POWERS OF THE CITY / Section 3.02.
Vested Rights and Liability of the City, and Limitations.**

Section 3.02. Vested Rights and Liability of the City, and Limitations.

No property rights, interests or ownership in real, personal or intangible property vested in the City shall be affected by the adoption of this Charter, nor shall any right be taken away or liability affected, or prosecution or action for or against the City be abated or in any manner altered or changed by such adoption.

**XENIA CITY CHARTER / ARTICLE III: POWERS OF THE CITY / Section 3.03.
Future Rights and Liability of the City.**

Section 3.03. Future Rights and Liability of the City.

It is intended by the adoption of this Charter to vest the City of Xenia with every right which it heretofore, or hereafter, may have or acquire, and to subject it to every duty and liability which is now imposed, or may hereafter be imposed, by the laws of the State of Ohio not inconsistent with this Charter and the ordinances adopted by its authority.

**XENIA CITY CHARTER / ARTICLE III: POWERS OF THE CITY / Section 3.04.
Eminent Domain.**

Section 3.04. Eminent Domain.

The City shall have the power of eminent domain as established by the laws of the State of Ohio applicable to municipal corporations.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL

ARTICLE IV: THE CITY COUNCIL

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.01. Powers, Composition, Qualifications, and Term.

Section 4.01. Powers, Composition, Qualifications, and Term.

(A) **Powers.** The Council shall exercise all the powers, rights and authority vested in and exercised by the City of Xenia and its several officers, or which may hereafter be granted to the City. All the powers exercised, or which may be exercised hereafter, by municipal corporations are hereby vested in the Council, subject to the provisions of the Constitution of the State of Ohio, and the Council may provide, by ordinance, how any power shall be exercised.

(B) **Composition.** The Xenia City Council shall consist of seven (7) members, including the Mayor.

(C) **Qualifications.** No candidate for Council in this City shall be eligible for office unless he or she has all the qualifications of an elector at the time of filing a petition for the election for which he or she is a candidate, and he or she has been an actual resident of the City at least two (2) years immediately prior to the election; and he or she shall forfeit his or her office when he or she ceases to be an actual resident of the City. He or she shall hold no other elective office under Greene County, the State of Ohio or the United States.

(D) **Term.** All elected members of the Council shall hold office for a term of four (4) years, except as herein provided, and successors shall be elected at the next general Municipal election before the expiration of their term of office, which term of office shall be subject to recall, as hereinafter provided.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.02. Mayor.

Section 4.02. Mayor.

At each regular Municipal election commencing in 2001, the Mayor shall be elected for a four (4)-year term. The Mayor is a Council member, having equal voting privileges with other Council members. In addition to the duties of a Council member, the Mayor shall exercise ceremonial functions on behalf of the City and shall perform

those other duties required by the Charter and ordinances of the City. The Mayor shall not be permitted to serve as the President or Vice President of Council. However, during temporary absences of both the President and Vice President of Council, the Mayor shall preside over City Council meetings.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.03. Salary of the Mayor and President of Council.

Section 4.03. Salary of the Mayor and President of Council.

In addition to their salary as members of Council, the Mayor and the President of Council shall each receive an additional five hundred dollars (\$500.00) yearly, payable quarterly.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.04. Salary of Members of Council and Adjustments.

Section 4.04. Salary of Members of Council and Adjustments.

Members of Council shall receive an annual salary in the amount of three thousand dollars (\$3,000), payable quarterly, until such amount is changed by the Council in accordance with the provisions of this Charter.

Any ordinance changing the salary of Council members, including the Mayor, shall be adopted by June 1 of any odd-numbered year. Annual salary adjustment shall not exceed three (3) percent.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.05. Filling of Vacancies.

Section 4.05. Filling of Vacancies.

A vacancy on the City Council, including the Mayor, shall be filled by a majority vote of the remaining members. The person selected must have the qualifications as are required by this Charter for candidates for Council. An appointed member of the Council, or the Mayor, shall serve until December 31 of the year of the next general

election, when the unexpired term of the office shall be filled by a vote of the electorate.

A vacancy must be filled within sixty (60) days from the date the vacancy was created, unless the vacancy occurs ninety (90) days or less before a general election, in which case the results of the general election shall be used to fill the vacancy.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.06. Excused Absences.

Section 4.06. Excused Absences.

For the purpose of this Charter, excused absences shall be defined as any personal/family emergency, including childbirth, call to military service, employment commitment, jury duty, illness, bereavement or vacation. City Council may accept any other reason as an excused absence by a majority vote of Council.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.07. Expenses.

Section 4.07. Expenses.

Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.08. Prohibitions and Restrictions.

Section 4.08. Prohibitions and Restrictions.

No Council member, including the Mayor, may hold any other public office during their term on the Council, nor shall any member of Council have an interest in any contract, job, work or service with or for the City, nor in the profits or emoluments thereof, nor in the expenditure of any money on the part of the City other than the member's fixed compensation, and any contract with the City in which such Council member is, or becomes, interested may be declared void by the Council.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.09.

Vacancies, Forfeiture of Office.

Section 4.09. Vacancies, Forfeiture of Office.

(A) **Vacancies.** The office of a Council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

(B) **Forfeiture of Office.** A Council member shall forfeit office if one or more of the following occur:

(1) The Council member lacks at any time during the term of the office any qualifications for the office prescribed by this Charter or by law.

(2) The Council member violates any express prohibition of this Charter.

(3) The Council member is convicted of a crime above a minor misdemeanor or involving moral turpitude.

(4) The Council member fails to attend three consecutive regular meetings of the Council without being excused.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.10. Judge of Qualifications and Standards of Conduct.

Section 4.10. Judge of Qualifications and Standards of Conduct.

The Council shall be the sole judge of the qualification and election of its own members, subject to the requirements and limits of this Charter. In addition, the Council shall have the power to establish by ordinance or resolution specific standards of conduct for its members, beyond those specified in Section 4.09(B) and any other section of this Charter, and may provide such sanctions for violations of such rules as it deems appropriate.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.11. City Clerk.

Section 4.11. City Clerk.

The City Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members, appointed officials, department heads and the public, keep the journal of Council proceedings and perform such other duties as are assigned by this Charter, City Council or State law.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.12. Inquiries.

Section 4.12. Inquiries.

The City Council may cause an inquiry to be made into any affairs of the City. Further, the Council may cause an inquiry to be made of any City department, division, office, agency, official or employee, when the Council has reasonable cause to believe that there has been a violation of any of the provisions of this Charter, or any Federal, State or local law, rule or ordinance. The inquiry may be conducted by any combination of Council members, City employees or appropriate outside agencies as determined by City Council. The Council has all other powers to enforce compliance with the provisions of this Charter, or any Federal, State or local law, rule or ordinance.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.13. Independent Audit.

Section 4.13. Independent Audit.

The Council shall provide for an annual independent audit of all City accounts, and may provide for more frequent audits as deemed necessary and proper. Such audits may be made by the Auditor of State, or a certified public accountant or accounting firm, who or which has no personal interest, direct or indirect, in the affairs of the City or any of its officials, officers or employees.

XENIA CITY CHARTER / ARTICLE IV: THE CITY COUNCIL / Section 4.14. Council Meetings: Organization, Meeting Frequency, Public Meetings, Rules and Journal, Quorum and Vote to Pass Legislation.

Section 4.14. Council Meetings: Organization, Meeting Frequency, Public Meetings, Rules and Journal, Quorum and Vote to Pass Legislation.

(A) **Organization.** The Council shall hold its organizational meeting at its first regularly scheduled meeting in January of each year. At such meeting the newly elected members of Council shall take the oath of office, Council shall elect a President and a Vice President, and Council shall proceed to transact such other business that may come before it.

(B) **President and Vice President.** A President and Vice President of Council shall be elected by a majority vote of Council members at the first regularly scheduled meeting in January of each year. No Council member is qualified to hold the office of President or Vice President unless he or she has served on the Council for two or more years. The President shall serve for a one (1)-year term and shall preside over all City Council meetings. In addition, the President shall approve the agenda for City Council meetings and perform such other duties as required by this Charter, any ordinance or City Council. The Vice President shall serve for a one (1)-year term and during the absence of the President shall fulfill the duties of the President. The Mayor shall not hold the office of President or Vice President; however, during temporary absences of both the President and the Vice President, the Mayor shall preside over City Council meetings. Should the President or Vice President resign or be unable to serve, City Council shall elect a qualified member of Council to serve the remainder of the President's or Vice President's term.

(C) **Meeting Frequency.** The Council shall meet two (2) times each month, and, in addition, meetings may be called by the presiding officer or by four (4) members of Council. The regular meetings of the City Council shall be held on the second and fourth Thursdays of each month or at such other time as determined by the presiding officer or by four (4) members of Council.

(D) **Public Meetings.** All meetings for whatever purpose called, whether administrative or legislative, shall be open to the public, except as otherwise provided by law, and the record of Council, which shall be kept of all its business, both legislative and administrative, shall be open for inspection by the public.

(E) **Rules; Journal.** The City Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. The journal shall be a public record.

(F) **Quorum and Vote to Pass Legislation.** A majority of the membership of the Council shall be a quorum to transact business, but a lesser number, greater than

one (1), may reconvene from day to day and compel the attendance of the other members and under such penalty as may be provided by ordinance or resolution. The affirmative vote of four (4) members of the Council shall be necessary to pass any ordinance or resolution, except an emergency ordinance pursuant to Section 5.04 of this Charter, and the vote on the passage of each ordinance or resolution shall be taken by a ye or nay vote upon a roll call, and shall be entered in the journal.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION

ARTICLE V: LEGISLATION

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.01. Ordinances, Resolutions, and Motions.

Section 5.01. Ordinances, Resolutions, and Motions.

Legislative actions of the Council shall be by ordinance or resolution. Motions shall be used to conduct the business of Council in procedural matters and for elections conducted among and appointments made by Council. Ordinances and resolutions shall be the enactments of the Council and shall have the full force and effect of law.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.02. Action Requiring an Ordinance or Resolution.

Section 5.02. Action Requiring an Ordinance or Resolution.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance or resolution, those acts of the City Council shall be by ordinance or resolution which:

- (1) Adopt or amend an administrative code or establish, alter, or abolish any City department, office, board, commission or other agency;
- (2) Provide for a time or fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes;

- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the City;
- (8) Regulate land use and development;
- (9) Exercise the police power granted the City by Article XVIII of the Ohio Constitution;
- (10) Amend or repeal any ordinance previously adopted; and
- (11) Fulfill other purposes, as the Council may determine.

Acts other than those referred to in the preceding sentence may be done either by ordinance, resolution, or motion.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.03. Ordinances and Resolutions in General.

Section 5.03. Ordinances and Resolutions in General.

(A) **Form.** Every proposed ordinance or resolution shall be introduced in writing and in the form required for final adoption. No ordinance or resolution shall contain more than one (1) subject, which shall be clearly expressed in its title, except for appropriations of money. The enacting clause shall be “The City of Xenia hereby ordains...”, in the case of ordinances, or “The City of Xenia hereby resolves...”, in the case of resolutions. Any ordinance or resolution which repeals or amends an existing ordinance, resolution or part of the City Code shall set out in full the ordinance, resolution, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(B) **Procedure.** An ordinance or resolution may be introduced by any member at any regular or special meeting of the Council. The City Clerk shall distribute a copy to each Council member and appointed official, and shall file a reasonable number of copies in the office of the City Clerk and such other public places as Council may designate. The enacting clause of any ordinance or resolution, unless it is declared to be an emergency, shall not be passed until it has been publicly read at two

(2) meetings at least one (1) week apart. Such readings may be by title only. Pursuant to Section 5.07 of this Charter, the ordinance or resolution shall be published by the City Clerk.

(C) **Effective Date.** Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

(D) **“Published” Defined.** As used in this section, the term “publish” means to print in one (1) or more newspapers of general circulation in the City, and/or by other electronic media: (1) the ordinance or resolution or a brief summary thereof, and (2) the places where copies of it have been filed and the times when it is available for public inspection and purchase at cost.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.04. Emergency Ordinances and Resolutions.

Section 5.04. Emergency Ordinances and Resolutions.

To meet a public emergency affecting the peace, health or safety of the inhabitants of the City, or for the preservation of their lives or property, or to insure the necessary daily operations of some Municipal department or public utility, the Council may adopt one or more emergency ordinances or resolutions. Ordinances or resolutions for the appropriation of money may be declared emergency measures. Such ordinances or resolutions may not, however, levy taxes; grant, renew or extend a franchise; or regulate the rate of a public utility for its services. An emergency ordinance or resolution shall be introduced in the form and manner provided for ordinances or resolutions generally, except that it shall be plainly designated as an emergency ordinance or resolution and shall, after the enacting clause, contain a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance or resolution may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of five (5) members of Council shall be required for adoption. After adoption, the ordinance or resolution shall be published as prescribed for other adopted ordinances or resolutions. It shall become effective upon adoption or at such time and date as it may by its terms specify.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.05 Motions.

Section 5.05 Motions.

Consistent with Section 5.01 of this Charter, City Council may take actions not required to be done by ordinance or resolution by motion. Action on a motion shall be made by a member of Council, duly seconded, and adopted by voice vote of a majority of a quorum, and no waiting period, notice, or hearing shall be required, and shall be effective upon its passage.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.06. Signing and Authentication of Ordinances and Resolutions.

Section 5.06. Signing and Authentication of Ordinances and Resolutions.

All ordinances and resolutions passed by Council shall be signed by the presiding officer and authenticated by the City Clerk. The Clerk shall record in full in a properly indexed book all ordinances and resolutions adopted by Council. This section is directory only.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.07. Publication of Ordinances and Resolutions.

Section 5.07. Publication of Ordinances and Resolutions.

All ordinances and resolutions shall be published one (1) time within twenty (20) days after passage in a newspaper of general circulation in the City of Xenia, and/or the Council may determine that publication shall be by other electronic media. Ordinances or resolutions containing language in excess of that number provided for by ordinance of Council may be published by title and summary only. In the event of the publication of ordinances or resolutions, exact copies thereof shall be posted in five (5) public places in the City of Xenia for a period of ten (10) days after the date of first publication. The five (5) public places of posting shall be set forth within the text of the published notice.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.08. Codes of Technical Regulations.

Section 5.08. Codes of Technical Regulations.

The City Council may adopt any standard code of technical regulations by reference thereto in the adopting ordinance or resolution. The procedure and requirements governing such an adopting ordinance or resolution shall be as prescribed for ordinances and resolutions generally, except that:

(1) The requirements of Section 5.03 of this Charter for distribution and filing of copies of the ordinance or resolution shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance or resolution; and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance or resolution shall be authenticated and recorded by the City Clerk pursuant to Section 5.06 of this Charter. Copies of each adopted code of technical regulations shall be made available by the City Clerk for distribution or for purchase at cost.

XENIA CITY CHARTER / ARTICLE V: LEGISLATION / Section 5.09. Codification.

Section 5.09. Codification.

Within three (3) years after adoption of this Charter, and at least every three (3) years thereafter, the City Council shall provide for the preparation of a general codification of all City ordinances and resolutions having the full force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in bound or loose-leaf form or by means of electronic media, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Ohio, and such codes of technical regulations and other rules and regulations as the Council may specify. This compilation of the Code shall be furnished to City officers, placed in libraries and public offices for free public reference and made available for purchase by the public at cost.

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT

ARTICLE VI: CITY MANAGEMENT

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / A. CITY

MANAGER
A. CITY MANAGER

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / A. CITY MANAGER / Section 6.01. Appointment and Qualifications.

Section 6.01. Appointment and Qualifications.

The City Council by a majority vote of its total membership shall select, appoint, contract with and fix the compensation of a qualified individual for the position of City Manager. The City Manager shall establish legal residency within the City within six (6)-months after the assumption of duties. Such six (6)-month period may be extended by Council due to special circumstances, as may be determined by Council.

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / A. CITY MANAGER / Section 6.02. Powers and Duties of the City Manager.

Section 6.02. Powers and Duties of the City Manager.

The City Manager shall be the chief executive and administrative officer of the City and shall be recognized by the courts for civil process involving the City. The City Manager shall be responsible to the Council for the administration of all City affairs placed in the Manager's charge by or under this Charter. The City Manager shall:

- (1) Appoint all City employees and administrative department heads, with the exception of those under the direct supervision of the City Council, Finance Director or Law Director.
- (2) Discipline and remove City employees and administrative department heads under his or her direct supervision, as necessary.
- (3) Direct and supervise the administration of all departments, offices and agencies of the City, except those under the direct supervision of the Finance Director and the Law Director or as otherwise provided by this Charter or by law.
- (4) Attend City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote.
- (5) See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the

Manager's direction and supervision, are faithfully executed.

(6) Make an annual "State of the City" address which shall be published for citizen review in a publication of general circulation as well as presented publicly prior to December 1 of each year.

(7) Make such other reports as the City Council may require concerning the operation of City departments, offices and agencies subject to the City Manager's direction and supervision.

(8) Make recommendations to the City Council concerning the affairs of the City.

(9) Provide staff support services for the Council.

(10) Execute contracts on behalf of the City.

(11) Act as the Safety Director for the City.

(12) Perform such other duties as are specified in this Charter or as may be required by the City Council.

**XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / B. FINANCE
DIRECTOR
B. FINANCE DIRECTOR**

**XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / B. FINANCE
DIRECTOR / Section 6.03. Appointment and Qualifications.**

Section 6.03. Appointment and Qualifications.

The City Council by a majority vote of its total membership shall select, appoint, contract with and fix the compensation of a qualified individual for the position of Finance Director. The Finance Director shall establish legal residency within the City within six (6)-months after the assumption of duties. Such six (6)-month period may be extended by Council due to special circumstances, as may be determined by Council. The Finance Director shall perform the functions customarily assigned to the Auditor and Treasurer under the general laws of the State of Ohio for municipal accounting, collection of taxes, accounts and assessments and control of disbursements.

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / B. FINANCE

DIRECTOR / Section 6.04 Powers and Duties of the Finance Director.

Section 6.04 Powers and Duties of the Finance Director.

The Finance Director shall be the head of the Department of Finance. The Finance Director shall:

- (1) Issue all warrants for the payment of money by or on behalf of the City.
- (2) Keep an accurate account of all taxes and assessments.
- (3) Act as the fiscal manager and advisor for the City, and hire and employ such assistants and employees as Council may authorize, and discipline or remove any such employees when necessary for the good of the service, pursuant to rules adopted by ordinance of Council or otherwise provided by law.
- (4) Keep an accurate account of all monies due to and all receipts and disbursements made by the City, or its assets and liabilities, and of all appropriations made by the Council.
- (5) Keep the City Council and City Manager fully advised as to the financial condition of the City.
- (6) Assist the City Manager in the preparation and presentation of the annual budget and capital plan for the City Council.
- (7) Audit the accounts of the several departments of the City at least once each fiscal year, unless requested to do so more frequently by Council, and provide cash management services for the City.
- (8) Prescribe the method of keeping the accounts of all City departments, showing the receipt of all monies by such departments and the disposition thereof, at such time as the Finance Director shall determine.
- (9) Perform all other duties as may be required by Council, as well as other persons holding the position of auditor or treasurer under the laws of the State of Ohio applicable to municipalities and not inconsistent with this Charter, except that nothing contained herein shall be construed as to impose upon the Finance Director any duty or responsibility imposed by State law which is not required by this Charter.
- (10) Act as the custodian and manager of all monies of the City, keeping and preserving the same in such manner and form as Council may by ordinance or resolution direct.

**XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / C. LAW DIRECTOR
C. LAW DIRECTOR**

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / C. LAW DIRECTOR / Section 6.05. Appointment and Qualifications.

Section 6.05. Appointment and Qualifications.

The City Council by a majority vote of its total membership shall select, appoint, contract with and fix the compensation of a qualified individual for the position of Law Director. The Law Director shall establish legal residency within the City within six (6) months after the assumption of duties. Such six (6)-month period may be extended by Council due to special circumstances, as may be determined by Council. The Law Director shall be an attorney licensed to practice in the State of Ohio on the date of appointment.

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / C. LAW DIRECTOR / Section 6.06. Powers and Duties of the Law Director.

Section 6.06. Powers and Duties of the Law Director.

The Law Director shall be the head of the Department of Law. The Law Director shall:

- (1) Act as legal advisor to and attorney for the City, and all of its departments, agencies, officials and employees, as directed by Council.
- (2) Prepare all contracts, surety or indemnification bonds or other instruments in writing in which the City is concerned, and provide his or her endorsement thereon for approval only as to the form and correctness thereof, provided that bonds, notes and other debt obligations are exempted from this requirement, and no contract or other written instrument shall be valid until the Law Director gives endorsement thereon.
- (3) Prosecute all misdemeanor offenses in the Xenia Municipal Court.
- (4) Appoint or employ assistants or employees to assist the Law Director in the performance of the official duties of the office, and discipline or remove

the same when necessary for the good of the service, pursuant to rules adopted by ordinance of Council or as otherwise provided by law.

(5) Perform such other duties as Council may require or as provided by law.

(6) With the consent of Council, employ special counsel to handle particular legal matters for the Municipality.

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / D. EVALUATIONS OF APPOINTED OFFICIALS.

D. EVALUATIONS OF APPOINTED OFFICIALS.

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / D. EVALUATIONS OF APPOINTED OFFICIALS. / Section 6.07. Annual Evaluations.

Section 6.07. Annual Evaluations.

The City Council shall evaluate the City Manager, Law Director and Finance Director on an annual basis.

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / E. ACTING MANAGER.

E. ACTING MANAGER.

XENIA CITY CHARTER / ARTICLE VI: CITY MANAGEMENT / E. ACTING MANAGER. / Section 6.08. Appointment, Qualifications and Duties.

Section 6.08. Appointment, Qualifications and Duties.

During the absence or disability of the City Manager, or if there is a vacancy in the office of City Manager for any reason, the Assistant City Manager shall execute the functions of the office. In the event of the absence of both the City Manager and the Assistant City Manager, the City Council shall designate a qualified individual to act as City Manager.

XENIA CITY CHARTER / ARTICLE VII: ADMINISTRATIVE DEPARTMENTS

ARTICLE VII: ADMINISTRATIVE DEPARTMENTS

XENIA CITY CHARTER / ARTICLE VII: ADMINISTRATIVE DEPARTMENTS / Section 7.01. Appointment of Department Heads.

Section 7.01. Appointment of Department Heads.

The City Council may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

The City Manager, Finance Director and Law Director shall be appointed by and be under the direct supervision of the City Council. All other department or division heads and all subordinate officers shall be appointed by the City Manager or Acting City Manager, with the exception of those under the direct supervision of the Finance Director and Law Director.

All department heads shall be appointed on a basis of practical knowledge, experience and managerial ability in the position to which they are being appointed.

XENIA CITY CHARTER / ARTICLE VII: ADMINISTRATIVE DEPARTMENTS / Section 7.02. Interference by Council.

Section 7.02. Interference by Council.

No member of City Council shall in any way interfere with the daily administrative services of any City department or employee by ordering or instructing action to be taken or not taken with respect to the City's daily administrative matters. This prohibition does not apply to a Council member's work with or relationship to boards or commissions or staff representatives assigned to boards or commissions. In addition, this prohibition does not apply to minor requests made of staff members. In the event any Council member violates the provisions of this section, City Council shall be notified and may take corrective action.

XENIA CITY CHARTER / ARTICLE VII: ADMINISTRATIVE DEPARTMENTS /

Section 7.03. Citizen Complaints.

Section 7.03. Citizen Complaints.

The City Council shall establish the City of Xenia Mediation Services under the direction and supervision of the Law Director. In the event that a citizen of Xenia has a complaint about the implementation of any City policy, practice or ordinance by any City department, that citizen may file a complaint with the City of Xenia Mediation Services. Upon receiving a citizen complaint, Mediation Services shall act in the role of ombudsman and schedule a mediation between the complaining citizen and the City division or department head or appointed official responsible for the implementation of the City policy, practice or ordinance. A quarterly report shall be sent to the City Council summarizing the number of complaints received in that quarter, along with a summary of the outcomes of the mediations. Mediation is not a disciplinary or an adjudicatory body out of which discipline or legal orders are issued. The purpose of mediation is to provide a forum for the citizens of Xenia to present and resolve complaints concerning the operation and practices of the City and its various departments.

XENIA CITY CHARTER / ARTICLE VIII: BOARDS AND COMMISSIONS

ARTICLE VIII: BOARDS AND COMMISSIONS

XENIA CITY CHARTER / ARTICLE VIII: BOARDS AND COMMISSIONS / Section 8.01. Creation of Boards and Commissions.

Section 8.01. Creation of Boards and Commissions.

The City Council shall establish the following boards and commissions:

- (1) Planning and Zoning Commission
- (2) Board of Zoning Appeals
- (3) Civil Service Commission

In addition to those boards and commissions enumerated above, the Council may by ordinance, from time to time, as it deems proper, create, alter or abolish additional standing and special committees and appoint or remove the members

thereof.

XENIA CITY CHARTER / ARTICLE VIII: BOARDS AND COMMISSIONS / Section 8.02. Duties, Power and Composition.

Section 8.02. Duties, Power and Composition.

All boards and commissions established by the City Council in accordance with this Charter shall be advisory committees, with the exception of the Board of Zoning Appeals, which shall have complete authority in accordance with adopted ordinances and State law.

Except for the Civil Service Commission, which is governed by Section 10.03 of this Charter, boards and commissions shall consist of five (5) qualified residents from the City of Xenia and shall be chaired by a member of City Council.

Each board or commission shall conduct public meetings at times established or designated by City Council, which shall also establish rules of procedure for each board or commission. The rules of order for all boards and commissions shall be the same as for City Council as prescribed in Section 4.14 of this Charter. All boards and commissions, except the Board of Zoning Appeals, shall have no legislative or judicial power and shall advise City Council on matters designated to each board or commission by Council. The Chairperson shall establish an agenda for his or her board or commission meeting and shall have no voting privilege, excepting in the event of a tie.

A majority vote of the total membership, excluding the Chairperson, of a board or commission, is required to approve or disapprove any matter coming before each board or commission. All business conducted by each board or commission shall be in accordance with this Charter, the City of Xenia Codified Ordinances and State Law.

In the event a Council member is unable to chair a board or commission so assigned, the Council shall designate an alternate Council member to chair that board or commission.

XENIA CITY CHARTER / ARTICLE VIII: BOARDS AND COMMISSIONS / Section 8.03. Selection of Board and Commission Members and Compensation.

Section 8.03. Selection of Board and Commission Members and

Compensation.

Except for the Civil Service Commission, which is governed by Section 10.03 of this Charter, the City Council shall appoint citizens of the City of Xenia to serve on the various boards and commissions. No citizen so appointed may serve on more than one (1) board or commission at any given time.

In the event a member appointed to a board or commission resigns or is unable to serve, in the event a member is absent and unexcused from three (3) consecutive meetings, or in the event City Council determines that there is good cause why a member should not serve, the seat will be declared vacant and, except for the Civil Service Commission, which is governed by Section 10.03 of this Charter, the City Council shall appoint a new member to fulfill the absent member's term.

XENIA CITY CHARTER / ARTICLE VIII: BOARDS AND COMMISSIONS / Section 8.04. Terms of Appointment.

Section 8.04. Terms of Appointment.

Except for the Civil Service Commission, which is governed by Section 10.03 of this Charter, the term of each member appointed to a board or commission shall be four (4) .

XENIA CITY CHARTER / ARTICLE VIII: BOARDS AND COMMISSIONS / Section 8.05. Charter Review Commission.

Section 8.05. Charter Review Commission.

A. Creation. In addition to those Boards and Commissions listed in Section 8.01, the Council shall appoint, at least every five (5) years, by an affirmative vote of at least four (4) Councilmembers, a Charter Review Commission. Notwithstanding any other section of this Article VIII, the Charter Review Commission's composition, powers, and duties shall be as set forth in this section.

B. Membership; Term.

(1) The Commission shall consist of an odd number of members, from a minimum of five (5) to a maximum of eleven (11) members, who shall be electors of the City at the time of their appointment and during their respective terms of office, and

no more than two (2) of said members shall hold other elective office or employment with the City. The Law Director shall serve as legal counsel to the Commission, and the City Manager and the Finance Director, or their designees, may serve as advisors to the Commission.

(2) In the event a member resigns or is unable to serve, the seat of that member shall be deemed vacant and City Council shall appoint a new member to fill the absent member's term.

(3) The terms of the members of the Charter Review Commission shall terminate at the time designated by City Council for the filing of the Commission's report, with recommendations, to the Council, unless such time is extended by Council, by resolution.

C. Meetings; Powers.

(1) The Commission shall conduct its meetings in accordance with the Ohio Open Meeting Law, and the rules of order for the Commission shall be the same as the Rules of Council.

(2) The Commission shall elect its own Chair and Vice Chair, and the Chair shall establish the agenda for all meetings of the Commission.

(3) A majority vote of the Commission members present shall be required to approve or disapprove any motion before the Commission.

D. Duties; Report to Council. The Charter Review Commission shall review the City Charter and within the time designated by Council at the time the Commission members are appointed, and shall recommend to Council such amendments, additions, or revisions, if any, to this Charter that the Commission deems necessary or desirable. After the consideration of the recommendations of the Commission, the City Council may submit all or any of such proposed amendments, additions, or revisions to this Charter to the electorate in the manner prescribed by the Constitution of the State of Ohio.

(Enacted November 6, 2018)

XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES

ARTICLE IX: FINANCIAL PROCEDURES

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.01.
Fiscal Year.**

Section 9.01. Fiscal Year.

The fiscal year of the City shall begin on the first day of January and end of the last day of December.

XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.02. Submission of Budget and Budget Message.

Section 9.02. Submission of Budget and Budget Message.

City Council shall provide a list of project priorities to the City Manager on or before the first day of July of each year. The City Manager shall then submit to the City Council a budget for the ensuing fiscal year and an accompanying message on or before the last day of October of each year.

XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.03. Budget Message.

Section 9.03. Budget Message.

The City Manager's message shall explain the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; and summarize the City's debt position and include such other material as the City Manager deems desirable.

XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.04. The Budget.

Section 9.04. The Budget.

In addition to the tax budget required by the general laws, the budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City

Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal years; and shall be so arranged showing comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal years detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures.;

(2) Proposed capital expenditures during the ensuing fiscal years, detailed for each fund by organization unit, and the proposed method of financing each capital expenditure;

(3) The anticipated income and expense and profit and loss for the ensuing years for each utility or other enterprise fund operated by the City.

For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried-forward fund balances.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.05.
City Council Action on the Budget.**

Section 9.05. City Council Action on the Budget.

(A) **Notice and Hearing.** The City Council shall publish in one (1) or more newspapers of general circulation in the City, and/or by other electronic media, a general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and,

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(B) **Amendment Before Adoption.** After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, the Council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount

greater than total estimated income.

(C) **Adoption.** The City Council shall adopt the budget on or before the first day of April of the fiscal year covered by the budget. If it fails to adopt the budget by this date, the budget proposed by the City Manager, as amended by Council, shall go into effect. Copies of the budget may be purchased by members of the public at cost.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.06.
Appropriation Ordinances.**

Section 9.06. Appropriation Ordinances.

To implement the adopted budget, the City Council shall adopt an appropriation ordinance making appropriations by fund and/or department or major organizational units consistent with State law.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.07.
Amendments After Adoption.**

Section 9.07. Amendments After Adoption.

(A) **Supplemental Appropriations.** If during the fiscal year the Finance Director certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(B) **Emergency Appropriations.** To meet a public emergency affecting the peace, health or safety of the inhabitants of the City, or the necessary daily operations of some Municipal department or public utility, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 5.04 of this Charter. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of notes, which may be renewed from time to time.

(C) **Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the City Manager and the Finance Director that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Manager shall report to the City Council

without delay. The estimated amount of the deficit, any remedial action taken by the Manager, and recommendations as to any other steps to be taken shall be indicated. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may, by ordinance, reduce one (1) or more appropriations.

(D) **Transfer of Appropriations.** At any time during the fiscal year the City Council may by ordinance or resolution transfer part or all of the unencumbered appropriation balance from one (1) department or major organizational unit to the appropriation for another department or major organizational unit. The Finance Director may transfer part or all of any unencumbered appropriation balances for any department or organizational unit, provided that such transfers are within existing appropriations and shall report such transfers to the Council in writing in a timely manner.

(E) **Limitation; Effective Date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.08.
Lapse of Appropriations.**

Section 9.08. Lapse of Appropriations.

Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.09.
Administration of the Budget.**

Section 9.09. Administration of the Budget.

The City Council shall provide by ordinance or resolution the procedures for administering the budget.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.10.
Overspending of Appropriations Prohibited.**

Section 9.10. Overspending of Appropriations Prohibited.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made. Any authorization of payment or incurring an obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or in part by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, except actions made or approved by resolution or motion of the City Council. Council may authorize the payment of funds as a moral obligation, in which case this section shall not apply.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.11.
Capital Program.**

Section 9.11. Capital Program.

(A) **Submission to City Council.** On or before the first day of October of each year, the City Manager shall prepare and submit to the City Council a five (5)-year capital program.

(B) **Contents.** The capital program shall include:

- (1) A clear general summary of its content;
- (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each;
- (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure; and
- (4) The method of financing, upon which each capital expenditure is to

be reliant. The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.12.
City Council Action on the Capital Program.**

Section 9.12. City Council Action on the Capital Program.

(A) **Notice and Hearing.** City Council shall publish in one (1) or more newspapers of general circulation in the City, and/or by other electronic media, papers giving the general summary of the capital program, and a notice stating:

(1) The times and places where copies of the capital program are available for inspection by the public;

(2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program; and

(3) That the capital program shall be available for review by the public at the office of the City Clerk at all times.

(B) **Adoption.** The City Council by ordinance or resolution shall adopt the capital program with or without amendment after the public hearing and on or before the first day of November of the current fiscal year.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.13.
Payment of Claims.**

Section 9.13. Payment of Claims.

No warrant for the payment of any claim shall be issued by the Finance Director until such claim has been approved first by the Manager and by the Council, and the Finance Director is satisfied that the same is lawful and authorized by law. The Finance Director and his or her sureties shall be liable to the City for all loss or damage sustained by the City by reason of the corrupt approval of such claim against the City, and the Finance Director shall have the power to require that the amount claimed is justly due, and is in conformity with the law and ordinances, and may summon any officer or employee and examine him or her for that purpose.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.14.
Certificate of Availability of Funds.**

Section 9.14. Certificate of Availability of Funds.

No contract, agreement, or other obligation involving the expenditure of moneys shall be entered into, nor shall any ordinance, resolution or order for the expenditure of moneys be passed by the Council, unless the Finance Director shall first certify to the Council that the money required for such contract, agreement, obligation or expenditure is in the Treasury to the credit of the fund from which it is to be drawn. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement or obligation. The provisions of this section shall not apply to contracts or proceedings relating to improvements, any part of the cost of which is to be paid by special assessments. This provision shall not apply to the contract of employment of the City Manager or other officials of the City; shall not apply to the annual appropriation ordinance in which moneys in the Treasury, or to come into the Treasury, during the ensuing year, may be appropriated; and shall not apply to authorizations by Council to make moral obligation payments.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.15.
Availability of Money in the Fund.**

Section 9.15. Availability of Money in the Fund.

All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the Treasury before the maturity of such contract, agreement or obligation, from taxes, assessments or license fees, or from the sales of services, products or by-products of any City undertaking, and moneys to be derived from lawfully authorized bonds sold and in the process of delivery for the purpose of such certificate, shall be deemed in the Treasury to the credit of the appropriate fund, and shall be subject to such certification.

**XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.16.
Expenditures in Excess of Twenty-Five Thousand Dollars.**

Section 9.16. Expenditures in Excess of Twenty-Five Thousand Dollars.

All expenditures, if the cost thereof exceeds twenty-five thousand dollars (\$25,000), shall be made upon the approval of the Council, after competitive bidding, and no division of any proposed expenditure shall be made for the purpose of evading competitive bidding. This dollar amount requiring Council approval may be increased by Council by ordinance.

The purchase, sale, lease or transfer of real property, including fixtures thereon, are exempt from this provision, and the purchase, sale, lease or transfer of real property, including fixtures thereon, may be accomplished by negotiation or informal competition or by formal bidding upon the approval of Council by the adoption of an ordinance or resolution.

(Ord. 12-22, passed 5-10-2012)

The Council may authorize, in specific cases, expenditures of the funds of the City in amounts exceeding the limit hereinabove stated, without bidding, for the City, for personal and professional services, for the joint use of facilities or the exercise of powers with other political subdivisions, for the product or services of public utilities (including those Municipally operated), or, in the case of an emergency, for the immediate protection of public property or public safety.

XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.17. Improvement by Direct Labor.

Section 9.17. Improvement by Direct Labor.

Nothing in the two (2) preceding sections shall be construed to prohibit the Council from doing any public work or making any public improvement by the direct employment of the necessary labor, including professional and/or specialized technical services, and the purchase of the necessary equipment, supplies and materials, with separate accounting as to each improvement so made, and the Council may, on so declaring by ordinance or resolution, cause any public work or improvement to be done or made in such manner.

XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.18. Gifts, Donations or Bequests to the City.

Section 9.18. Gifts, Donations or Bequests to the City.

Any gift, donation or bequest to the City of Xenia shall be used, appropriated and expended under the direction of the Council, unless otherwise provided for in such gift, donation or bequest.

XENIA CITY CHARTER / ARTICLE IX: FINANCIAL PROCEDURES / Section 9.19. Collection of Debts.

Section 9.19. Collection of Debts.

All debts owed to the City for services provided shall be collected in a timely manner. All uncollected debts exceeding ninety (90) days shall be submitted to the Law Director for collection or other appropriate action.

XENIA CITY CHARTER / ARTICLE X: HUMAN RESOURCE SYSTEM

ARTICLE X: HUMAN RESOURCE SYSTEM

XENIA CITY CHARTER / ARTICLE X: HUMAN RESOURCE SYSTEM / Section 10.01 Basis for Employment.

Section 10.01 Basis for Employment.

All appointments and promotions of City officers and employees shall be made solely on the basis of merit, fitness and practical experience demonstrated by a valid and reliable examination or other evidence of competence.

XENIA CITY CHARTER / ARTICLE X: HUMAN RESOURCE SYSTEM / Section 10.02. Merit System.

Section 10.02. Merit System.

Consistent with all applicable Federal and State laws, the City Council shall provide for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effect administration of the employees of the City's departments, offices and agencies, including, but not limited to, classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

XENIA CITY CHARTER / ARTICLE X: HUMAN RESOURCE SYSTEM / Section 10.03. Civil Service Commission; Composition, Term and Power.

Section 10.03. Civil Service Commission; Composition, Term and Power.

(A) A Civil Service Commission consisting of five (5) members shall be appointed by the Council for a term of five (5) years, one (1) to be appointed every year.

(B) The Civil Service Commission shall have authority to see that the employees in the classified service are appointed and retained on the basis of merit and fitness as governed by this Charter, City ordinances or the general laws of the State of Ohio.

XENIA CITY CHARTER / ARTICLE X: HUMAN RESOURCE SYSTEM / Section 10.04. Classification of Civil Service.

Section 10.04. Classification of Civil Service.

(A) The civil services of the City shall be divided into two (2) categories: the unclassified and the classified services.

(1) The unclassified service shall include:

(a) All officers elected by the people;

(b) The Clerk of City Council;

(c) The City Manager, Finance Director, Assistant City Manager, Law Director, Police Chief, Fire Chief, City Prosecuting Attorneys, division and department heads, and their assistants;

(d) The Personal Secretary to the City Manager; and

(e) Ordinary unskilled laborers.

(2) The classified service shall comprise all positions not specifically included by this Charter in the unclassified service. There shall be in the classified service two (2) categories to be known as the competitive and noncompetitive category:

(a) The competitive category shall include all positions and employees for which it is practicable to determine the merit, fitness and practical experience by competitive examination.

(b) The noncompetitive category shall include all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, technical or educational character, as may be determined by the City Civil Service Commission.

(B) The Civil Service Commission shall have the right to recommend suspension of and/or removal of employees to the appropriate authority in accordance with the provisions of this Charter, City ordinances or the general laws of the State of Ohio. The appointing authority shall have the right to suspend and/or remove employees in accordance with the provisions of this Charter, City ordinances or the general laws of the State of Ohio.

XENIA CITY CHARTER / ARTICLE XI: ELECTIONS

ARTICLE XI: ELECTIONS

XENIA CITY CHARTER / ARTICLE XI: ELECTIONS / Section 11.01. Rules for Elections.

Section 11.01. Rules for Elections.

(A) **Time and Submission.** Regular Municipal elections shall be held on the first Tuesday after the first Monday in November in each odd-numbered year, except as hereinafter provided. 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 any regular Municipal election.

(B) **Nonpartisan Ballots.** All officers to be elected under this Charter shall be elected upon one (1) ballot without any party designation of any kind.

(C) **Determinations.** The Council shall be the judge of the qualification and

election of its own members, subject to the requirements and limits of this Charter.

XENIA CITY CHARTER / ARTICLE XI: ELECTIONS / Section 11.02. Petition for Place on Ballot.

Section 11.02. Petition for Place on Ballot.

Candidates for Council and Mayor shall be nominated only by petition. The name of any elector of the City shall be printed and signed upon a petition which is to be filed with the Greene County Board of Elections.

(1) Such petitions shall state the name and place of residence of each person whose name is presented for a place upon the ballot, and that he or she is a candidate for Council or Mayor for the City of Xenia.

(2) Such petitions shall be signed by seventy-five (75) electors of the Municipality.

(3) An elector signing a petition shall add to his or her signature his or her place of residence with the street number, and the date of signing. An elector may subscribe to one (1) nominating petition for each of the offices to be filled, and no more. All signatures shall be made in ink.

(4) Signatures of all the petitioners shall be on forms approved by the Greene County Board of Elections.

(5) No petition shall be signed by any elector more than one hundred twenty (120) days prior to the day of the election, and such petition shall be filed with the Board of Elections not less than ninety (90) days previous to the date of such election, except as hereinafter provided.

(6) Any person whose name has been submitted for nomination by any such petition shall file his or her acceptance of such nomination with the Board of Elections at the time of filing of his or her petition, except as hereinafter provided; otherwise his or her name shall not appear upon the ballot.

(7) Write-in candidates shall be permitted for the office of Council member in accordance with Ohio election laws.

XENIA CITY CHARTER / ARTICLE XI: ELECTIONS / Section 11.03. General Election Laws to Apply.

Section 11.03. General Election Laws to Apply.

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by the general election laws, except as otherwise provided by this Charter, or by ordinance or resolution of the Council hereafter elected.

XENIA CITY CHARTER / ARTICLE XI: ELECTIONS / Section 11.04. General Initiative and Referendum Laws to Apply.

Section 11.04. General Initiative and Referendum Laws to Apply.

The Constitution and the general laws of Ohio shall govern the procedure for initiative and referendum.

No ordinance or resolution adopted by an electoral vote can be repealed or amended within one (1) year after its adoption except by an electoral vote. However, an ordinance or resolution to repeal or amend any such ordinance or resolution may be submitted to an electoral vote at any regular election, or at any special Municipal election called for some other purpose, provided that notice of the intention to do so be published by the Council not more than sixty (60) days nor less than thirty (30) days prior to such election, in the manner required for the publication of ordinances and resolutions. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the notice shall have the same effect, as in cases of ordinances or resolutions submitted to an election by popular petition.

XENIA CITY CHARTER / ARTICLE XI: ELECTIONS / Section 11.05. General Recall Laws to Apply.

Section 11.05. General Recall Laws to Apply.

The provisions of Chapter 705 of the Revised Code of Ohio, and any subsequent version of that statute, shall govern the procedure for recall of elected officials of the City.

XENIA CITY CHARTER / ARTICLE XII: UTILITY REGULATION; FRANCHISES

ARTICLE XII: UTILITY REGULATION; FRANCHISES

XENIA CITY CHARTER / ARTICLE XII: UTILITY REGULATION; FRANCHISES / Section 12.01. Utility Regulation.

Section 12.01. Utility Regulation.

All grants shall be subject to the right of the City, whether in terms reserved or not, to control, regulate, in, over, under or across all streets, alleys or public places occupied by any such public utility, and the Council may cause to be reconstructed, relocated or discontinued any such structure or fixture, and the Council may pass all regulatory ordinances effecting such utilities which may be required in the interests of public health, safety, or accommodation.

XENIA CITY CHARTER / ARTICLE XII: UTILITY REGULATION; FRANCHISES / Section 12.02. Franchises.

Section 12.02. Franchises.

(A) **Restrictions.** No grant to exercise a franchise in the City of Xenia shall be exclusive and no such grant shall be renewed earlier than two (2) years prior to its expiration. No franchise or public utility shall be assignable without the consent of the Council by ordinance or resolution first advertised, and any attempted assignment without such ordinance or resolution shall be void and of no effect.

(B) **Extension to Annexed Property.** In the grant of any franchise or right to exercise any public utility within the City, the extension of the same to any territory annexed to the City shall, without being expressed therein, be a part of the right which may be enforced by appropriate proceedings.

(C) **Right of Purchase.** All grants of the right to exercise a franchise made by the Council shall reserve to the City the right to purchase or lease all property of the utility used, for the operation of the utility at a price either fixed in the ordinance or resolution making the grant, or to be fixed in the manner provided by such ordinance or resolution, which price shall in no event include any value for the grant. Nothing in such ordinance or resolution shall prevent the City from acquiring such property by condemnation proceedings or in any other lawful mode, which rights shall be in addition

to those reserved in the ordinance making such grant. Upon the acquisition of such property by purchase, condemnation, or otherwise, all grants shall at once terminate.

(D) **Extension, Connection and Utilization of City Utilities.** The extension, connection and utilization of City utilities to tributary areas shall be permitted and the City Council shall establish a schedule of fees for use of and connection to City utilities. The extension, connection and use of City utilities shall only apply to utilities with sufficient capacity.

XENIA CITY CHARTER / ARTICLE XIII: GENERAL PROVISIONS.

ARTICLE XIII: GENERAL PROVISIONS.

XENIA CITY CHARTER / ARTICLE XIII: GENERAL PROVISIONS. / Section 13.01. Activities Prohibited; Penalties.

Section 13.01. Activities Prohibited; Penalties.

(A) Activities Prohibited.

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any City position or appointive City administrative office because of race, gender, age, handicap, religion, country of origin or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment or proposed promotion.

(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any City election from any City employee.

(5) No City employee shall knowingly or willfully make, solicit or receive any contribution to the campaign fund of any political party or committee to be used in a City election or to campaign funds to be used in support of or opposition to any candidate for election to City office. This section shall be not construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote, nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.

(B) **Penalties.** Any person convicted of a violation of this section shall be ineligible for a period of five (5) years following such conviction to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his or her office or position. The City Council shall establish by ordinance such further penalties as it may deem appropriate.

XENIA CITY CHARTER / ARTICLE XIII: GENERAL PROVISIONS. / Section 13.02. Salaries and Bonds Fixed by Council.

Section 13.02. Salaries and Bonds Fixed by Council.

The Council shall fix by ordinance or resolution the salary or rate of compensation of all officers and employees of the City entitled to compensation, including the salaries of the Mayor and City Council members in accordance with this Charter, and may require any officer or employee to give bond for the faithful performance of his or her duties, in such an amount as it may determine, and it may provide that the premium or cost for any such bond be paid by appropriation from City funds.

XENIA CITY CHARTER / ARTICLE XIII: GENERAL PROVISIONS. / Section 13.03. Ordinances and Resolutions Interchangeable.

Section 13.03. Ordinances and Resolutions Interchangeable.

For purposes of this Charter, the term "ordinance(s)" shall include "resolution(s)" and the term "resolution(s)" shall include "ordinance(s)."

XENIA CITY CHARTER / ARTICLE XIV: CHARTER AMENDMENTS, RENUMBERING

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XENIA CITY CHARTER / ARTICLE XIV: CHARTER AMENDMENTS, RENUMBERING / Section 14.01. Charter Amendments.

Section 14.01. Charter Amendments.

This Charter may be amended as provided in the Constitution and general laws of the State of Ohio.

XENIA CITY CHARTER / ARTICLE XIV: CHARTER AMENDMENTS, RENUMBERING / Section 14.02. Renumbering of Charter.

Section 14.02. Renumbering of Charter.

The Council, by ordinance, may renumber, regroup and classify the sections of this Charter, provided that no substantive change shall be made in any of the provisions thereof.

XENIA CITY CHARTER / ARTICLE XV: SEPARABILITY AND VALIDITY; STATE AND MUNICIPAL LAWS

ARTICLE XV: SEPARABILITY AND VALIDITY; STATE AND MUNICIPAL LAWS

XENIA CITY CHARTER / ARTICLE XV: SEPARABILITY AND VALIDITY; STATE AND MUNICIPAL LAWS / Section 15.01. Separability and Validity.

Section 15.01. Separability and Validity.

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section in this Charter, unless it clearly appears that such other section, or part of a section, is wholly or necessarily dependent for its

operation upon the section or part of the section so held unconstitutional or invalid.

XENIA CITY CHARTER / ARTICLE XV: SEPARABILITY AND VALIDITY; STATE AND MUNICIPAL LAWS / Section 15.02. State and Municipal Laws.

Section 15.02. State and Municipal Laws.

All City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Ohio permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

XENIA CITY CHARTER / ARTICLE XVI: SAFETY SERVICES

ARTICLE XVI: SAFETY SERVICES

The Safety Director may utilize volunteers, temporary and/or part-time firefighters, emergency medical technicians, auxiliary police officers and/or part-time police officers as a part of any manning requirement.

(Enacted November 2, 2010)