

Dear Citizen:

The current City Charter has not been comprehensively updated since 1998. The Charter Review Commission reviewed the City Charter from July 2019 until they provided their final report to City Council, which was accepted on April 8, 2021. The first round of amendments was approved by voters on the May 3, 2022, ballot, and the second round of amendments was approved by voters on August 2, 2022. On November 8, 2022, you will be asked to vote on the final series of proposed City of Xenia Charter Amendments, which will be presented as two separate ballot items. Issue 12 will include proposed amendments to Articles I, II, and III, and Issue 13 will include proposed amendments to Articles VI, VII, and XVI. You can view the existing text and the proposed changes (additional language and language to be removed [struckthrough text] as well as notes on how existing text was relocated) for the Articles listed below on the City's website at www.ci.xenia.oh.us – search for “Election Information.”

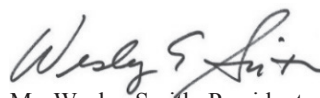
As City Officials, we wish to serve you in an efficient manner, and by voting to amend the following Articles of the City Charter, you will accomplish the following:

- **Articles I, II, and III:** The proposed amendments in Articles I and II include minor changes in wording. The proposed amendments to Article III clarify that the City's general powers are granted under the Ohio Constitution and the City's right to exercise all powers and authority of local self-government so long as it does not conflict with the general laws of the State.

- **Articles VI, VII, and XVI:** The proposed amendments in Article VI include requiring an Administrative Steering Committee to coordinate the management and administration of employees; adding a provision recognizing the right of Council to remove the City Manager, Finance Director, or Law Director; adding language that differentiates between *Acting* and *Interim* appointed officials; and removing the state law prohibited (ORC 9.481) residency requirement for appointed officials. The proposed amendments to Article VII include adding a provision to require that Council establish and maintain an Administrative Code to provide for the organization of the City's government. Finally, it is proposed that Article XVI be repealed in its entirety as its contents have been incorporated into Article VII.

On behalf of the Xenia City Council, the Charter Review Commission, and City staff, I ask that you read the final text of the proposed amendments and vote on November 8th.

Sincerely,



Mr. Wesley Smith, President
Xenia City Council

Mr. William Urschel, Vice President
Ms. Sarah Mays, Mayor
Mr. Cody Brannum, Councilman
Mr. Levi Dean, Councilman
Ms. Rebekah Dean, Councilwoman
Mr. Thomas Scrivens, Councilman

PROPOSED CITY CHARTER AMENDMENTS

ARTICLE I: NAME

§ 1.01 NAME.

The municipal corporation existing as the City of Xenia as its limits now are, or may hereinafter be, shall continue to be a body politic and corporate under the same name under this Charter 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.

ARTICLE II: FORM OF GOVERNMENT

§ 2.01 CITY COUNCIL - CITY MANAGER PLAN.

The municipal government provided by this Charter shall be known as the “City Council – City Manager Plan.” Pursuant to its provisions and subject only to the limitations imposed by the Constitution of the State of Ohio and by this Charter, all powers of the City shall be vested in an elected City 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.

ARTICLE III: POWERS OF THE CITY

§ 3.01 GENERAL POWERS GRANTED.

The City of Xenia shall have all powers and authority possible for a City to have under the Constitution of the State of Ohio and laws of the State as fully and completely as though they were specifically enumerated in this Charter. All general laws of the State 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.

§ 3.02 EXERCISE OF POWERS.

All powers and authority shall be exercised in the manner prescribed by this Charter or, if not so prescribed, in the manner provided by the ordinances of the City. When not prescribed in this Charter or by ordinance, then the powers shall be exercised in the manner provided by the laws of the State.

§ 3.03 CONSTRUCTION OF POWERS.

The powers and authority of the City under this Charter shall be liberally construed in favor of the City, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the General Powers granted in this Article.

§ 3.04 RIGHTS AND LIABILITY OF THE CITY; LIMITATIONS.

- Title to all real property shall be taken in the name of the City of Xenia, Ohio.
- The City may exercise any of its powers, perform any of its functions and provide related financing, jointly or in cooperation, by contract or otherwise, with the State of Ohio, any county, township, municipality or any other political subdivision of Ohio or the divisions or agencies thereof; with the United States government or any of its divisions or agencies; or any individual, partnership, corporation or other type of entity, whether for profit or nonprofit, unless prohibited by the Constitution of the State of Ohio.
- 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.

ARTICLE VI: CITY MANAGEMENT

§ 6.01 APPOINTED OFFICIALS.

- Appointed Officials. The management and administration of the City government shall be vested in three appointed officials, the City Manager, the Finance Director and the Law Director, who shall be appointed by the City Council in accordance with this Charter.
- Administrative Steering Committee.
 - There is hereby established an Administrative Steering Committee of the City to provide policy direction and guidance on building security, information technology issues and projects, human resources and personnel management and any other topics or issues affecting the departments and divisions under the direction and control of the appointed officials.

- The Administrative Steering Committee shall consist of the City Manager, the Finance Director and the Law Director, and at the discretion of the Xenia Municipal Court Judge, may also consist of the Clerk of Court of the Xenia Municipal Court.

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

- Removal. The City Manager, Finance Director, or Law Director may be removed by Council by the affirmative vote of five (5) members of the Council. The Appointed Official shall be given at least ten (10) days' notice prior to the meeting at which his or her removal will be considered. In the intervening period, the Appointed Official may be suspended with or without pay, or as otherwise required in the Appointed Official's employment contract.

§ 6.02 CITY MANAGER.

- 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.

- Powers and Duties of the City Manager. The City Manager shall be the chief executive and administrative officer (CEO) 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 have the following powers, duties, and functions:
 - Appoint, employ, or hire City employees and department or division heads, when such positions are authorized by Council, and suspend, remove or otherwise discipline City employees and department or division heads in accordance with the City's Personnel Manual, with the exception of those under the direct supervision of the Council, the Finance Director or the Law Director. The City Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, division, office, or agency.
 - Execute, on behalf of the City, all contracts, agreements, bonds, notes, conveyances, evidences of indebtedness and any other instruments to which the City is a party, except as otherwise required or provided by this Charter or Ohio law.
 - Direct and supervise the administration of all departments, offices, and agencies of the City, except those under the direct supervision of the Finance Director or the Law Director or as otherwise provided by this Charter or by law.
 - Attend City Council meetings and make recommendations to the Council concerning the affairs of the City. The City Manager shall have the right to take part in discussion but shall not vote. The City Manager's office shall also provide staff support services for the Council.
 - Prepare and submit the annual City budget and capital programs to the Council.
 - See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by the City Manager or by officers subject to the Manager's direction and supervision, are faithfully executed.
 - Make an annual “State of the City” address prior to March 1st of the next year, which address shall be made available to the public.
 - Make such other reports as the Council may require concerning the operation of City departments, offices, and agencies subject to the City Manager's direction and supervision.
 - Act as the Public Safety Director for the City.
 - Perform such other duties as are specified in this Charter or as may be required by Council.

- Appoint, employ, or hire City employees and department or division heads, when such positions are authorized by Council, and suspend, remove or otherwise discipline City employees and department or division heads in accordance with the City's Personnel Manual, with the exception of those under the direct supervision of the Council, the Finance Director or the Law Director. The City Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, division, office, or agency.

- Execute, on behalf of the City, all contracts, agreements, bonds, notes, conveyances, evidences of indebtedness and any other instruments to which the City is a party, except as otherwise required or provided by this Charter or Ohio law.

- Direct and supervise the administration of all departments, offices, and agencies of the City, except those under the direct supervision of the Finance Director or the Law Director or as otherwise provided by this Charter or by law.

- Attend City Council meetings and make recommendations to the Council concerning the affairs of the City. The City Manager shall have the right to take part in discussion but shall not vote. The City Manager's office shall also provide staff support services for the Council.

- Prepare and submit the annual City budget and capital programs to the Council.

- See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by the City Manager or by officers subject to the Manager's direction and supervision, are faithfully executed.

- Make an annual “State of the City” address prior to March 1st of the next year, which address shall be made available to the public.

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

- Act as the Public Safety Director for the City.

- Perform such other duties as are specified in this Charter or as may be required by Council.

- Acting and Interim City Manager.

- Should a vacancy in the office of the City Manager occur, or during periods of temporary absence or disability of the City Manager lasting thirty (30) days or more, the Assistant City Manager shall serve as the Interim City Manager, unless a majority of the Council appoints another Interim City Manager to fill the temporary vacancy.

- In cases where the City Manager is vacant from his or her office for a period of less than thirty (30) days due to vacation, illness or other leave, the Assistant City Manager shall serve as the Acting City Manager, unless the City Manager appoints another to serve as Acting City Manager in his or her absence, by administrative directive.

§ 6.03 FINANCE DIRECTOR.

- 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.

- Powers and Duties of the Finance Director. The Finance Director shall be the chief fiscal officer (CFO) of the City and shall perform the functions customarily assigned to the municipal auditor and/or treasurer under the general laws of the State for municipal accounting, collection of taxes, accounts and assessments and control of disbursements. The Finance Director shall be the head of the Department of Finance and shall have the following powers, duties, and functions:
 - Act as the fiscal manager and advisor for the City and keep the Council and the City Manager fully advised as to the financial condition of the City.
 - Issue all warrants for the payment of money by or on behalf of the City and keep an accurate account of all taxes and assessments.
 - Appoint, employ, or hire employees of the Finance Department, when such positions are authorized by Council, and suspend, remove or otherwise discipline any such employees in accordance with the City's Personnel Manual.
 - 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, and 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.
 - Assist the City Manager in the preparation and presentation of the annual budget and capital plan for the City.
 - 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.
 - 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.
 - 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 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.

- Act as the fiscal manager and advisor for the City and keep the Council and the City Manager fully advised as to the financial condition of the City.

- Issue all warrants for the payment of money by or on behalf of the City and keep an accurate account of all taxes and assessments.

- Appoint, employ, or hire employees of the Finance Department, when such positions are authorized by Council, and suspend, remove or otherwise discipline any such employees in accordance with the City's Personnel Manual.

- 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, and 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.

- Assist the City Manager in the preparation and presentation of the annual budget and capital plan for the City.

- 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.

- 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.

- 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 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.

- Acting and Interim Finance Director.

- Should a vacancy in the office of the Finance Director occur, or during periods of temporary absence or disability of the Finance Director lasting thirty (30) days or more, the Assistant Finance Director shall serve as the Interim Finance Director, unless a majority of the Council appoints another Interim Finance Director to fill the temporary vacancy.

- In cases where the Finance 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 Assistant Finance Director shall serve as the Acting Finance Director, unless the Finance Director appoints another to serve as Acting Finance Director in his or her absence, by administrative directive.

§ 6.04 LAW DIRECTOR.

- 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 be an attorney licensed to practice in the State of Ohio on the date of appointment.

- Powers and Duties of the Law Director. The Law Director shall be the chief legal officer of the City and the head of the Department of Law and shall have the following powers, duties, and functions:
 - Act as legal advisor to, and attorney for, the City and all of its departments, agencies, officials and employees, as directed by Council.
 - Review every proposed ordinance and resolution to be presented to the Council on the questions of correct legal form, possible contradictions with existing ordinances, or conflict with the Charter or provisions of the Constitution of the State of Ohio.
 - 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.

- Prosecute all misdemeanor offenses in the Xenia Municipal Court. The Council may authorize the position of City Prosecutor, who shall be under the supervision and direction of the Law Director.

- Appoint, employ, or hire employees of the Law Department, when such positions are authorized by Council, and suspend, remove or otherwise discipline such employees in accordance with the City's Personnel Manual.

- With the consent of Council, employ special counsel to handle particular legal matters for the City. Contracts for special or outside legal counsel may be executed by the Law Director or, upon Council approval by the City Manager, and such special counsel may, when authorized by the Law Director, exercise all or any part of the powers, duties and functions granted to the Law Director under this section.
- Perform such other duties as Council may require or as provided by law.

ARTICLE VII: ADMINISTRATIVE DEPARTMENTS

§ 7.01 GENERAL PROVISIONS.

- Established Departments. There shall be a Department of Finance, a Department of Law, a Department of Public Safety, and a Department of Public Service. Each established Department may consist of such divisions as are established by the Council, by ordinance, and each established department and division shall have such powers, duties, and functions as are prescribed by Council, by ordinance.

- Creation of Departments. The Council may establish, by ordinance, other City departments and divisions thereof; in addition to those created by this Charter, and Council shall prescribe the powers, duties, and functions of such departments and divisions upon their establishment.

§ 7.02 APPOINTMENT OF DEPARTMENT AND DIVISION HEADS.

- Department Heads.

- At the head of each Department there shall be a full-time or part-time director. The City Manager shall serve as the Director of the Department of Public Safety and shall appoint and may suspend, remove or otherwise discipline, the directors of all departments, other than the Director of the Department of Finance and the Director of the Department of Law, who shall be appointed, disciplined and removed by Council.

- Each director shall be an administrative officer of the City. He or she shall have supervision and control of the department he or she heads, subject to the direction of the City Manager, except the Director of the Department of Finance and the Department of Law, who shall be subject to the direction of Council.

- With the approval of Council, the City Manager may appoint one (1) person as the head of two (2) or more departments, except for the Department of Finance and Department of Law.

- Division Heads. For each division within each department, the appointed official with authority over the department shall appoint, and may suspend, remove or otherwise discipline, a division head. The division head shall have supervision and control of the division he or she heads, subject to the direction of the director of the department.

§ 7.03 ADMINISTRATIVE CODE.

Subject to the provisions of this Charter and after consultation with the Administrative Steering Committee, the Council shall adopt, by ordinance, an Administrative Code, which shall provide in detail the organization of the City government, define the powers and duties of each organizational unit, and determine the administrative procedures to be followed. Where the Charter, Administrative Code, or ordinances of the City are silent, the officers and employees of the City shall have and may exercise all powers, duties and functions provided for similar officers and employees by State law; however, provisions of the Charter, Administrative Code and ordinances of the City shall supersede those of the State law in case of conflict.

§ 7.04 SAFETY SERVICES.

The Public 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.

ARTICLE XVI: SAFETY FORCES

This Article will be repealed in its entirety because the contents have been incorporated into Article VII.