

**ORDINANCE NO. 03, 2023**

**AN ORDINANCE SUBMITTING TO THE ELECTORS OF ST. BERNARD CERTAIN AMENDMENTS TO THE CHARTER RELATED TO VILLAGE ADMINISTRATION**

**WHEREAS**, Section 11.02 of the Charter provides that it be flexible and be able to meet the changing conditions and needs of the Municipality as it grows and develops; and

**WHEREAS**, Section 11.02 of the Charter provides for amendments to the Charter to meet such changing conditions and needs of the Municipality; and

**WHEREAS**, Section 11.02 of the Charter provides that Charter amendments be made “in accordance with the procedures set forth in Article XVIII, Section 9 of the Ohio Constitution;” and

**WHEREAS**, Council has discussed and determined that certain Charter amendments be proposed to the electorate creating new administrative positions to meet the changing conditions and needs of the Municipality; and

**WHEREAS**, Village Council desires to place the attached proposed Charter amendments on the ballot for the electorate to consider at the May 2023 primary election; now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD, STATE OF OHIO, NOT LESS THAN FOUR MEMBERS CONCURRING:**

**Section 1.** That the attached Charter revisions be submitted to a vote of the qualified electors of the Village of St. Bernard, at an election to be held on Tuesday, the second day of May, 2023, at the regular places of voting in St. Bernard and during the hours established by the Hamilton County, Ohio Board of Elections, pursuant to Section 11 of the Charter.

**Section 2.** That the ballot of said election shall, at the top thereof, be entitled “Proposed Charter Revisions.” Thereunder shall be printed: “A majority vote is necessary for adoption.” To the left of such wording shall appear, in boxes (or otherwise appropriate space) for indicating, the words “Yes” and “No” and each voter shall vote by so indicating in one of the places so provided.


**Section 3.** That the Mayor or his designee are hereby directed to mail a copy of the proposed Charter revisions to each elector whose name appears on the County’s registration books of the last general election held in the Village of St. Bernard, and as supplemented since such election, at least 30 days before the date of the election.

**Section 4.** That the Clerk of Council or the Deputy Clerk of Council is hereby directed to certify a copy of this ordinance to the Board of Elections of Hamilton County, Ohio.

**Section 5.** That this Ordinance shall take effect 60 days before the May 2 primary election so as to comply with the state constitutional provision and so that the attached proposed revisions to the Charter can be submitted to the Board of Elections for placement on the May 2023 primary election ballot.

Passed this 26<sup>th</sup> day of January, 2023.

ATTEST:

  
Clerk of Council

  
President of Council



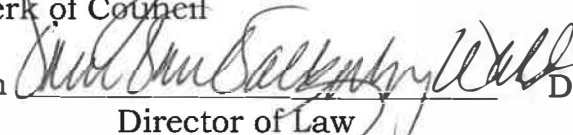
**ORIGINAL**

Approved this 26<sup>th</sup> day of January, 2023.

  
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Mayor

I, CAROLINE STEGMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO, DO HEREBY testify that the publication of Ordinance No. 03, 2023, was made by posting true copies of the same in the most public places designated by Council: City Hall, Vine Street and Washington Avenue; for a period of fifteen (15) days or more commencing January 26<sup>th</sup> 2023, 2023.

ATTEST:  DATE January 26<sup>th</sup> 2023  
Clerk of Council

Approved as to form  Date 26 Jan 2023  
Director of Law

 ORIGINAL

**Exhibit A.**

**Village of St. Bernard, Ohio  
Proposed Charter Amendments  
Municipal Administrative Structure  
Ordinance No. 03, 2023**

- **Converting the position of Director of Public Safety and Service into an appointed Municipal Administrator to serve as the village's chief administrative official.**
- **Consolidation of the elected Auditor and Treasurer positions into an appointed Finance Director to serve as the chief financial officer of the village.**
- **Transition of the elected Law Director into an appointed Law Director with a background in municipal law.**

## **Administrative Officers and Departments**

**Section 4.01 Municipal Administrator:** There shall be a Municipal Administrator who shall be the full-time administrative officer of the municipality responsible to and under the direct supervision of the Mayor. No elected official shall be appointed Municipal Manager during the term for which he or she shall have been elected, nor within two (2) years after the expiration of such term. The Municipal Administrator shall give bond for the faithful performance of his or her duties, in an amount and subject to approval as provided by Council by ordinance.

- 1) **Powers and Duties:** In addition to the duties and responsibilities which the Mayor may from time to time determine, the Municipal Administrator shall:
  - a) Supervise the administration of the executive departments, existing and future, which are placed directly under the authority of, or which are responsible to the Mayor.
  - b) Recruit, hire, supervise, evaluate, and discipline all employees of the municipality in consultation and with the approval of the Mayor except as otherwise specified in this Charter.
  - c) Have such other powers, duties, and responsibilities as described in this Charter.
  
- 2) **Qualifications** - The Municipal Administrator shall be selected by the Mayor, with the approval and consent of the majority of the Village Council, solely on the basis of special knowledge or training in the duties set forth; actual municipal administrative experience;

and demonstrated administrative qualifications.

**3) Interference by Council:**

- a) **Neither Council, its committees or members, shall direct or request the Municipal Administrator to promote the appointment of any person to, or suspension or removal from, office or employment, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the service of the Municipality.**
- b) **Council, its committees and members, shall deal with that portion of the service of the Municipality for which the Municipal Administrator is responsible solely through the Mayor and the Municipal Administrator, and neither Council nor its committees or members, shall give any orders to any subordinate in office.**
- c) **Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of the affairs of the Municipality, and may, in the exercise of such power, compel or authorize one of its committees to compel the attendance and testimony of witnesses and the production of books, records, papers, and other evidence under penalty of law.**

**4) Compensation: The Mayor shall establish the compensation of the Municipal Administrator.**

- 5) **Vacancy:** The Mayor may, by letter filed with the City Clerk, appoint a qualified administrative officer of the municipality to exercise the powers and duties of the Municipal Administrator during the Municipal Administrator's temporary absence, disability, suspension, or during any period that a vacancy occurs.
- 6) **Political:** The Municipal Administrator shall not directly or indirectly, personally or through an agent or representative use his or her official authority or influence for the purpose of interfering with or affecting the result of a municipal election, nor take an active part in a municipal political campaign. Provided, however, the Municipal Administrator shall retain the right to vote in any election as he or she chooses and to express as an individual his or her opinion freely on all political subjects and candidates. Conduct prohibited by this section shall constitute conduct contrary to the best interest of the municipality and shall subject the Municipal Administrator to removal under Section 3.03 (6) of this Charter.
- 7) **Removal:** The Mayor may recommend the removal of the Municipal Administrator to the Council, who shall affirm or deny the Mayor's recommendation by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the Council shall by majority vote of its members adopt a preliminary resolution stating the reasons for such removal. The Municipal Administrator may reply in writing and may request a public hearing before Council which public hearing shall be held not earlier than twenty (20) days nor later than thirty (30) days after the public filing of such request,

which request shall be filed with the Mayor within five (5) days of the Municipal Manager being notified of such termination. After such public hearing, if one is requested, and after full consideration, the Council by a majority vote of its members, may adopt a final resolution of removal, which decision is final.

**Section 4.021 Law Director:** ~~There shall be a Director of Law who shall be elected for a term of four years, commencing on the first day of January next after the election, and who shall have all powers and duties accorded to a city director of law under Ohio Revised Code §§ 733.49–733.621 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. The director of Law shall be an elector of the Municipality.~~ A Law Director shall be appointed by the Municipal Administrator in consultation and with the approval of the Mayor and the Council. The Law Director shall be an Attorney at Law, admitted to practice in Ohio, and shall be a resident of Hamilton County or a contiguous county in the State of Ohio. The Law Director shall be the legal advisor of and attorney and counsel for the municipality and for all officers and departments thereof in all matters relating to their official duties; and shall, when requested, give legal opinions in writing. The Law Director shall represent the municipality in all litigation to which it may be a party and shall, upon request of the Mayor or police officials of the municipality, prosecute for all offenses against the ordinances of the municipality or against the laws of Ohio in actions before the Mayor. The Law Director shall on request prepare all contracts, bonds, and other instruments in writing in which the municipality is concerned and shall endorse on each his or her approval of the form and correctness thereof. The Law Director shall perform all

other duties of a legal nature imposed by any measure of Council or imposed upon the chief legal officers of municipalities by applicable general law.

**Section 4.032 Auditor:** ~~There shall be an Auditor who shall be elected for a term of four years, commencing on the first day of January next after the election, and who shall have all powers and duties accorded to a city auditor under Ohio Revised Code §§ 733.10—733.20 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. The Auditor shall be an elector of the Municipality.~~ **Finance Director:** A Finance Director shall be appointed by the Municipal Administrator in consultation and with the approval of the Mayor. The Finance Director shall be the chief fiscal officer of the municipality and shall have the combined powers and duties of Treasurer and Auditor of the municipality as provided by the general law.

- 1) **Powers and Duties:** In addition to the duties and responsibilities which the Mayor and the Municipal Administrator may from time to time determine, the Finance Director shall:
  - a) Keep the financial records of the municipality and serve as liaison between the municipality and auditors.
  - b) Serve as income tax commissioner with direct responsibility for and oversight of the municipality's income tax collections and all powers and duties accorded in a city tax commissioner under Ohio Revised Code §733.85 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter



**in effect. The Finance Director may appoint an Income Tax Administrator in consultation with and the approval of the Municipal Manager and the Mayor.**

- c) Serve as accounts payable clerk, establish and maintain accounting systems, financial records and reports used by the offices, departments, boards and commissions of the municipality.**
- d) Assist the Mayor and the Municipal Administrator in the preparation and submission of appropriation measures, estimates, budgets, capital programs, and other financial matters.**
- e) Provide full and complete information concerning the financial affairs and status of the municipality as required by the Mayor and the Municipal Administrator or Council.**
- f) Provide full and complete information and assistance concerning the finances or accounting systems or records of any office, department, board or commission of the municipality as requested by the Mayor, the Municipal Administrator or the Council.**

**2) Vacancy: The Municipal Administrator, in consultation and with the approval of the Mayor, may appoint another individual to perform any of the duties of the Finance Director when the Finance Director is unavailable or otherwise assigned.**

**~~Section 4.03 Treasurer:~~ There shall be a Treasurer who shall be elected for a term of four years, commencing on the first day of January next after the election, and who shall have all powers and duties accorded to a city treasurer under Ohio Revised Code §§ 733.42—733.47 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. The Treasurer shall be an elector of the Municipality.**

**Section 4.04 Public Safety:** The Police Chief and the Fire Chief shall each be appointed by the Municipal Administrator in consultation and with the approval of the Mayor and in accordance with the requirements of the Civil Service laws of the State of Ohio as amended, and both Chiefs shall have all powers and duties accorded to their respective positions by Ohio Revised Code §§ 737.06 and 737.09 as now or hereafter in effect. The Municipal Administrator shall be the administrative head of the Police and Fire Departments.

~~Section 4.04 Director of Public Service:~~ The Mayor shall appoint a Public Service Director who shall have all powers and duties accorded to a city director of public service under Ohio Revised Code §§ 735.01–735.26 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. The Public Service Director need not be a resident of the Municipality at the time of appointment, but shall become a resident thereof within six months of appointment unless such residence requirement is waived by ordinance.

~~Section 4.05 Director of Public Safety:~~ The Mayor shall appoint a Public Safety Director who shall have all powers and duties accorded to a city director of public safety under Ohio Revised Code §§ 731.01–737.14 and §§ 737.21–737.99 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. The Public Safety Director need not be a resident of the Municipality at the time of appointment, but shall become a resident thereof within six months of appointment unless such residence requirement is waived by ordinance. In accordance with Ohio Revised Code §§ 734.04–737.14 as presently codified or hereafter amended and the Constitution and general laws of the State

~~of Ohio now or hereafter in effect. Council shall establish, as subdivisions of the Department of Public Safety, a Police Department and a Fire Department. The Chief of Police and the Fire Chief shall each be selected in accordance with the requirements of the Civil Service laws of the State of Ohio as amended, and both Chiefs shall have all powers and duties accorded to their respective positions by Ohio Revised Code §§ 737.06 and 737.09 as now or hereafter in effect. The Public Safety Director shall be the executive head of the Police and Fire Departments.~~

~~**Section 4.06 Tax Commissioner:** Council shall have the power to establish the office of Tax Commissioner. If Council establishes such an office, the Mayor shall appoint a Tax Commissioner who shall have all powers and duties accorded in a city tax administrator under Ohio Revised Code § 733.85 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.~~

~~**Section 4.057 Miscellaneous Provisions:** The officers of the Municipality shall be subject to Ohio Revised Code §§ 733.79i- 733.99 as presently codified or hereafter amended, relating to miscellaneous duties, privileges and regulations.~~