



Government Structure Analysis

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PURPOSE & SCOPE

The Village of Saint Bernard is a charter municipality operating under the Mayor-Council form-of-government. Despite the adoption of a home rule charter in 2003, the Village has largely retained its statutory structure, including an elected Auditor, an elected Treasurer and an elected Law Director. The Village has also retained the statutory format of its Village Council which includes a President of Council, four ward council members, and three at-large council members. The Village is seeking an analysis of its organizational structure to determine if reorganization (including the potential elimination/reclassification of the aforementioned statutory positions) will enhance the Village's efficiency and effectiveness. Further, an analysis of the various forms of government and mechanisms for efficient transition will be considered.

VILLAGE HISTORY

Saint Bernard was incorporated as a village in 1878 and attained city status with the 1910 Census. It grew steadily for the next three decades reaching a population apex of 7,487 in the 1930 United States Census. In 2000 the U.S. Census Bureau released population statistics that indicated a population of less than 5,000 residents which, under Ohio law, triggers the reclassification of a municipality as a village. Saint Bernard successfully challenged the Bureau's figures and retained city status until the 2010 census. The 2010 Census indicated a population of 4,368, which triggered reclassification of the municipality as a village. Anticipating the likelihood of reclassification with the 2010 Census, the Village in 2003 adopted a Charter that enabled it to retain the functionality of a city, including civil service processes and the ability to

bargain collectively with its employees. The Charter retained the statutory offices as well as the strong Mayor-Council form-of-government.

As the Village has evolved a consensus has developed that the Charter needs to be amended in a manner that will provide greater consistency and continuity between mayoral administrations. This document provides an overview of the Village's current operations and offers recommendations on how it can achieve the continuity and consistency necessary for ongoing stability.

STATISTICS

Saint Bernard consists of 1.56 square miles with a population density of 2,818.1 inhabitants per square mile and 2,128 housing units. As of the 2020 Census there were 4,070 residents of Saint Bernard with the following demographic breakout: 70% Caucasian, 20% African American, 1% Asian, 7% other/two or more races and 2% Hispanic. The median age was 41.3 years making it slightly older than the Hamilton County average of 36.7 years. Located in the center of Hamilton County, the Village is bisected by Interstate-75 (the Mill Creek Expressway) with easy access to Interstate-71 via State Route 562 (the Norwood Lateral), Interstate-74 and State Route 126 (the Ronald Reagan Cross County Highway). The Village (along with Elmwood Place, its neighbor to the northwest) is completely surrounded by the City of Cincinnati: specifically, the neighborhoods of Clifton, Winton Place, Spring Grove Village, Carthage, Bond Hill, and North Avondale. The Village itself is stable, but stakeholders expressed concern about the

stability of the surrounding neighborhoods and the manner in which they might affect the future of the Village.

STAKEHOLDER INPUT

A major facet of this study involved individual meetings with various Village stakeholders.

These interviews asked a series of questions regarding the Village's strengths as well as its challenges, its current form of government, its governmental structure and how the stakeholders feel Saint Bernard's government can be enhanced and strengthened. Questions included:

1. What do you see as Saint Bernard's strengths? Its weaknesses?
2. How does the Village's current government structure either support or hinder its success?
3. If you were to restructure Saint Bernard's government, how would you design it?
4. Why is there no Charter Commission in Saint Bernard? Is one needed?
5. What do you believe should be the powers of Village Council? Of the Mayor? Of an appointed professional administrator?
6. What are your thoughts regarding the statutory positions retained in the Saint Bernard Charter?

The stakeholders consisted of the Village's elected officials, staff members, Civil Service Commissioners, and representatives of the Community Improvement Corporation.

Cincinnati/Northern Kentucky International Airport is just 25 minutes away. Multiple cultural attractions (the Cincinnati Zoo, the Aronoff Center, and the Cincinnati Museum Center to name a few) are just minutes away as are the Reds, the Bengals and FC Cincinnati. Geography has enabled the Village to sustain its strong economic base, which has also positioned the Village to market itself as a destination for both generational legacies and professionals from nearby communities. It features an engaged citizenry, many of whom come from families who have called the Village home for multiple generations. Saint Bernard is an extremely close-knit community which it leverages to maximum value.

Quality services are also highly valued and were cited as one of the Village's primary strengths by most of the stakeholders. The safety services are held in particularly high regard, but there is also great pride in the Village's service department and its ability to provide refuse collection services.

Challenges

Stakeholders cited a number of challenges confronting the Village, as cited in the adjacent illustration. Chief among them are the statutory form of government, a lack of day-to-day professional leadership and oversight, a community that is



change averse, and a lack of continuity or consistency between administrations. Several of these challenges are intertwined.

The statutory form was intentionally retained when the Charter was adopted in 2003. Over time it has limited the Village's ability to respond to day-to-day challenges. The mayorship is a part-time position requiring no background in local government or organizational operations. It is difficult for a mayor working a separate, full-time career position to provide daily oversight and direction to the staff. Conversations confirmed a general sense of a lack of daily staff leadership. While the current structure does provide for a Director of Public Safety & Service, the Charter lacks a provision that insulates a director during the transition of administrations. Therefore, the Director position has typically turned over with every new administration, creating instability and a sense of insecurity amongst staff members. Further, the Director position along with other positions in City Hall, have often been filled by patronage appointments.

There was a strong, virtually universal desire to create a professional administrator position with a stipulation that the selection be based upon merit, education and experience. Most stakeholders also indicated that the administrator need not be from or reside in Saint Bernard. Finally, there was a desire to include language in the charter that would promote continuity between mayoral and council elections.

There can be no doubt that change comes slowly to Saint Bernard. This has been one of its primary strengths, but also at times a major weakness. The issues identified in this analysis will

require a fundamental restructuring of the Village's government operations. The process will be challenging and will require the support of the administration, the staff and, most significantly, the community. It is therefore imperative that everyone be fully engaged on the issues and reasons.

FORMS OF GOVERNMENT

Statutory

Despite the adoption of a Charter in 2003, the Village continues to operate with a statutory model of government. Under this form the Mayor is the chief elected official and the chief executive officer of the municipality but does not chair council meetings. This duty is reserved for the President of Council who, like the Mayor, is directly elected to the role. The number of Council members is typically determined by the population of the municipality. Finance duties are often assigned to an elected Auditor and an elected Treasurer. An elected Law Director provides legal counsel to the municipality. Daily administration of the municipality is carried out by directors of Public Service and Safety, though the positions can be combined. The Auditor, Treasurer and Law Director are accountable directly to the voters with no day-to-day obligations to the Mayor or the Council. This can lead to highly segmented and siloed departments and roles.

Mayor-Council

The Mayor-Council or Strong Mayor form of government can assume various structures. In a charter municipality with the Mayor-Council form, the mayor is the chief executive officer of the municipality with the power and duty to appoint and direct staff, present an annual

operating budget to council, along with any other powers and duties as are conferred and required by law. Charter municipalities are generally led by a mayor with five to seven council members. Council members may be elected at-large, by ward, or a combination thereof. A common format consists of four council members elected from wards with three council members elected at-large. The statutory positions of President of Council, Auditor, Treasurer and Law Director are rare in charter municipalities. It is more typical for the Mayor to serve as the chief elected official and the head of council. The Auditor and Treasurer duties are often combined into a professional Finance Director position and the Law Director is typically appointed. Often there is an appointed Municipal Administrator to serve as the Mayor's day-to-day representative and chief of staff. A municipal administrator will provide direct supervision of the staff, assist the mayor with the annual budget, and serve as the mayor's eyes and ears. The Municipal Administrator position typically combines and replaces the Director of Public Safety and Director of Public Service positions.

Council-Manager

Section 705.51 through 705.60 of the Ohio Revised Code provides for a "City Manager Plan", better known as the Council-Manager form-of-government. This plan combines the strong political leadership of elected officials with the professional expertise of an appointed professional manager. Legislative authority under this form of government is vested in Village Council, the body that is chosen by the electorate. Council hires (and as needed terminates) the Municipal Manager to serve as the Village's full-time chief executive officer.

In addition to appointing the Village Manager and passing legislation, Council approves the annual operating budget, contracts in the Village's name, and levies taxes. The Mayor serves as the official and ceremonial head of government and presides over all meetings of Council. The Mayor may be directly elected or may be selected from amongst the Council members. The Mayor's role and powers are dependent upon the method of selection.

The Municipal Manager is responsible for the day-to-day operations of the village, implements Council policy directions, hires and oversees the staff, prepares and implements the annual operating budget, and keeps the elected officials advised of the Village's financial viability.

TRANSITION

As stated earlier in this report, the sentiment to create a professional administrator position was virtually universal within the stakeholder group. There was, however, some divergence as to the form of government the Village should adopt. For the immediate future it is recommended that the Village retain the Mayor-Council form of government while creating a professional Municipal Administrator position. It is also recommended that the remaining statutory offices be reclassified according to the outline below.

Director of Public Safety and Service to Municipal Administrator: The Village Charter currently calls for a Director of Public Safety and Service to be appointed at the discretion of the Mayor. It is recommended that the duties of the Director be reassigned to an appointed Municipal Administrator and that the Director be eliminated as a separate position. The Municipal Administrator would serve as the Village's chief administrative officer as well as the mayor's primary advisor and representative. In order to provide continuity between administrations it

is recommended that the Mayor have the power to appoint and dismiss the Municipal Administrator with the approval and consent of Council. It is further recommended that the Municipal Administrator be empowered to appoint and dismiss staff with the approval and consent of the Mayor. A number of functions can be consolidated under a professional Municipal Administrator including human resources, economic development and community outreach. The proposed duties and powers of a Municipal Administrator are fully outlined in Exhibit A.

Auditor & Treasurer combined into Finance Director: The statutory structure retained by the Village maintains an elected Auditor and an elected Treasurer, neither of which are required to have a background in accounting or finance. Economy of scale can be achieved by combining the two positions into an appointed Finance Director position with a professional background in accounting, finance or a related field. Assuming the Village appoints a professional Municipal Administrator, many of the duties currently assumed by the Auditor can be reassigned to the Administrator; human resources functions being a prime example. This would enable the Village to potentially make the Finance Director a part-time position. Typical duties of the Finance Director include acting as the Village's chief fiscal officer, assisting the Mayor and Administrator with preparation of the budget, keeping and balancing the Village's financial records, and acting as the Village's accounts payable and receivable agent.

Elected Law Director to Appointed Law Director: Transitioning from an elected to an appointed Law Director is one of the primary recommendations to be made by this study. It was clear from the interviews that there is great concern regarding the ability of the Village to continue to attract a highly qualified and competent elected Law Director given the size and

demographics of the community. Further, an appointed Law Director, particularly one from a medium to large-sized firm, can provide the Village with greater legal experience and depth. For example, in addition to municipal law, the Village would be more likely to have access to legal specialties such as labor and employment, real estate, worker's compensation, and public finance. It also provides the Village with the option of bidding its legal services periodically in order to ensure that it is receiving highly competent, cost-effective representation.

Composition/Size Of Council: The ideal composition and the size of the Village Council was mentioned by a number of stakeholders. The majority of stakeholders seemed satisfied with the current seven council members, though there was some sentiment to reduce the number to five. There was also discussion regarding whether or not to retain the ward system. Given the size of the community it is unlikely that an area would be unrepresented in an at-large system. Further, the quality of council members might be enhanced by an at-large system that does not geographically limit eligibility. A seven-member Village Council elected at-large will provide the most effective representation of the community.

COMMUNITY ENGAGEMENT

As outlined earlier in this document, the analysis directly solicited feedback from a microcosm of the Saint Bernard Community. If the Village decides to pursue the recommendations of this analysis further, it may be beneficial to conduct a comprehensive survey of the community in

order to gauge support for amending the charter to provide for greater professional management of the Village. Any such survey should be organized in a manner that provides safeguard against biased or leading questions and touches enough people to ensure scientific validity. An option such as Survey Monkey could be utilized, though it may be difficult to achieve validation with such a mechanism. There are a number of organizations with the expertise and the capacity to conduct a validated survey, including both the University of Cincinnati and Miami University. Contact information for the university programs is as follows:



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As stated previously, both of these programs have the professional capacity to conduct a validated community survey. They do, however, differ in mission and cost. The Center for Public Management and Regional Affairs (CPMRA) program is geared primarily toward townships and the issues that they face. It is not likely to be as in tune with municipal issues. However, the nominal cost of the CPMRA program makes it an attractive option.

The Institute for Policy Research program is more dynamic and in better sync with municipal

concerns. Further, the staff is likely to possess a better understanding the issues being confronted by first suburb communities. This understanding will provide a more complete, encompassing survey. The cost of this program is greater, but the data collected will be thorough with a great deal of validation.

As the process moves forward it will be important to engage the community through a series of community forums. These gatherings can take the form of town hall meetings but can also include presentations at community service organizations such as the Women’s Club, the Eagles and the Friars Club. School and church groups also provide excellent forums. Finally, it is important to engage the merchants and other Village businesses in the process.

SUMMARY & RECOMMENDATIONS

The Village of Saint Bernard is in an excellent position to redefine itself and thrive for generations to come. Several factors work in its favor, including

- An excellent geographic location near major hospitals and universities
- A strong commercial/industrial base with companies such as Proctor & Gamble, the J.M. Smucker Company and the Saint Bernard Soap Company
- An independent school system as well as a well-known and respected parochial high school
- A defined, architecturally significant downtown
- A dedicated, engaged citizenry.

Despite these factors, the Village suffers from a lack of identity beyond its borders. Most people in the region are generally aware of its location, but few have reason to visit unless they work in or know someone who lives in the Village.

The Village is being held back by its existing government structure. The current form of governance does not optimize the daily supervision of the St. Bernard staff. The creation and empowerment of a full-time, professional Municipal Manager under a Mayor-Council form of government will have the benefit of providing staff with direction and stability between administrations and will provide a forum to maximize their considerable talents. An Administrator can also assist the Mayor in the establishment of a vision and a mission within and beyond the Village boundaries by engaging with organizations at the local, regional, state and national levels. A Municipal Administrator should be appointed and employed based upon merit, experience, and education and should be expected to maintain political neutrality throughout the term of office.

The creation of a Finance Director position combines the duties of the current Auditor and Treasurer positions and will provide professional standards to the Village's financial operations and will also provide the Mayor and the Administrator with an invaluable resource as they position the Village to leverage its assets. The Auditor and Treasurer positions should be eliminated upon the creation of a Finance Director position.

Outsourcing legal counsel services can provide the Village with a broader array of specialties. This will be especially important as it endeavors to redevelop its downtown and its neighborhoods. It will also provide the Mayor and the Municipal Administrator with additional

resources including legal counsel for labor and employment issues, real estate development, and litigation. The size and demographics of the community also limit the Village's pool of quality, competent candidates for election as Law Director. Making the Law Director an appointed position enables appointment from beyond the Village's jurisdiction and vastly expands the pool of qualified candidates. A model compensation ordinance for an outsourced law director is outlined in Exhibit B.

The size of the Council serves the Village well, though it may want to consider transitioning to an at-large or hybrid model rather than a strictly ward election system. This will allow for a greater variety and quality of candidates and, given the geographic compactness of the community, will not reduce representation. The President of Council position is a vestige of the statutory form of government and may be redundant with a strong Mayor and a professional Municipal Administrator.

The Village has an enviable position compared to most other first-ring suburban communities. A few tweaks, as outlined in proposed Charter amendments in Exhibit A, will enable Saint Bernard to leverage its strengths to remain a dynamic community for decades to come. In order to achieve this, it will require the dedication, coordination and commitment of the elected leadership, the staff and the greater community.

ACKNOWLEDGEMENTS

The following individuals provided invaluable insight regarding the government structure analysis. This study would not have been possible without their input.



Elected Officials

Jonathan Stuchell, Mayor
Steve Asbach, President of Council
Valerie Van Valkenburg-Walden, Dir. of Law
Peggy Brickweg, Auditor
John Ungruhe, Treasurer
Cindi Bedinghaus, Council at Large
Patty Hausfeld, Council at Large
Robert Culbertson, Council at Large
Mindy Miller, Council – Ward #1
Ray Culbertson, Council – Ward #2
Donald Tobergte, Council – Ward #3
Chris Schildmeyer, Council - Ward #4

Village Staff

Alex Mathis, Police Officer
Tom Paul, Dir. of Public Safety & Service
Ben Barnes, Firefighter/Paramedic
Leighanne Helmes, Tax Administrator
Ed Kallmeyer, Service Department Foreman
Jeremy Hausfeld, Service Department
Mike Matheson, Police Officer
Bryan Young, Fire Chief
Jason Smith,
Mike Simos, Police Chief

Gerry Stoker, Building Inspector
Jason Martin,
Heidi Culbertson, Village Clerk
Cheryl Abrams, Assistant to the Mayor
Jake Johnson, Deputy Auditor

Community Improvement Corporation

Tom Rolfson
Meredith Hughes
Joe Brickler
Chris Sauer

Civil Service Commission

Eric Johansen
Tony Zerges

External Resources

Mike Burns, Indian Hill City Manager (ret.)
Tom Carroll, Silverton Village Manager
Mike Hinnenkamp, Ohio Plan President
Tom Moeller, Madeira City Manager
Bryan Pacheco, Silverton Village Solicitor

Exhibit A

Charter

Article I - Incorporation, Powers and Form of Government

Article II - Legislative Authority

Article III - Executive

Article IV - Administrative Officers and Departments

Article V - Boards and Commissions

Article VI - Taxation and Finance Power to Tax, Spend and Incur Debts

Article VII - Nominations, Elections and Removal

Article VIII - Initiative and Referendum

~~Article IX - Transition Between City and Village Status~~ **Continuity**

~~Article X - Transition upon Adoption of Charter~~

Article XI - General Provisions

Incorporation, Powers and Form of Government

Section 1.01 Preamble: WE THE PEOPLE of St. Bernard, Ohio, in order to secure home rule, provide efficient and fair methods of administering the affairs of the community, ensure the continuation of our present form of government, and provide the best possible protection for the health, safety, and welfare of the community, do hereby adopt this Charter.

Section 1.02 Incorporation: The municipal corporation now existing in the County of Hamilton, State of Ohio, and known as the City of St. Bernard, and hereinafter referred to as the "municipality" shall be and continue to be a municipal corporation with all the privileges and powers pertaining thereto. The provisions of this Charter shall apply whether St. Bernard is classified as a city or a Village under Ohio law.

Section 1.03 Powers: The Municipality shall have all powers, privileges, and benefits of local self-government and home rule and all other powers accorded to a municipality under the Constitution and general laws of the State of Ohio now or hereafter in effect. All such powers shall be exercised in the manner prescribed by this Charter or, if not prescribed herein, in such manner as shall be provided by ordinances or resolution. The general laws of the State of Ohio not inconsistent with the Charter, or with ordinances of St. Bernard, shall have the force and effect of ordinances of the Municipality. The enumeration of particular and specific powers in this Charter shall not be deemed to exclude other powers to which the Municipality is now or hereafter becomes entitled under the Constitution and general laws of the State of Ohio.

Section 1.04 Form of Government: The form of municipal government provided by this Charter shall be known as the ~~"strong Mayor"~~ **"Mayor-Council"** form of government. The powers of the municipal government shall be distributed according to the provisions of this Charter among the elected and appointed officials, boards, and commissions, and the electorate.

Section 1.05 Change in Form of Government: The electors of the Municipality shall have the power to change the form of government from the ~~"strong Mayor"~~ **"Mayor-Council"** form of government to one of the optional plans permitted by Ohio Revised Code § 705 as presently

codified or hereafter amended only by amendment of this Charter pursuant to the procedures set forth in Section 11.02 of the Charter and Article XVIII, Section 9 of the Ohio Constitution.

Legislative Authority

Section 2.01 Council: All legislative powers of the Municipality shall be vested, ~~subject to the terms of this Charter and of the Constitution and laws of the State of Ohio,~~ in an elected Council **which shall consist of seven (7) electors of the municipality.**

Section 2.02 Composition and Terms of Office: ~~The Council shall be composed of not fewer than seven members, four of whom shall be elected by wards and three of whom shall be elected by the electors of the Municipality at large. Pursuant to Ohio Revised Code §731.01, for the first twenty thousand inhabitants of the Municipality, in addition to the original five thousand, there shall be two additional Council members elected by wards, and for every fifteen thousands inhabitants thereafter there shall be one additional member similarly elected. The total number of members of Council shall not exceed seventeen. Members of council shall be elected for a term of two years, commencing the first day of January next after the election and serving until their successors are elected and qualified. The electors of the Municipality may, by affirmative vote, change the term of office for council members to four years and, if the terms of office are so changed, institute staggered terms of office. Any such change in the terms of office shall be accomplished pursuant to the procedures set forth in Ohio Revised Code § 731.03 as presently codified or hereafter amended. Council shall be elected by the~~ **electors of the Municipality at-large. Members of Council shall be elected to four-year overlapping terms. At the first municipal election after the adoption of this Charter the three**

(3) candidates receiving the largest number of votes shall be elected to four (4) year terms of office and the four (4) candidates receiving the next highest number of votes shall be elected to two (2) year terms of office. Thereafter all members of Council shall be elected for a four (4) year term of office.

Section 2.03 Qualifications: ~~The qualifications of council members shall be governed by Ohio Revised Code §§ 731.02 and §731.44 as presently codified or hereafter amended. Council members at large shall be electors of the Municipality and council members from wards shall be electors of the Municipality who have resided in their respective wards for a continuous period of not less than one year preceding the election. Council members shall not hold any other public office, except that of a notary public or a member of the state militia, and shall neither be interested in any contract with the Municipality nor hold employment with the Municipality. A council member who ceases to possess any of these qualification, who removes from his or her ward, if elected from a ward, or from the Municipality, if elected at large, shall forfeit his or her office.~~ **Council members shall be electors of the Municipality who have resided in the municipality for a continuous period of not less than one year preceding the election. Council members shall not hold any other public office, except that of a notary public or a member of the state militia, and shall neither be interested in any contract with the Municipality nor hold employment with the Municipality. A council member who ceases to possess any of these qualifications or who removes from the Municipality shall immediately forfeit his or her office.**

Section 2.04 Vacancies and Removals: ~~All vacancies in the office of a council member shall be filled pursuant to the procedures set forth in Ohio Revised Code § 731.43 as presently codified or hereafter amended.~~

(A) The Council shall immediately declare vacant the seat of any member who shall cease to be a resident of municipality. Council may also declare vacant the seat of any member who persistently fails to abide by the rules of the Council or who is otherwise guilty of misconduct affecting performance of his or her duties as a councilperson. Such action shall be taken only upon the concurrence of five members of Council at a regular meeting of Council after service of notice upon such of such proposed action at least twenty-four hours in advance of such meeting.

(B) Vacancies in the membership of the Council shall be filled for the unexpired term by a majority vote of the remaining members of Council within 60 days after the vacancy occurs. If the Council does not fill the vacancy within the 60-day period the Mayor shall fill the vacancy by an appointment for the unexpired term.

Section 2.05 Compensation of Council Members: Compensation of council members shall be set by ordinance, subject to the Constitution and general laws of the State of Ohio now or hereafter in effect.

Section 2.06 Meetings of Council: The requirements of quorum, regular meetings, and special meetings shall be governed by Ohio Revised Code §§ 731.44 - 731.46 as presently codified or hereafter amended. Council shall conduct "open" meetings in accordance with Ohio Revised Code § 121.22 as presently codified or hereafter amended. Council shall maintain a journal in

accordance with Ohio Revised Code § 731.45 as presently codified or hereafter amended and shall have the power to establish its own rules and to punish or expel members in accordance with Ohio Revised Code § 731.45 as presently codified or hereafter amended.

Section 2.07 Powers, Duties and Liabilities of Council Members: Council and its members shall possess all powers, duties and liabilities afforded to city councils and city council members under Ohio Revised Code § 731 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.

Section 2.08 Procedure for Enacting Ordinances and Resolutions: Council procedures for making motions and enacting ordinances and resolutions shall be governed by Ohio Revised Code §§ 731.18- 731.27 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. Council shall have the power to enact emergency legislation in accordance with Ohio Revised Code § 731.10 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.

Section 2.10 Officers of Legislative Authority: In accordance with the procedures set forth in Ohio Revised Code § 731.04 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect, Council shall elect a president pro tempore, a clerk and such other employees as are necessary.

Executive

Section 3.01 Mayor: There shall be a Mayor 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 the mayor of a municipality under Ohio Revised Code §§ 733.01 - 733.08 and §§ 733.30 -733.41 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect. The Mayor shall be an elector of the Municipality **and shall have resided in the municipality for a continuous period of not less than one year preceding the election.**

Section 3.02 Vice Mayor and President of Council: There shall be a Vice Mayor who shall serve as President of Council. The Vice Mayor shall be elected for a term of two years, commencing on the first day of January next after the election. The Vice Mayor shall be an elector of the Municipality. The Vice Mayor shall have all powers and duties accorded to a president of the legislative authority of a city under Ohio Revised Code § 733.09 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.

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 §§ 733.79 - 733.99 as presently codified or hereafter amended, relating to miscellaneous duties, privileges and regulations.

Boards and Commissions

Section 5.01 Planning Commission: Council may establish a Planning Commission, which shall have all powers and duties accorded to a city planning commission under chapter 713 of the Ohio Revised Code as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect. Pursuant to Ohio Revised Code § 713.01 as presently codified or hereafter amended, the Planning Commission shall consist of the Mayor, the Public Service Director and three citizens of the Municipality who shall be appointed by the Mayor.

Section 5.02 Recreation Board: Council may establish a Recreation Board, which shall consist of five members, two of whom shall be appointed from the Board of Education and three of whom shall be appointed by the Mayor. The Recreation Board shall have all powers and duties accorded to a city recreation board under Ohio Revised Code §§ 755.12 - 755.181 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect.

~~**Section 5.03 Board of Health:** Pursuant to Ohio Revised Code § 3709.01, the Municipality shall constitute a city health district and, pursuant to Ohio Revised Code § 3709.05, the Mayor, as president of the Board of Health, shall appoint, and Council shall confirm, a Board of Health, consisting of five members and possessing all of the powers and duties accorded to a city board of health under Chapter 3709 of the Ohio Revised Code as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect. The Board of Health shall have the power to appoint a Health Commissioner and a Registered Nurse, as Director of Nursing, to contract for the services of a Registered Sanitarian, as Director of Environmental Health, and a Licensed Pest Control Officer. The Mayor, as President of the Board of Health, shall have the power to appoint a plumbing Commissioner, who shall serve under the Health Commissioner. Consistent with Ohio law regarding municipal contracts, the Plumbing Commissioner a registered licensed Master Plumber, shall have the power to contract with state-certified inspectors to conduct inspections.~~

Section 5.034 Civil Service Commission: The Mayor shall appoint a Civil Service Commission with the concurrence of Council, as procedurally set forth in Ohio Revised Code, consisting of a three-member board with overlapping terms, the members of which shall serve as the civil service commission of the city, the school district and city health district, as specified by Article XV, Section 10 of the Ohio Constitution and Chapter 124 of the Ohio Revised Code as presently codified or hereafter amended. **No member of this Commission shall be in the classified or unclassified service of the Municipality.** Any eligible officer or employee may, within thirty days of receiving an adverse decision from the Civil Service Commission, appeal to the Court of Common Pleas for Hamilton County.

Legislative Authority

Section 6.01 Power to Tax, Spend and Incur Debt: The Municipality shall have all powers granted to municipalities, by the Constitution and general laws of the State of Ohio now or hereafter in effect, to impose taxes, expend funds for public purposes, incur debts, borrow money and issue bonds.

Nominations, Elections and Removal

Section 7.01 Municipal Elections: Except as expressly provided in this Charter, the Constitution and general laws of the State of Ohio now or hereafter in effect shall govern the nomination, election and removal of elective officers of the Municipality.

Section 7.02 Recall: Any elective officer of the Municipality may be removed from office by the qualified voters of the Municipality, pursuant to Ohio Revised Code § 705.92 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect

Section 7.03 Qualified Electors: All citizens qualified to vote in the Municipality by the Constitution and general laws of the State of Ohio now or hereafter in the effect and who satisfy the requirements for registration prescribed by law shall be qualified electors within the meaning of this Charter.

Initiative and Referendum

Section 8.01 Initiative: In accordance with Ohio Revised Code §§ 731.28 and 731.30 - 731.40 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect, the electors of the Municipality shall have the power to propose ordinances and other measures by initiative petition.

Section 8.02 Referendum: In accordance with Ohio Revised Code §§ 731.29 - 731.40 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now and hereafter in effect, the electors of the Municipality shall have the power to approve or reject at the polls any ordinance or other measure enacted by council, except for emergency ordinances enacted by council.

~~Transition Between City and Village Status Continuity~~

~~Section 9.01 Intent of the Electors:~~ It is the intent of the electors of the Municipality in adopting this Charter to maintain as near as possible the form and structure of government existing at the time of the initial adoption of the Charter. The provisions of this Charter are designed to replicate the form, structure, powers, and duties of municipal government accorded to statutory cities in the State of Ohio. Except as expressly provided herein, where the Ohio Revised Code prescribes a different form or structure or different powers and duties for

~~statutory cities and statutory villages, it is the intent of the electors of the Municipality, as expressed in this Charter, to follow the prescriptions for statutory cities, whether the Municipality is a city or a village.~~

Section 9.012 Continuity of Municipal Structure: ~~In the event of a change in the Municipality's status as a city or a village, all offices, departments, boards, and commissions, which exist at the discretion of Council, the Mayor, or other officers of the Municipality, shall continue to exist, with all powers and duties previously accorded to them, until the appropriate authority expressly determines otherwise.~~ **Except as otherwise herein provided, all offices, departments, boards, and commissions in existence at the time this Charter is adopted shall continue to exist, with all powers and duties previously accorded to them. In the event that any such existing powers and duties are inconsistent with those granted by this Charter, the provisions of the Charter shall prevail and control.**

~~**Section 9.03 Continuity of Power and Duties:** Whether the Municipality is a city or a village, the Municipality and its executive and administrative officers, Council, council members, departments, boards, and commissions shall retain all powers and duties set forth in this Charter, except those specifically and expressly addressed herein and those that are inconsistent with the Constitution and general laws of the State of Ohio now or hereafter in effect.~~

Section 9.02 Continuity of Administration: ~~Following a transition between city and village status, all individuals serving as elected or appointed officials shall continue in office, subject to the terms of this Charter, until the expiration of their terms of office.~~ **All individuals serving as elected or appointed officials at the time this Charter is adopted shall continue in office, subject to the terms of this Charter, until the expiration of their terms of office.**

Section 9.05 Continuity of Wards: ~~Following a transition between city and village status, the existing division of the Municipality into ward s shall continue in force until Council undertakes redistricting pursuant to Ohio Revised Code § 731.06 as presently codified or hereafter amended and the Constitution and general laws of the State of Ohio now or hereafter in effect.~~

Section 9.03 Continuity of Laws: ~~Following a transition between city and village status, all or Ordinances and resolutions in effect at the time shall continue in force until amended or repealed by Council.~~ **All ordinances and resolutions in effect at the time this Charter is adopted shall continue in force until amended or repealed by Council.**

Section 9.07 Board of Health: ~~If the Municipality becomes a village, the Municipality shall, pursuant to Ohio Revised Code § 3709.01, thereafter participate in a general health district. The Municipality's Board of Health shall continue to exist, but shall subsequently be known as the Health Service Commission. The Municipality's Health Service Commission shall continue to have all powers and duties accorded by this Charter to the Board of Health and accorded by the Constitution and general laws of the State of Ohio now or hereafter in effect to a city board of health, except those powers and duties granted exclusively to the Board of Health operating in the general health district in which the Municipality shall thereafter participate.~~

Section 9.048 Civil Service Commission: ~~If the Municipality becomes a village, t~~The Municipality shall ~~continue to~~ have a Civil Service Commission, which shall retain all powers and duties granted by Section 5.034 of this Charter.

Section 9.059 Miscellaneous Provisions: Whether the Municipality is a city or a village, the conduct of elections, the power to recall elective officers and the rights to initiative and referendum shall be governed by this Charter and shall remain the same.

~~Transition upon Adoption of Charter~~

Section 10.01 Continuity of Municipal Structure: ~~All offices, departments, boards, and commissions in existence at the time this Charter is adopted shall continue to exist, with all powers and duties previously accorded to them. In the event that any such existing powers and duties are inconsistent with those granted by this Charter, the provisions of the Charter shall prevail and control. Section 10.02 Continuity of Administration: All individuals serving as elected or appointed officials at the time this Charter is adopted shall continue in office, subject to the terms of this Charter, until the expiration of their terms of office. Section 10.03 Continuity of Laws: All ordinances and resolutions in effect at the time this Charter is adopted shall continue in force until amended or repealed by Council.~~

General Provisions

Section 10.01 Severability: If any provision, article or section of this Charter is held unconstitutional or otherwise invalid by a court, this shall not affect the validity, force or effect of any other provision.

Section 10.02 Amendments to the Charter: It is the desired of the people of the Municipality that this Charter be flexible and be able to meet the changing conditions and needs of the Municipality, as it grows and develops. Amendments to this Charter may be made in accordance with the procedures set forth in Article XVIII, Section 9 of the Ohio Constitution.

**A RESOLUTION FOR THE COMPENSATION OF THE
POSITION OF VILLAGE SOLICITOR OF THE VILLAGE OF SILVERTON**

WHEREAS: The Village of Silverton, Ohio has the need to provide the Village of Silverton, Ohio with legal counsel for the operation of its legislative and administrative offices.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF SILVERTON THAT:

SECTION I. The base salary for the position of Village Solicitor shall be \$65,260 annually, beginning on January 1, 2022. Payment shall be made on a monthly basis following the month of service in equal monthly installments of \$5,438.33.

SECTION II. The services to be performed under the basic salary provisions by the Village Solicitor are as follows:

1. Attendance at all Council business meetings or for such other meetings as requested by the Village Manager;
2. Acting as legal advisor to Council and the Village Manager;
3. Preparing legal opinions for Council and the Village Manager;
4. Attendance and prosecution in the Mayor's Courts scheduled the first and third Wednesdays of every month;
5. Prosecution of the tax cases on the preliminary Mayor's Court docket;
6. Legal advisor to various boards which would include attendance at their meetings when requested;
7. Legal advisor to the various Council committees;
8. Reviewing all Ordinances and Resolutions to come before Council;
9. Reviewing and approving all contracts entered into by the Village.
10. Appointing deputy solicitors when necessary.

SECTION III. In addition to the above contract services, the Solicitor shall be responsible for representing the Village in any other legal matter and shall be separately compensated at the hourly rate of \$275 per hour; such representation shall include but not be limited to the following:

1. Civil collection of waste collection and taxes;
2. Any litigation involving the Village except Mayor's Court;
3. Special tax court sessions;
4. Representation of the Village before a government board or agency;
5. Handling Mayor's Court appeals or Bureau of Motor Vehicles points appeals at Municipal Court.

PASSED this 2nd day of December, 2021.

John A. Smith, Mayor

ATTEST:

Thomas M. Carroll, Village Manager

Approved as to form:

Bryan E. Pacheco, Village Solicitor

CERTIFICATION:

I, Meredith L. George, Clerk of Council of the Village of Silverton, County of Hamilton, State of Ohio; do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Ordinance No. 21-848 has been duly made by posting true copies in two (2) places that are accessible by the public in said municipality, as determined by Council as follows: 1) Silverton Town Hall lobby area and Council Chambers foyer; and 2) Silverton's official website. Said posting was for a period of fifteen days commencing

_____, 2021.

Meredith L. George
Clerk of Council of Silverton, Ohio