

CITY OF KIRTLAND

ORDINANCE NO.: 20-O-34

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE CITY OF KIRTLAND, OHIO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING ARTICLE II-A – APPOINTED ADMINISTRATIVE OFFICERS AND DEPARTMENTS, SECTIONS 2, 3, 4, AND 5, AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee, appointed by the Mayor and approved by Council of the City of Kirtland, has submitted a proposed amendment to the Charter of said City; and

WHEREAS, the Charter of the City of Kirtland requires Council to submit all such proposals, unaltered, to the electorate for adoption at the next general election; and

WHEREAS, due to the current state of emergency in Ohio and the governor’s current stay at home order stemming from the COVID-19 pandemic, the Kirtland Public Library and the Kirtland Community Center have both been closed to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

Section 1. That this Council hereby authorizes and directs a submission to the electors of the City of Kirtland, Ohio, at the general election to be held at the usual places of voting in the City of Kirtland on or about Tuesday, November 3, 2020, of a proposal to amend the Charter of the City of Kirtland, Ohio, as hereinafter provided.

Section 2. That Article II-A – Appointed Administrative Officers and Departments, Section 2 – Director of Public Safety, of the Charter of the City of Kirtland, be amended so that said section as amended shall provide and read as follows:

**ARTICLE II-A
APPOINTED ADMINISTRATIVE OFFICERS AND DEPARTMENTS**

SECTION 2. Director of Public Safety.

The Director of Public Safety shall be appointed by the Mayor, subject to the confirmation by a majority vote of the members of Council. He/she

may be removed from office by the Mayor, but such removal shall not take place during term without the concurrence of two-thirds (2/3) of the members of Council; provided, however, that if the Mayor acts as Safety Director, the Council may, by a vote of two-thirds (2/3) of its members, remove him/her as such Safety Director. The Council shall set the salary of the Safety Director.

The Director of Public Safety shall be the head of the Division of Police, Division of Fire, Division of Building, Engineering and Inspection, and Division of Health. He/she shall make all necessary rules and regulations for the government of the Department of Public Safety and the several divisions thereof, and he/she shall be charged with the duty of enforcing all police, health, safety and sanitary regulations that may be prescribed by ordinances or rules of the Municipality or the general laws of the State of Ohio.

No appointment of a chief of a department or Division of Police or Fire shall be effective unless and until the same receives the concurrence of two-thirds (2/3) of the members of Council. The Director of Public Safety shall perform such other duties; consistent with his/her office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor.

Section 3. That Article II-A – Appointed Administrative Officers and Departments, Section 3 – Director of Public Service, of the Charter of the City of Kirtland, be amended so that said section as amended shall provide and read as follows:

ARTICLE II-A
APPOINTED ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 3. Director of Public Service.

The Director of Public Service shall be appointed by the Mayor, subject to confirmation by a majority vote of the members of Council. He/she may be removed from office by the Mayor, but such removal shall not take place during term without the concurrence of two-thirds (2/3) of the members of Council; provided, however, that if the Mayor acts as Service Director, the Council may, with the concurrence of two-thirds (2/3) of its members, remove him/her as such Service Director. The Council shall set the salary of the Director of Public Service.

The Director of Public Service shall be the head of the Division of Public Works and the Division of Recreation and Community Services. He/she shall have charge of all public works and improvements and the construction thereof, and of all engineering and inspection in connection therewith. He/she shall be charged with the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges,

wharves, docks and break walls; of water mains, pumps, systems, pipes, purification and filtration plants, and the water distribution system; of sewers, sewage systems, drains, ditches, culverts, streams, water courses and harbors; and of all public buildings, parks, playgrounds, and other public places belonging to the Municipality or dedicated to public use.

He/she shall manage and control market houses, sewage treatment plants, water works, and all public utilities of the Municipality supported in whole or in part by taxation, and shall enforce all the obligations of privately-owned or operated public utilities enforceable by the Municipality. He/she shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for public work; the cleaning, resurfacing, repairing, sprinkling and lighting of streets and public places; the collection and disposal of waste; and the preservation of all property belonging to the Municipality and pertaining to the functions thereof. He/she shall manage and control cemetery maintenance, services, cemetery plantings and decorations. He/she shall have the authority to administer, equip, operate and maintain parks, playgrounds or community center within the City and to organize and administer recreation, senior and leisure service programs for the residents of the City.

He/she shall perform such other duties, consistent with his/her office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor.

Section 4. That Article II-A – Appointed Administrative Officers and Departments, Section 4 – Director of Finance, of the Charter of the City of Kirtland, be amended so that said section as amended shall provide and read as follows:

**ARTICLE II-A
APPOINTED ADMINISTRATIVE OFFICERS AND DEPARTMENTS**

SECTION 4. Director of Finance.

The Director of Finance shall be appointed by the Mayor, subject to confirmation by a majority vote of the members of Council. The Director of Finance may be removed from office by the Mayor, but such removal shall not take place during term without the concurrence of two-thirds (2/3) of the members of Council.

The Director of Finance shall be head of the Department of Finance and fiscal officer of the Municipality. He/she shall keep the financial records of the Municipality, exhibiting accurate statements of all moneys received and expended, of all property owned by the Municipality and of all taxes and assessments. He/she shall be the custodian of all public money of the Municipality, shall keep and preserve such money in the place or places authorized by ordinance, and shall disburse the same as may be required

by law or ordinance. The fiscal year of the Municipality for budget, accounting and all other similar purposes shall be the calendar year.

He/she shall not allow the amount set aside for any appropriation to be overdrawn or drawn for any other purpose. He/she shall examine and audit the accounts of all other officers, employees and departments. He/she shall require evidence that the amount of any claim presented to him/her is due. He/she shall be responsible for the preparation and submission of appropriation measures and shall assist the Mayor and Council in the preparation of estimates, budgets, and other financial matters, and at all times keep the Mayor and Council fully advised as to the financial condition and needs of the Municipality upon demand. He/she shall perform such other duties consistent with his/her office as the Mayor or the Council may direct.

Section 5. That Article II-A – Appointed Administrative Officers and Departments, Section 5 – Director of Law, of the Charter of the City of Kirtland, be amended so that said section as amended shall provide and read as follows:

ARTICLE II-A
APPOINTED ADMINISTRATIVE OFFICERS AND DEPARTMENTS
SECTION 5. Director of Law.

The Director of Law shall be appointed by the Mayor subject to confirmation by a majority vote of the members of Council. He/she may be removed from office by the Mayor, but such removal shall not take place during term without the concurrence of two-thirds (2/3) of the members of Council. Council shall provide for such assistants to the Director of Law as shall from time to time be deemed to be necessary and such assistants shall be appointed by the Director of Law and shall serve at his/her pleasure.

The Council shall determine the compensation of the Director of Law and all assistants, which may be changed from time to time.

The Director of Law shall have the management and supervision of the Department of Law and shall perform all duties imposed upon him/her by this Charter, by the Constitution of the State of Ohio, and by any applicable statutes. He/she shall be the legal advisor of the Municipality and all of its officials, departments, boards or commissions and except as herein otherwise provided shall prosecute and defend all actions and proceedings in which the Municipality is a party or in which it has an interest. Council may from time to time authorize the Mayor to employ special counsel for particular matters.

No person shall act as Director of Law unless duly admitted to practice law in the State of Ohio for a period of not less than five (5) years and shall have and maintain an active license to practice law throughout his/her term as Director of Law.

Section 6. That the foregoing proposed amendments, if approved by a majority of the electors voting thereon at the aforesaid election to be held on or about November 3, 2020, shall become a part of the Charter of the City of Kirtland, Ohio shall become effective immediately upon its adoption and all prior versions of this Charter be repealed.

Section 7. That the ballot submitting the question of the adoption of the aforesaid amendments will be read substantially as follows:

“Proposed Charter Amendment”

City of Kirtland

A majority of affirmative votes is necessary for passage.

Shall the Charter of the City of Kirtland, Ohio, Article II-A – Appointed Administrative Officers and Departments, Sections 2, 3, 4, and 5, be amended to eliminate Lake County residency requirements?

Section 8. That the Clerk of Council be, and hereby is, authorized and directed to certify a copy of this Ordinance to the Lake County Board of Elections for an election to be held at the next general election to be held on or about November 3, 2020.

Section 9. That the Clerk of Council be, and hereby is, authorized and directed to provide notice pursuant to Ohio Revised Code, Section 731.211 in one of the two following ways:

1. Not less than thirty days prior to the election, mail a copy of the proposed charter amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held therein; or
2. The full text of the proposed charter amendment shall be published once a week for not less than two consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, with the first publication being at least fifteen days prior to the election at which the amendment is to be submitted to the electors.

Section 10. That there shall be and is hereby appropriated from the General Fund a sufficient sum of money to pay the cost of printing or otherwise preparing and mailing said copies of said proposed Charter Amendment and of publishing such election notice.

Section 11. The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and requires the following:

1. The Clerk of Council is hereby directed to post the enacted legislation in City Hall for fifteen (15) consecutive days after the effective date of this legislation; and
2. Due to the closures of the Kirtland Public Library and the Kirtland Community Center, the Clerk of Council is not required to post said enacted legislation in those locations; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

Section 12. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 13. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to file a certified copy of this Ordinance and the proposed form of the ballot question with the Board of Elections of Lake County not later than 90 days prior to the November 3, 2020 election as provided herein; wherefor, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2020.

ATTEST:

Approved by the Mayor, this _____ day
of _____, 2020.

Clerk of Council
Charter Amendment – Residency

Mayor Kevin F. Potter