

ORDINANCE NO. 2010-027

DIRECTING THE WARREN COUNTY BOARD OF ELECTIONS TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF WAYNESVILLE, OHIO, AT THE NOVEMBER 2, 2010, GENERAL ELECTION, CERTAIN CHARTER AMENDMENTS TO SECTIONS 3.04(B), 3.09(G), 3.09(H), 3.09(J) 3.10, 3.12, 3.12(B), 3.13, 3.14, 5.04(E), 5.04(F), 5.04(F)(1)(e), 5.04(I), 5.04(J)(1), AND 6.04(A) OF THE VILLAGE CHARTER (ADMINISTRATIVE CHANGES)

WHEREAS, the Village of Waynesville Charter Revision Commission has recommended certain alterations, revisions, and amendments to the Charter of the Village of Waynesville; and

WHEREAS, it is the intent of the Village Council to submit said alterations, revisions, and amendments to the electors of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Waynesville, Ohio, _____ members elected thereto concurring:

Section 1. That the following amendments to the Charter of the Village of Waynesville, attached hereto as Exhibit A and incorporated herein by reference, shall be submitted to the electors of the Village of Waynesville as a single issue at the general election to be held on the 2nd day of November, 2010, at the regular places of voting in said Village as established by the Board of Elections:

Section 2. That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Board of Elections of Warren County, Ohio, and the Clerk is directed to provide notice of the proposed Charter amendments to the electors of the Village as required by law.

Section 3. That this Ordinance provides for the submission of a question to the electorate and shall be effective immediately upon its passage pursuant to Section 4.08 of the Village of Waynesville Charter.

Adopted this _____ day of _____ 2010.

Attest: _____
Staci Morris, Clerk of Council

Earl J. Isaacs, Mayor

CERTIFICATE

The undersigned, Clerk of Council of the Village of Waynesville, hereby certifies this to be a true and exact copy of Ordinance No. 2010-027, adopted by the Council of the Village of Waynesville on _____, 2010.

Clerk of Council

EXHIBIT A

3.04 (B) *Administrative Service Appointments and Removals* Except as provided in Article 3.11 and Article 5.02, neither the Council nor any of its members shall in any manner dictate the appointment or removal of any municipal officer or employee whom the Manager or any of his/her subordinates are empowered to appoint or remove by this Charter or by ordinance. Except as otherwise provided in this Charter, neither the Council nor its members, shall give any orders to any such official or employee, publicly or privately. The Council shall express and discuss its views of municipal personnel matters with the Manager.

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3.09 (G) The power to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinance; to adopt and provide for the enforcement of ordinances regulating the subdivision and platting of land within the Municipality; to regulate the subdivision and platting of land outside of the boundaries of the Municipality as provided by general law; to adopt and provide for the enforcement of ordinances requiring actual construction or assurance of construction of streets, utility lines and facilities, sidewalks, curbs and gutters and other improvements or facilities as a condition precedent to the approval of a plat or a subdivision; to adopt and provide for the enforcement of ordinances regulating the construction, reconstruction, alteration, enlargement, repair or demolition of buildings and other structures as defined by ordinance, within the Municipality; to adopt and to provide for the enforcement of codes or ordinances, regulating the use and occupancy of any building or structure, as defined by said codes or ordinances, within the Municipality.

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3.09 (H) The power to establish, by ordinance, the rates and fees for municipal utilities and services.

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3.09 (J) The power to acquire title to or interests in real property shall be vested in the Council whether such property is acquired by the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease or grant interests in real property shall be vested in the Council. Such acquisition, sale, conveyance, lease or grant shall be in the manner as provided by the ordinance authorizing the acquisition, sale, conveyance, lease, or grant. Title to all real property shall be taken in the name of the Municipality.

3.10 The Mayor and members of Council shall be compensated for each regular meeting attended. The Council may change the compensation of members of Council and the Mayor by ordinance adopted by an affirmative vote of at least five members of Council. Any ordinance changing the compensation of members of Council or the Mayor shall be adopted at least ninety days prior to the next ensuing election at which the members of Council are to be elected, and shall be effective on the first day of January following such election for newly elected Council members only.

Deleted: The Mayor shall receive an annual salary.

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Deleted: The compensation of all other officers and employees of the Municipality may be increased or decreased at any time by ordinance.

SECTION 3.12 MAYOR'S COURT AND CLERK OF COURT.

The Mayor's Court shall remain in existence and have all the powers conferred by all applicable laws.

3.12 (C)

3.12 (C)

3.12 (A) All cases in the Mayor's Court shall be referred to the Mayor's Court Magistrate.

3.12 (B) Appeals from the Waynesville Mayor's Court shall be referred to the Warren County Court as provided by all other applicable laws and must be filed within ten days of the Court entry.

3.12 (C) The Clerk of Court shall be responsible to the Magistrate in all judicial matters. The Clerk of Court shall be hired by the Manager and may be employed in another department.

SECTION 3.14 3 DUTIES OF THE CLERK OF COURT.

The Clerk of Court shall attend all Mayor's Court proceedings and maintain a ledger of all offenses and violations within the Municipality. The Clerk shall account for all monies received from bonds, fines, or cases. The Clerk shall dispense all monies to the appropriate parties as directed by the Finance Director.

5.04 (E) The Manager shall prepare and submit the annual budget and appropriation ordinances to the Council.

5.04 (F) Capital program submission to Council. he Manager shall prepare and submit to the Council a five year capital program at least one month prior to the final date for submission of the tax budget to the Council.

5.04(F)(1) Contents. The capital program shall include the following:

- (a) A clear, general summary of its contents.
- (b) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
- (c) The cost estimates, methods of financing and recommended time schedules for each improvement.

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Deleted: SECTION 3.13 MAYOR'S COURT MAGISTRATE.¶

¶ (A) . Jurisdiction of Magistrate. Jurisdiction shall extend to violations of all municipal ordinances, all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, and to hear and determine criminal causes involving a violation of Ohio Revised Code Section 4511.19. In hearing and determining prosecutions and causes filed within the Mayor's Court, the Magistrate shall be deemed to have the same powers, duties, and authority as does the Mayor, including, but not limited to, the power and authority to decide the prosecution or cause, enter judgement, and impose sentence. Judgement entered and a sentence imposed by the Mayor's Court Magistrate herein does not have to be reviewed or approved by the Mayor and shall have the same force and effect as if it had been entered or imposed by the Mayor.¶

¶ (B) . Qualifications of Magistrate. The Magistrate shall be an attorney licensed to practice in the State of Ohio, and for a total of at least three years has been engaged in the practice of law in the State or served as a Judge of a Court of record in any jurisdiction in the United States.¶

¶ (C) . Appointment of Magistrate. Council, by an affirmative vote of at least five (5) members, shall appoint a Magistrate. [1]

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(d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(e) A list of capital assets with estimated current values to be updated annually

5.04 (I) The Manager shall require reports and information from all staff as necessary in the orderly operation of the Municipality, or when requested to do so by the Council or any board or commission of the Municipality.

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5.04 J1 (1) When the expenditure of funds for the purchase of supplies or materials, or to provide labor for any work to be performed under a contract exceeds the amount specified by an act of Council for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by the Council. The Manager may award a written contract to the lowest and best bidder after advertisement according to the annual Communications Plan approved by Council per Article XII of this Charter.

Deleted: on the same day of each week for not less than two nor more than four consecutive weeks in a newspaper determined by the Council to be of circulation within the Municipality.

6.04 (A) The Finance Director shall be the head of the Department of Finance. The Finance Director shall be appointed by the Council, by ordinance adopted by the affirmative vote of at least five members of the Council, upon such terms as the ordinance provides, he/she shall serve at the pleasure of the Council and may be removed, at any time with or without cause by an affirmative vote of at least five members of the Council. The Finance Director shall be qualified by training and/or experience to discharge the duties as the head of the Department of Finance in a capable manner. The Finance Director shall report to the Village Manager for the daily operations and reporting purposes

SECTION 3.13 MAYOR'S COURT MAGISTRATE.

- (A) Jurisdiction of Magistrate. Jurisdiction shall extend to violations of all municipal ordinances, all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, and to hear and determine criminal causes involving a violation of Ohio Revised Code Section 4511.19. In hearing and determining prosecutions and causes filed within the Mayor's Court, the Magistrate shall be deemed to have the same powers, duties, and authority as does the Mayor, including, but not limited to, the power and authority to decide the prosecution or cause, enter judgement, and impose sentence. Judgement entered and a sentence imposed by the Mayor's Court Magistrate herein does not have to be reviewed or approved by the Mayor and shall have the same force and effect as if it had been entered or imposed by the Mayor.
- (B) Qualifications of Magistrate. The Magistrate shall be an attorney licensed to practice in the State of Ohio, and for a total of at least three years has been engaged in the practice of law in the State or served as a Judge of a Court of record in any jurisdiction in the United States.
- (C) Appointment of Magistrate. Council, by an affirmative vote of at least five members, shall appoint a qualified candidate to serve as the Magistrate of the Mayor's Court for a two year term.
- (D) Compensation. The Council shall determine the compensation of the Magistrate by ordinance.
- (E) Removal. The Magistrate may be removed, with or without cause, by an affirmative vote of at least five members of Council.