

(Amended by 117-21)

ORDINANCE NO. 112-21

AN ORDINANCE PROPOSING AND PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF MEDINA, OHIO, AT A GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE CITY OF MEDINA, OHIO, INVOLVING ARTICLE V, SECTIONS 1 AND 3, AND ARTICLE III, SECTION 12, RELATIVE TO THE POSITION OF THE DIRECTOR OF FINANCE.

WHEREAS: Article V, Section 1, involving general provisions presently reads as follows:

Section 1. General Provisions. Initially, the City shall have a Law Department, a Finance Department, a Service Department, and a Safety Department; and the Council shall provide by ordinance for the organization and duties thereof. The City shall also have a City Planning Commission and a Board of Appeals. The Council may by ordinance establish additional departments and commissions, or divisions thereof, and provide for such boards, officers, and employees as it may deem necessary. With the exception of those herein set forth, the Council may combine or abolish any department, division, board, commission, nonelective office, or job classification; and may authorize one person to serve in any capacity in two or more departments, divisions, boards, or commissions. With the exception of the head of the Finance Department, the heads of all departments shall be appointed by the Mayor, subject to confirmation of Council.

WHEREAS: Article V, Section 3, involving the Director of Finance of the Charter of the City of Medina, Ohio, presently reads as follows:

Section 3. Director of Finance.

(a) Term. The Director of Finance shall be elected for a term of four (4) years, assume his office on the first day of January following his elections, and serve until his successor is elected and qualified.

(b) Qualification. The Director of Finance shall, on the date of his election and during his term in office, be and continue to be a resident of the City and a qualified elector thereof. He shall be 1) a licensed certified public accountant, or 2) have a four year degree or higher, in accounting or finance with a minimum of two years of experience in government related accounting and/or auditing. He shall not hold any other public

office or public employment except as otherwise provided in this Charter or by ordinance, and that of Notary Public or of membership in the State Militia or Reserve Corps of the United States. (Amended 11-8-16.)

(c) Duties. The Director of Finance shall be the head of the Finance Department and the fiscal officer of the City. He shall serve the Mayor and the Council as financial advisor in connection with Municipal affairs. The Director of Finance shall examine all payrolls, bills and other claims against the City and shall issue no warrant unless he shall find that the claim is in proper form, correctly computed and duly approved, and that it is due and payable, and that an appropriation has been made therefor; and he shall perform such other duties consistent with his office as Mayor or the Council may request. Council may cause the records of the Director of Finance to be audited independently in any year.

(d) Vacancy in the Office of the Director of Finance. In case of the death, disqualification, removal or resignation of the Director of Finance, his successor shall be appointed by a majority of the members elected to Council. Council shall immediately appoint an interim Director of Finance who shall have all of the duties, rights and powers of the Director of Finance until an appointment is made. If the vacancy of the position of Director of Finance is not filled within ninety (90) days, the Mayor shall fill it by appointment within thirty (30) days thereafter. Such appointee shall hold office until the next regular municipal election occurring more than seventy-five (75) days after such vacancy occurs unless the term of such office expires at the end of the year in which such vacancy occurs. At such next regular municipal election, there shall be elected in the manner provided in this Charter, a person to fill the unexpired term caused by such vacancy. The person chosen at such election shall immediately, upon his qualification, succeed such appointee and shall serve during the remainder of the unexpired term or until his successor is elected and qualified. (Amended 11-2-04.)

WHEREAS: Article III, Section 12, involving salaries and bonds of the Charter of the City of Medina, Ohio, presently reads as follows:

Section 12. Salaries and Bonds. The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the City. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties; and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of the Mayor, Director of Finance and of each member of the Council shall not be changed except it be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms

or any part thereof. The compensation of each officer, employee and member of a board or commission of the City shall be fixed by the Council, and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. (Approved by voters November 5, 1986.)

WHEREAS: Upon the recommendation of the Charter Review Commission, this Council has determined to place the question of an amendment to Article V, Sections 1 and 3, and Article III, Section 12, on the November 2, 2021, ballot.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO, TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING:

SEC. 1: That the question of the amendment to Article V, Sections 1 and 3, and the amendment of Article III, Section 12, of the Charter of the City of Medina, Ohio, shall be submitted to a vote of the qualified electors of the City of Medina at the general election to be held on November 2, 2021, at the regular places of voting in the City of Medina.

SEC. 2: That the question of the amendment of Article V, Section 1, of the City of Medina, Ohio, Charter, as amended, would, if approved by said voters, read as follows:

ARTICLE V
ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

Section 1. General Provisions. Initially, the City shall have a Law Department, a Finance Department, a Service Department, and a Safety Department; and the Council shall provide by ordinance for the organization and duties thereof. The City shall also have a City Planning Commission and a Board of Appeals. The Council may by ordinance establish additional departments and commissions, or divisions thereof, and provide for such boards, officers, and employees as it may deem necessary. With the exception of those herein set forth, the Council may combine or abolish any department, division, board, commission, non-elective office, or job classification; and may authorize one person to serve in any capacity in two or more departments, divisions, boards, or commissions. The heads of all departments shall be appointed by the Mayor, subject to confirmation of Council.

SEC. 3: That the question of the amendment of Article V, Section 3, of the City of Medina Charter, as amended, would, if approved by said voters, read as follows:

ARTICLE V
ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

Section 3. Director of Finance.

(a) Term. Effective January 1, 2026, the Director of Finance shall be appointed by the Mayor subject to the confirmation of the Medina City Council. The Director of Finance shall be subject to removal by an affirmative vote of two-thirds of the members of the Medina City Council. Effective January 21, 2026, the Director of Finance shall serve for a term that will be concurrent with the term of the Mayor of the City of Medina.

(b) Qualifications. The Director of Finance shall, on the date of his appointment and during his term of office, be and continue to be a resident of the City of Medina and qualified elector thereof. He shall be 1) a licensed certified public accountant or 2) have a four-year degree or higher in accounting or finance with a minimum of two years of experience in government-related accounting and/or auditing. He shall not hold any other public office or public employment except as otherwise provided in this Charter or by ordinance and that of Notary Public or of membership in the State Militia or Reserve Corps of the United States.

(c) Duties. The Director of Finance shall be the head of the Finance Department and the fiscal officer of the City. The Director of Finance shall monitor financial performance, prepare reports, assemble budgeting documents, and provide other related analysis and reports as requested by the Mayor and Council. The Director of Finance shall examine all payrolls, bills, and other claims against the City and shall issue no warrant unless he shall find that the claim is in proper form, correctly computed, and duly approved, and that it is due and payable, and that an appropriation has been made therefor, and he shall perform such other duties consistent with his office as the Mayor and the Council may request. Council may cause the records of the Director of Finance to be audited independent in any given year.

SEC. 4: That the question of amendment to Article III, Section 12, of the Charter of the City of Medina, Ohio, shall be submitted to a vote of the qualified electors of the City of Medina at the general election to be held on November 2, 2021, at the regular places of voting in the City. The Charter, as amended, would, if approved by said voters, read as follows:

ARTICLE III
THE COUNCIL

Section 12. Salaries and Bonds. The Council shall fix the salary or compensation of each officer, employee and member of any board or

commission of the City. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties; and the Council may provide that the premium for any such bond shall be paid by the City. The compensation of the Mayor and of each member of the Council shall not be changed except it be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each officer, employee and member of a board or commission of the City shall be fixed by the Council, and subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion.

SEC. 5: That the ballot for said election shall, at the top thereof, be entitled, "City Charter Amendment Ballot," and the question to be submitted on said ballot shall be in words as follows:

"Shall Article V, Sections 1 and 3, and Article III, Section 12, of the Charter of the City of Medina, Ohio, be amended so as to eliminate the elected office of the Director of Finance and provide for the appointment of the Director of Finance by the Mayor, subject to the confirmation of the Medina City Council, and to provide for the qualifications, powers, duties, and functions of the appointed Director of Finance?"

SEC. 6: That the Board of Elections shall publish the full text of the proposed Charter amendments as set forth hereinabove, once a week, for not less than two consecutive weeks in the *Medina Gazette*, with the first publication being at least fifteen days prior to the election hereinbefore provided, all in accordance with Section 9 of Article XVIII of the Ohio Constitution and R.C. 731.211.

SEC. 7: That this Ordinance shall be in full force and effect at the earliest period allowed by law.

PASSED: June 28, 2021

SIGNED: John M. Coyne, III
President of Council

ATTEST: Kathy Patton
Clerk of Council

APPROVED: June 29, 2021

SIGNED: Dennis Hanwell
Mayor