

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

ORDINANCE NO. C-21

An Ordinance submitting to the electors of the City of Orrville, Ohio amendments to the Charter of the City of Orrville, Ohio as provided in Section 8.03 “Charter Review”, and declaring an emergency.

WHEREAS, pursuant to Section 8.03 of the Charter of the City of Orrville, this Council appointed a Charter Review Commission, with representation from each ward as well as the City at large, for the purpose of conducting the decennial review of the Charter of the City of Orrville; and

WHEREAS, the Charter Review Commission has met from time to time and has recommended that certain proposed amendments to the Charter be submitted to the electorate; and

WHEREAS, Council has determined to authorize and direct the submission to the electors of the City of Orrville the proposed amendments to the Charter of the City of Orrville, Ohio, as provided in Section 8.03 of the Charter, at the general election to be held on November 2, 2021, which election date is not less than sixty (60) nor more than one hundred twenty (120) days from the passage of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF Orrville, OHIO:

SECTION 1. That, in accordance with the recommendations of the Charter Review Commission, the proposed amendments shall appear on ballots at the general election to be held at the usual places of voting in the City of Orrville on Tuesday, November 2, 2021. This Council hereby authorizes and directs the submission to the electors of the City of Orrville at the general election of the following amendments to the Charter of the City of Orrville, Ohio, and that said Charter amendments be submitted to said electors of the City for their approval or disapproval. The Charter sections proposed for amendment shall read in accordance with the text which is attached to this Ordinance and incorporated herein by reference.

SECTION 2. The foregoing proposed amendments, if approved by a majority of the electors voting thereon at the aforesaid election to be held on November 2, 2021, shall become effective from and after the time of their approval by the electors.

SECTION 3. The Mayor and/or Clerk of Council be and hereby are directed to give public notice of the time and place of holding such election by publication of such notice at least ten (10) days prior to the day of such election in a newspaper published and of general circulation in said City.

SECTION 4. The Clerk of Council be and hereby is directed to cause to be published a copy of the full text of the proposed Charter amendments, as set forth above, once a week for not less than two consecutive weeks in The Daily Record, a newspaper of general circulation in the community, with the first publication being at least fifteen (15) days prior to the election, in accordance with Section 9 of Article XVIII, Ohio Constitution, and Section 731.211 of the Ohio Revised Code.

SECTION 5. The Clerk of Council be and is hereby directed forthwith to certify a copy of this Ordinance to the Wayne County Board of Elections.

SECTION 6. To pay the cost of printing and mailing said copies of said proposed Charter amendments and of publishing such election notice there be and hereby is appropriated from the unappropriated balance in the General Fund the sum of \$5,000.00,

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8084 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

or so much thereof as may be needed.

SECTION 7. This Council finds and declares that all formal actions concerning and relating to the adoption of this Ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 8. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that it is necessary to have these Charter amendments certified to the Wayne County Board of Elections in a timely manner in order that they may appear on the ballot at the November 2, 2021 General Election; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed this 6 day of July 2021.

Paul Dean
President of Council

Attest:

Jenny Bauer
Clerk of Council

Approved:

Dan Handberg
Mayor

Date 7/6/21

New or amended language in ***BOLD Italics***.
Language deletions appear as strikethroughs.

Proposed Charter Amendment City of Orrville:

This amendment, if passed would:

- a. Remove ^{*exclusively male*} gender specific pronouns and replace with neutral language, specifically including recitation of elected and employment position title.

A majority affirmative vote is necessary for passage

Shall the following Articles of the Charter of the City of Orrville be changed and amended as follows:

ARTICLE II COUNCIL

Section 2.03 – Removal

Council shall be the sole and final judge of the election and qualification of its members. Any member of Council who shall cease to possess or who violates any of the qualifications in the Charter shall forfeit ~~his~~ ***the*** office. Failure of any member of Council to maintain said qualifications shall not render void or ineffective any action of the Council taken during the time ~~he~~ ***the member*** was not qualified.

Council may remove any member for gross misconduct, or malfeasance, misfeasance or nonfeasance in office; or for conviction while in office of a crime involving moral turpitude; or if adjudicated legally incompetent; or for a violation of ~~his~~ ***the*** oath of office; or persistent failure to abide by the rules of Council; or absence without justifiable excuse from four consecutive regular meetings of Council, or from nine regular meetings in one year excused or not. However, such expulsion shall not take place without the concurrence of two-thirds of the remaining members of Council, nor until the accused member shall have been notified in writing of the charge against ~~him~~ ***the accused member*** at least fifteen days in advance of a public hearing upon such charge, and at which time ~~he or his~~ ***the accused member or the accused member's*** counsel shall be given an opportunity to be heard, present evidence, and examine, under oath, any witness appearing in support of such charge.

Section 2.05 - President of Council

The President of Council shall be elected at large for a term of four years, to run concurrently with the terms of the Mayor as specified in Section 3.01. ~~He~~ ***The President of Council*** shall preside at all meetings of Council, but shall have no vote, except in the case of a tie. When the Mayor is absent from the City or unable to perform ~~his~~ ***the Mayor's*** duties, the President of Council shall become Acting Mayor and shall have the same powers and perform the same duties as the Mayor. ~~He~~ ***The President of Council*** shall perform such duties as presiding officer as may be imposed ~~upon him~~ by the Council. ~~He~~ ***The President of Council*** shall be an ex-officio member of all committees created by Council; ~~he~~ ***the President of Council*** shall be notified by the committee ~~chairmen~~ ***chair*** of all meetings of said committees and entitled to attend the same.

Section 2.06 - Organization

Within the first eight days of January following each regular municipal election, the Council shall organize itself and appoint a Clerk of Council and other necessary employees of Council, and set their duties, bonds and compensation, and appoint from its membership a President pro tempore who, without relinquishing his *the* right to vote on all matters coming before Council, shall perform the duties of the President of Council during his *the President of Council's* absence from any meeting of Council and while the President of Council is absent from the City or is temporarily unable for any cause to perform his *said* duties. Council shall adopt its own rules, regulations, and bylaws except as otherwise provided in this Charter.

Section 2.09 - Meetings

The Council shall hold regular meetings at least twice a month, the time of which shall be prescribed by ordinance. Council may dispense with regular meetings for not more than one month each year. All meetings shall be held in the Council Chambers, except for exceptional circumstances when the President of Council may designate another location, and give public notice by newspaper publication, when practical or by posting the change of location at the Council Chambers.

Special meetings may be called by a majority vote of Council taken at any regular or special meeting; or shall be called by the Clerk of Council upon request of the Mayor, President of Council, or any three members of Council. Any such vote or request shall state the time and subject or subjects to be considered at the meeting and no action shall be taken on any other matters. Twenty-four hours written notice of the time and date of special meetings called by request of the Mayor, President of Council, or three Council members shall be given to each member of Council, the President of Council, and the Mayor either personally or by delivering a copy thereof to his *their* usual place of residence. Service of such notice may be waived by an instrument in writing signed prior to the time of such meeting, and the Mayor, President of Council, and any member of Council shall be deemed conclusively to have waived such notice by attendance at such meeting.

In adopting its own rules and regulations, Council shall provide for an opportunity during the meeting wherein any group or person attending any regular or special meeting shall be permitted to speak on any matter, past or current, pertinent to municipal affairs.

All meetings of the Council shall be open to the public except the portions thereof devoted to the discussion of threatened or actual litigation, personnel matters, and the sale and acquisition of land.

Article III

The Mayor

Section 3.01 - Term and Qualification

The Mayor shall be elected for a four (4) year term, to begin on the first of January next following his *the* election.

The Mayor shall be a qualified elector of the municipality, and shall have been, immediately prior to the date of filing his *a* declaration of candidacy, a continuous resident of the municipality or any territory annexed thereto, for one (1) year.

During his *the Mayor's* term of office, he *the Mayor* shall continue to be a resident

and qualified elector. If the Mayor shall cease to possess any of the qualifications for such office, ~~he~~ **the Mayor** shall forthwith forfeit ~~his~~ office.

Section 3.02 - Administrative Powers

The Mayor shall exercise supervision and control of all departments and divisions of the City. ~~He~~ **The Mayor** shall be the chief conservator of the peace within the City, and shall see that all laws, ordinances and resolutions are faithfully obeyed and enforced. ~~He~~ **The Mayor** shall have the power: (1) to appoint, promote, transfer, reduce or remove any officer or employee or appointee of the City, but such power shall be subject to the other provisions of this Charter, or to the laws of the State of Ohio where it is beyond the competence of this Charter to provide; (2) to initiate departmental reorganization in accordance with Section 4.09 of this Charter; (3) to exercise those judicial powers granted to mayors under the general laws of Ohio; (4) to perform other powers and duties granted by ordinance or resolution.

Section 3.04 - Mayor's Right in Council

The Mayor shall attend Council meetings, but shall have no vote therein. ~~He~~ **The Mayor** shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council.

Section 3.05 - Mayor's Veto Power

Every ordinance or resolution of a general or permanent nature shall be signed by the President of Council, or, in ~~his~~ **the President of Council's** absence, by the President pro tempore and shall be presented forthwith to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, ~~he~~ **the Mayor** shall sign and return it, but if ~~he~~ **the Mayor** does not approve it, ~~he~~ **it** shall **be** returned ~~it~~ with a statement of ~~his~~ objections within ten (10) days to the Council, who shall enter ~~his~~ **the** objections on its journal. If it is not returned within ten (10) days after submission to the Mayor, it shall become effective as provided in Section 2.16 of this Chapter.

The Council may then reconsider the vote on the passage of such legislation not later than at its next regular meeting. If, on reconsideration, it is approved by two-thirds of the members of Council, it shall become effective as provided in Section 2.16 of this Charter.

The Mayor may disapprove any item or items of an ordinance making an appropriation of money, and the item or items so disapproved shall be void unless repassed by Council in the manner herein prescribed.

Section 3.06 - Acting Mayor

During such period when the Mayor is absent from the City, or is otherwise not accessible, or is temporarily unable for any cause to perform ~~his~~ **the Mayor's** duties, the President of Council shall be the Acting Mayor, but ~~he~~ **the President of Council** shall not thereby cease to be President of Council.

Section 3.07 - Vacancy

In the event of the death, resignation, or recall from office of the Mayor, or ~~his~~ **the Mayor** ceasing to qualify for such office, the President Of Council shall succeed to the office of Mayor to serve the unexpired term and until a successor is elected and qualified. The office of President of Council shall become vacant and shall be filled as provided in Section 7.07 of this Charter.

Article IV

Administrative Officers, Departments, Boards and Commissions

Section 4.03 - The Director of Public Safety and Service

The Director of Public Safety and Service shall be appointed by the Mayor solely on the basis of ~~his~~ ***the*** executive and administrative qualifications in the profession of public management, as judged by the adequacy of ~~his~~ ***the Director of Public Safety and Service's*** technical training and ~~his~~ successful experience in public, commercial or industrial administration.

Section 4.04 - Powers and Duties of the Director of Public Safety and Service

The Director of Public Safety and Service shall be responsible to the Mayor for the general supervision and proper operation of the Departments of Police, Fire, and Streets, Parks, and Cemeteries.

~~He~~ ***The Director of Public Safety and Service*** shall serve as purchasing agent for all departments under ~~his~~ ***the Director of Public Safety and Service's*** supervision or control, and shall be a member of the Board of Control, as provided for in Section 6.03 of this Charter.

~~He~~ ***The Director of Public Safety and Service*** shall perform such other administrative duties as may be specified in this Charter, or required ~~of him~~ by the Mayor.

Section 4.05 - The Director of Law

The Director of Law shall be appointed by the Mayor, with the approval of Council. ~~He~~ ***The Director of Law*** shall be qualified to practice law in the State of Ohio; ***and*** He shall serve as legal counsel to the administration and legislative branches of the City.

Section 4.06 - The Director of Finance

The Director of Finance shall be appointed by the Mayor, with the approval of Council on the basis of ~~his~~ ***the Director of Finance's*** competence as demonstrated by experience, education, or both. The Mayor may also designate an officer or employee of the City, who, during the absence or disability of, or during a vacancy in the office of, the Director of Finance, shall exercise the powers and discharge the duties and functions of the Director of Finance under the title of Acting Director of Finance. The Director of Finance shall have knowledge of municipal accounting and taxation, and shall have had experience in budgeting and financial control. ~~He~~ ***The Director of Finance*** shall have charge of the administration of the financial affairs of the City under the direction of the Mayor, and to that end, ~~he~~ shall have authority and shall be required to:

1. Prepare and submit the current income and expense estimates for the budget as directed by the Mayor.
2. Supervise and be responsible for the disbursement of all monies, and control all expenditures so that appropriations are not exceeded.
3. Maintain a general accounting system for the City government; keep accounts for and exercise budgetary control over each office, department and agency; keep separate appropriations accounts each of which shall show the amount of the appropriation, the encumbrances thereon, the amounts expended therefrom, and the unencumbered balance therein; require reports of receipts and disbursements from each receiving and disbursing agency of

the City government at such intervals as ~~he~~ may deem expedient and in such form as ~~he~~ ***the Director of Finance*** shall require.

4. Submit to the Mayor upon request, but not less often than monthly, a statement of receipts and disbursements and account balances in sufficient detail to show the financial condition of the City.
5. Prepare for the Mayor, as of the end of each fiscal year, a complete financial statement and report.
6. Receive and record all fees and revenues due the City.
7. Have control of all public funds belonging to or under control of the City, or any office, department or agency of the City government, and deposit said funds in such depositories as may be designated by resolution of the Council.
8. Have control of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity; make all investments on behalf of the City after consultation with the Mayor and Director of Law; and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.
9. Attend, in person or by ~~his~~ authorized delegate, all regular Council and Public Utilities Board meetings.
10. Perform such other services, not inconsistent with this Charter, as may be required by either the Mayor or the Council.

Article VII

Nomination, Elections, Qualifications, Initiative, Referendum and Recall

Section 7.03 - Qualifications of Elected Officers

Each elected officer of the City shall be an elector of the municipality, and shall have resided therein or in a territory annexed thereto for a period of at least one year prior to nomination for such office and shall continue to reside therein during the term of office.

Each ~~Councilman~~ ***Council Member*** elected to represent a ward shall be a continuous resident and qualified elector of the ward ~~he~~ ***the Council Member*** represents, or territory annexed thereto, during ~~his~~ ***the*** term of office.

Any elected officer who ceases to possess such qualifications shall forfeit the office.

Section 7.06 - Beginning of Term of Office

The term of office for each elected officer shall begin on January 1st following the regular municipal election at which ~~he~~ ***the elected officer*** is elected.

Article VIII

General Provisions

Section 8.05 - Interpretation

The Article and Section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provisions of this Charter.

Except as otherwise expressly provided in this Charter, or as the ~~contest~~ *context* otherwise requires, ~~the masculine term or pronoun includes the feminine,~~ the singular term includes the plural, and the plural term includes the singular. The time within or by which any act or thing is required to be done by any of the provisions of this Charter shall be computed by excluding the first day and including the last day, except that when the last day falls on Saturday, Sunday, or a legal holiday, then the act may be done on the next succeeding day which is not a Saturday, Sunday, or legal holiday.

New or amended language in ***BOLD Italics***.
Language deletions appear as strikethroughs.

Proposed Charter Amendment City of Orrville:

This amendment, if passed would:

- a. Clarify the role and responsibilities of the President of Council in the Mayor's absence;
- b. Expansion of matters to be discussed outside open session of Council in the event that Ohio law permits additional matters;
- c. Clarify the appointment of the President of Council as Acting Mayor;
- d. Expansion of matters to be discussed outside open session of Public Utilities Board in the event that Ohio law permits additional matters;
- e. Clarify that departing Council member does not participate in vote on replacement for vacancy.

A majority affirmative vote is necessary for passage

Shall the following Articles of the Charter of the City of Orrville be changed and amended as follows:

Article II, Council

Section 2.05 - President of Council

The President of Council shall be elected at large for a term of four years, to run concurrently with the terms of the Mayor as specified in Section 3.01. The President of Council shall preside at all meetings of Council, but shall have no vote, except in the case of a tie. When the Mayor is ~~absent from the City or~~ ***unable to perform the Mayor's duties***, the President of Council shall become Acting Mayor and shall have the same powers and perform the same duties as the Mayor. He shall perform such duties as presiding officer as may be imposed upon him by the Council. He shall be an ex-officio member of all committees created by Council; he shall be notified by the committee chairmen of all meetings of said committees and entitled to attend the same.

Section 2.09 - Meetings

The Council shall hold regular meetings at least twice a month, the time of which shall be prescribed by ordinance. Council may dispense with regular meetings for not more than one month each year. All meetings shall be held in the Council Chambers, except for exceptional circumstances when the President of Council may designate another location, and give public notice by newspaper publication, when practical, or by posting the change of location at the Council Chambers.

Special meetings may be called by a majority vote of Council taken at any regular or special meeting; or shall be called by the Clerk of Council upon request of the Mayor, President of Council, or any three members of Council. Any such vote or request shall state the time and subject or subjects to be considered at the meeting and no action shall be taken on any other matters. Twenty-four hours written notice of the time and date of special meetings called by request of the Mayor, President of Council, or three Council members shall be given to each member of Council, the President of Council, and the Mayor either personally or by delivering a copy thereof to his usual place of residence. Service of such notice may be waived by an instrument in writing signed prior to the time of such meeting, and the Mayor,

President of Council, and any member of Council shall be deemed conclusively to have waived such notice by attendance at such meeting.

In adopting its own rules and regulations, Council shall provide for an opportunity during the meeting wherein any group or person attending any regular or special meeting shall be permitted to speak on any matter, past or current, pertinent to municipal affairs.

All meetings of the Council shall be open to the public except the portions thereof devoted to the discussion of threatened or actual litigation, personnel matters, and the sale and acquisition of land ***or any other matter permitted under Ohio law to be discussed in closed session.***

Article III, The Mayor

Section 3.06 - Acting Mayor

During such period when the Mayor is ~~absent from the City, or is otherwise not accessible, or it~~ temporarily unable for any cause to perform his duties, the President of Council shall be the Acting Mayor, but he shall not thereby cease to be President of Council.

Article IV, Administrative Officers, Departments, Boards and Commissions

Section 4.07 - Public Utilities Board

(b) Officers and Meetings --- The Public Utilities Board shall elect annually from among its members, at the first meeting of the Board in January, a President who shall preside at all meetings of the Board, and a Vice President, who shall preside in the absence of the President. The Board shall hold regular meetings at least twice a month at a designated time and place. The Board may dispense with regular meetings for not more than one month each year. The board shall provide, in its rules and regulations, procedures for calling special meetings. All meetings of the Board shall be open to the public except the portions thereof devoted to actual or threatened litigation, personnel matters and matters involving the sale and acquisition of land ***or any other matter permitted under Ohio law to be discussed in closed session.***

Article VII, Nomination, Elections, Qualifications, Initiative, Referendum and Recall

Section 7.07 - Election and Appointment to Fill an Unexpired Term

If a vacancy occurs in the office of President of Council or member of Council at any time prior to the ninetieth day before any general election to occur when the unexpired term of such office is more than two years, an election to fill such vacancy shall be held at such general election. Candidates to fill such vacancy shall be nominated by petition in the manner provided by general law. The candidate receiving the largest number of votes at such election shall assume the office on

the first day of January next following the election, and shall serve for the balance of the unexpired term. Within thirty days after any such vacancy occurs, Council shall by majority vote of the ~~remaining~~ ***members who will remain after the vacancy occurs to*** appoint a qualified person to fill the vacancy on a temporary basis until a successor is elected and qualified.

If a vacancy occurs in the office of the President of Council or member of Council at any time after the date specified in the preceding paragraph, the vacancy shall be filled for the remainder of the unexpired term by appointment of a qualified person by majority vote of the remaining members of Council within thirty days after the vacancy occurs.

In the event the Council fails to fill any vacancy within thirty days, as provided in this section, the Mayor shall make such appointment.

New or amended language in ***BOLD Italics***.
Language deletions appear as strikethroughs.

Proposed Charter Amendment City of Orrville:

This amendment, if passed would:

- a. Expand publication requirements to permit Council to determine method of publication and remove requirement that publication be by newspaper.

A majority affirmative vote is necessary for passage

Shall the following Articles of the Charter of the City of Orrville be changed and amended as follows:

Article II, Council

Section 2.09 - Meetings

The Council shall hold regular meetings at least twice a month, the time of which shall be prescribed by ordinance. Council may dispense with regular meetings for not more than one month each year. All meetings shall be held in the Council Chambers, except for exceptional circumstances when the President of Council may designate another location, and give public notice by ~~newspaper~~ publication ***as provided for ordinances and resolutions***, ~~when practical and~~ or by posting the change of location at the Council Chambers.

Special meetings may be called by a majority vote of Council taken at any regular or special meeting; or shall be called by the Clerk of Council upon request of the Mayor, President of Council, or any three members of Council. Any such vote or request shall state the time and subject or subjects to be considered at the meeting and no action shall be taken on any other matters. Twenty-four hours written notice of the time and date of special meetings called by request of the Mayor, President of Council, or three Council members shall be given to each member of Council, the President of Council, and the Mayor either personally or by delivering a copy thereof to their usual place of residence. Service of such notice may be waived by an instrument in writing signed prior to the time of such meeting, and the Mayor, President of Council, and any member of Council shall be deemed conclusively to have waived such notice by attendance at such meeting.

In adopting its own rules and regulations, Council shall provide for an opportunity during the meeting wherein any group or person attending any regular or special meeting shall be permitted to speak on any matter, past or current, pertinent to municipal affairs.

All meetings of the Council shall be open to the public except the portions thereof devoted to the discussion of threatened or actual litigation, personnel matters, and the sale and acquisition of land.

Section 2.15 - Public Notice Before Adoption

No ordinance or resolution authorizing the surrender or joint exercise of any of its powers; or in the granting of any franchise; or in establishing new positions in the classified or unclassified service of the City; or regulating the rate charged by any public utility; or in the adoption, amendment or repeal of any ordinance relating to

the use and occupancy of land or structures thereon; or in the authorization of any change in the boundaries of the municipality, shall be adopted unless public notice is given ~~in a newspaper of general circulation with the City~~ ***in a manner approved by Council*** at least seven (7) days before adoption by Council. Such public notice shall be given by publishing the title, a summary, or the full text of the ordinance or resolution, as may be authorized by Council, and shall contain a statement that a copy of said ordinance or resolution is available for public inspection in the office of the Clerk of Council. ***As used in this Charter, the terms “published” and “publication” shall mean to post the legislation or a summary thereof in at least three public places as are designated by ordinance of Council, and to take such other actions as may be provided by Council. One of the three public places for publication shall be on the City’s website.***

Section 2.18 - Publication of Resolutions and Ordinances

Within ten days of passage, all resolutions and ordinances required by general laws to be published shall be published ~~once in a newspaper of general circulation in the City~~ by number and title; or by number, title and summary; or in full, as may be authorized by Council. Such publications shall announce that a copy of the resolution or ordinance is available for public inspection at the office of the Clerk of Council.

New or amended language in ***BOLD Italics***.
Language deletions appear as strikethroughs.

Proposed Charter Amendment City of Orrville:

This amendment, if passed would:

- a. Correct title and remove residency requirement listed for City Directors pursuant to and in compliance with Ohio law;
- b. Remove language relating to the classified position of superintendent prior to November 3, 1981 as this position no longer exists;
- c. Update title of staff member to from "personal secretary" to "administrative assistant";
- d. Provide for an administrative assistant for the Human Resources Manager;
- e. Correct wording to replace "effected" with "affected".

A majority affirmative vote is necessary for passage

Shall the following Articles of the Charter of the City of Orrville be changed and amended as follows:

Article IV, Administrative Officers, Departments, Boards and Commissions

Section 4.02 - Directors and Department Heads

All directors and ~~director~~ ***department*** heads shall have control and supervision over employees and the work of their departments.

~~Every director and department head shall be a resident of the City of Orrville, or shall become a resident within a reasonable time after his appointment and shall remain a resident throughout his tenure.~~

Article V, The Civil Service

Section 5.01 - Civil Service Commission

A. There is hereby created and established a Civil Service Commission, which shall consist of three members, appointed by the Mayor for terms of six years each, provided that the persons holding the office of member of the Civil Service Commission at the time this Charter takes effect shall continue to serve in that office for the remainder of their terms, but shall exercise the powers, duties and functions as provided in this Charter. Not more than two members shall be of the same political party.

B. All compensated positions in the service of the City shall be in the classified service, and shall be appointed pursuant to competitive examinations, except the following, which shall comprise the unclassified service of the City:

1. Members of Council, including the President of Council.
2. All clerical employees of the Council.
3. The Mayor.
4. Directors, Assistant Directors, Managers and Superintendents, ~~except those persons in superintendent positions which were in the classified service of the City on November 3, 1981.~~
5. Members of Boards and Commissions established by this Charter or by ordinance of Council.

6. Volunteer members of the Department of Fire and members of the auxiliary police unit and dispatchers within the Department of Police.
7. The Secretary of each Board and Commission established by this Charter or by ordinance, provided that if such Secretary holds other employment within the classified service of the municipality, this Section shall not exempt such person from the requirement of competitive examination to hold such other employment.
8. Persons of exceptional professional or scientific qualifications employed as consultants.
9. Unskilled laborers, as defined and authorized by the Civil Service Commission, and temporary employees who are not employed for more than one hundred eighty (180) continuous days or for more than one hundred eighty (180) days in one (1) year.
10. One ~~personal secretary~~ **administrative assistant** each to the Mayor, the Director of Finance, the Director of Safety and Service, ~~the~~ Director of Utilities **and the Human Resources Manager**; provided, however, that it shall be necessary for such positions to have been created by Council.
11. In the creation of new positions within the City government, the Council shall determine whether such office or position is to be in the classified or unclassified service.

Article VIII, General Provisions

Section 8.04 - Separability

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be ~~effected~~ **affected** thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.