

City of Norton
CHARTER REVIEW COMMISSION
Wednesday, August 2, 2006

The Charter Review Commission of the City of Norton, Ohio, convened for a public meeting in Norton City Council Chambers. Chairperson Barbara Vimont called the meeting to order at 6:08 p.m.

I. ATTENDANCE:

PRESENT: Barbara Vimont, Gene Becker, Christopher Judge, Sue Ringkor, Megan Booth

ABSENT: Charles Campbell, Robert Daymut

II. CONSIDERATION OF MINUTES:

A.) Minutes from Wednesday, July 5, 2006 meeting:

The Commission reviewed the minutes from their Wednesday, July 5, 2006, meeting and Chairperson Vimont called for a motion. **Mr. Gene Becker moved to approve the minutes of Wednesday, July 5, 2006, as submitted; seconded by Ms. Megan Booth. ROLL CALL: Mr. Becker-Yea, Ms. Booth-Yea, Ms. Sue Ringkor-Yea, Mr. Christopher Judge-Yea, Ms. Vimont-Yea. The motion passed 5-0, approving the minutes as submitted. They were signed and processed accordingly.**

III. OLD BUSINESS:

Chairperson Vimont announced that the Chairperson for the Parks and Receptions Board (PRB) was present tonight to give input on their discussion regarding the PRB and the Cemetery (CB) Boards. They, therefore would move out of order of the agenda to discuss this matter first.

A.) Article VI-Boards and Commissions:

1.) Section 6.05-Park and Recreation Board & Section 6:06-Cemetery Board:

Chairperson Vimont introduced Ms. Audrey Toland, PRB Chairperson. She thanked her for accepting their invitation and explained that the Commission was considering including the CB duties into the PRB duties and dissolve the CB within the Charter. She stated that Ms. Lisa Merrick, CB Chairperson, was also invited but could not attend. She, however, sent a letter stating that she felt that the CB duties within the Charter could be merged with either the PRB or the Norton Historical Society. (See attached.) Ms. Vimont also mentioned that the Commission received comments from Mr. Claude Collins, Administrative Officer, regarding this matter. (See attached.)

Ms. Audrey Toland (PRB Chairperson), 3160 Wadsworth Road, Norton, Ohio, approached the Commission and stated that she concurred with the Commission. She said that the CB duties could easily be merged into the PRB duties.

Ms. Vimont thanked Ms. Toland.

Mr. Judge presented a proposed revision of Section 6.05-Park and Recreation Board. The Commission discussed the revision and Chairperson Vimont called for a motion. **Ms. Booth moved to recommend the revision of Section 6.05-Park and Recreation Board as stated in attachment and to remove Section 6.06-Cemetery Board.**

Ms. Ringkor seconded the motion. ROLL CALL: Ms. Booth-Yea, Ms. Ringkor-Yea, Mr. Judge-Yea, Mr. Becker-Yea, Ms. Vimont-Yea. The motion passed 5-0, approving the revision of Section 6.05 and Removal of Section 6.06, by CRC Resolution No. 04-2006. The resolution was sent to the Mayor for his information and to Council for it's action.

Chairperson Vimont stated that they would now resume the order of the agenda.

B.) Article V-Administrative Departments:

1.) Section 5.04-Department of Law:

Ms. Vimont stated that the Secretary forwarded to the Commission the comments from Mr. Mike Lyons, Law Director, but they did not seem to pertain to the proposed revision for which they asked for his comments. (See attached.) They, therefore decided to discuss this matter at another meeting.

2.) Section 5.07-Personnel Department:

Chairperson Vimont referred to a memo from Mr. Collins, dated Monday, June 19, 2006, regarding Section 5.07-Personnel Department. (See attached.) She stated that by his comments, it appeared that he thought they were proposing to remove the Personnel Department from the Charter. She explained that the Commission only wanted to scale down the language by removing the job description within Section 5.07(B). Because job descriptions are on file in the Safety Administration Building; they do not need to be in the Charter.

The Commission discussed Mr. Collins comments concerning adding the language, 'Personnel Director is responsible for implementing and enforcing personnel policies and procedures required for all employees of the City' to this section. Ms. Vimont suggested that the language might be better suited within Section 5.01-General Provisions.

There was discussion regarding mayoral appointments requiring the approval of Council, which led to a discussion regarding the obligations of Council.

Ms. Elaine Tompkins, 3848 Cleveland Massillon Road, Norton, Ohio, approached the Commission and stated that the Mayor has the ability to appoint subject to Council approval, which is good for checks and balances. She felt that the Charter should strengthen the Administration and Council but still keep the checks and balances.

Mr. Judge stated that he did like the idea of streamlining this section because it would not take away any power from Council. He was, however, weary of the Department Heads not being included in the confirmation process because they are important positions whether or not they are Charter level.

The Commission searched the Charter for all the language 'appointed by Mayor' in each department head sections. They discussed removing that language in each section and listing the mayoral appointments within Section 5.01-General Provisions. They discussed placing the Personnel Department language suggested by Mr. Collins into Section 5.01. They also discussed moving Section 5.09-Administrative Department Removals, into Section 5.01.

Ms. Vimont volunteered to draft the revisions for Article V-Administrative Departments, for review at the next meeting.

A.) Article VI-Boards and Commissions:

1.) Section 6.02(B)-Planning Commission and Zoning Procedure; Powers and Duties:

Mr. Becker stated that he drafted a proposed second paragraph for Section 6.02-Planning Commission and Zoning Procedures and read it aloud. (See attached.)

Ms. Tompkins agreed with the proposal except for the portion that gives the Planning Commission (PC) the power to revise the Comprehensive Plan as it deems necessary. She felt that any revision should be sent to Council as recommendations for their approval.

After discussion, the Commission believed that paragraph one stated that the Planning Commission would give recommendation for Council's approval for any plan. They, however, decided to add language pertaining to, 'submission of PC recommendations to Council for approval', to the proposed revision and review it at their next meeting.

3.) Section 6.03(A)-Board of Zoning and Building Appeals; Composition and Term:

The Commission discussed the idea given by Mr. Richard Easterling, Board of Zoning and Building Appeals (BZA) Chairperson, at their last meeting to add an alternate member to their BZA in the Charter. They decided that one of the members would draft a proposal to review at the next meeting.

They also discussed Mr. Easterling's other idea of variance signs. They agreed that this issue was for the Administration to handle but each Charter Review Commission member could write the Administration in support of variance signs.

B.) Article VII-Special Boards and Commissions:

1.) Section 7.01-Charter Review Commission:

There was discussion regarding whether or not Section 7.01-Charter Review Commission, needed revised. Ms. Tompkins suggested that the Charter Review Commission should be compensated for their hard work. The Commission decided that this issue was not for them to consider. After further discussion, Mr. Becker suggested he would draft a revision of this section for review at their next meeting.

VI. NEW BUSINESS:

A.) Rescinding of CRC Resolution No. 03-2006:

Chairperson Vimont stated that the Commission made CRC Resolution No. 03-2006 at their last meeting and since then it was discovered that similar language was already approved by Council to be placed on the November, 2006, ballot. She said that they had added the language 'as approved by Council' on CRC Resolution N. 03-2006, which was found to be repetitive of the language 'under limits set by ordinance'. CRC Resolution No. 03-2006, therefore needed to be rescinded. After a brief discussion Chairperson Vimont called for a motion. **Ms. Booth moved to recommend rescinding CRC Resolution No. 03-2006 because similar language has already been approved by Council in Ordinance No. 57-2006, passed on July 12, 2006. Mr. Becker seconded the motion. ROLL CALL: Ms. Booth-Yea, Mr. Becker-Yea, Mr. Judge-Yea, Ms. Ringkor-Yea, Ms. Vimont-Yea. The motion passed 5-0, by CRC Resolution No. 05-2006, to rescind CRC Resolution No. 03-2006. The resolution was sent to the Administration and to Council for their information.**

B.) Article V-Administrative Departments:

1.) Section 5.02(B)-Department of Finance and Finances; Duties of Director of Finance:

Ms. Tompkins stated that she was disappointed with the ordinance passed regarding Charter Section 5.02(B)-Department of Finance and Finances; Duties of Director of Finance. She felt it did not give enough restrictions for the Board of Control.

Ms. Tompkins added that she believed it was interesting that one person from the Administrative Staff, one person from Council, one person from Finance and one person from the public gave comments and suggestions to the Charter Review Commission. She stated that the Charter is the document that rules the community, it is very important.

Ms. Tompkins thanked the Commission for allowing her to speak and they thanked her for coming.

C.) Article X-Charter:

1.) Section 10.01-Amendments to Charter:

Ms. Ringkor commented that Section 7.01 was regarding the Charter Review Commission, but the amendment section is in Section 10.0. The Commission discussed whether these two sections needed to be combined. They agreed that they were repetitive. Mr. Becker said he would review it and try to bring something to the next meeting for them to review.

B.) Charter Review List of Reviews and Actions:

Mr. Becker stated that he listed the comments that the Commission received from the Staff and Council and noticed that a few of them have not yet been addressed. He requested the Secretary make copies for each member. The Secretary left the meeting to make copies and upon her return distributed the copies to the Commission members and audience members. He wondered if they should respond in written form to each of the persons who submitted the requests. The Commission decided to review the list at their next meeting and that they felt a response to each person who submitted a comment would be appropriate.

V. ADJOURNMENT:

Chairperson Vimont announced that the next meeting was scheduled for Wednesday, September 6, 2006, at 6:00 p.m. They would be reviewing Article III-The Council: Sections 3.04, 3.11, 3.12 & 3.13; Article V-Administrative Departments; Sections 5.01-5.06 and 5.08; Article VI-Boards and Commissions: Sections 6.02, 6.03, 6.05 and 6.06; and Article VII-Special Boards and Commission: Section 7.01. There being no further business coming before the Commission, Chairperson Vimont adjourned the meeting at 7:31 p.m.

Barbara Vimont
Charter Review Commission Chair/Vice-Chair

Gene C. Becker
Charter Review Commission Vice-Chair/Member

9/6/06
Date

Cindy Hughes, Boards & Commissions Secretary
The City of Norton
4060 Columbia Woods Dr.
Norton, Ohio 44203

July 31, 2006

Dear Ms. Hughes,

This letter is in regards to your letter dated 7/18/06 concerning the Charter Review Commission.

Since I am not attending the meeting, I thought I would share my comments with you in writing.

As you know, I am the current Cemetery Board Chairperson. I have felt all along that our board does not have enough responsibilities to warrant regular meetings as stated in the city charter. My understanding is that the board had more input in the past, before the city took over all, or most of the maintenance and record keeping. As it stands, when our board does meet, which is very infrequently, many of our minutes, as you well know, are based on history and outside information that is unrelated to city business.

The only recent addition, taken on by our board directly was to expand or add new flowerbeds to the cemetery as well as erecting a new sign for Western Star Cemetery.

My opinion is that the Cemetery Board could be included under section 6.05 or become a mayoral established group, creating more flexibility for meetings and functioning on an as needed basis. People in this group could be available for suggestions or assistance for any upcoming projects. All historical matters

could and to my knowledge have been directed to the Norton Historical Society.

I hope that I have given you a fair assessment of our board and should you or the Charter Review Board have any more questions please don't hesitate to contact me.

A handwritten signature in black ink that reads "Lisa A. Merrick". The signature is written in a cursive style with a large, prominent "L" and "M".

Lisa A. Merrick
3088 Hametown Rd.
Norton, OH. 44203
(330) 825-6367
flpress@yahoo.com



City of Norton
4060 Columbia Woods Drive
Norton, Ohio 44203

Administrative Officer Claude Collins' Memo

TO: Charter Review Board
DATE: Tuesday, July 18, 2006
SUBJECT: **My Charter Suggestions – Parks and Recreation and Cemetery Boards**

Ms. Cindy Hughes, Boards and Commission Secretary, has asked for my comments to your Board on Charter "Section 6.05 Park and Recreation Board" and "Section 6.06 Cemetery Board". Thank you for the opportunity to again offer my suggestions to the Board members.

MY CHARTER OPINION: As the Administrative Officer, I have formed an opinion on the value of the Parks and Recreation and the Cemetery Boards. Both Boards serve valuable and necessary purposes—I do not want to see either Board abolished! In order to be successful, the Mayor and the administration needs the guidance, help and input from diverse members of the community to oversee the needs in those areas. *Though I favor keeping the actual Boards, I do not believe the Parks and Recreation's and Cemetery Boards' creation or jurisdiction should be a formal part of the Charter.*

The jurisdictional purposes of the Parks and Recreation and the Cemetery Boards is not on the order of the other Boards that I believe should remain in the Charter (the Planning Commission, Board of Zoning Appeals, Civil Service and the Charter Review Boards). Those Boards serve a city-wide planning and review responsibility that includes the parks and cemeteries, they serve quasi-judicial purposes, they oversee the hiring of classified employees and strive to keep the Charter current. The duties of the Parks and Recreation and the Cemetery Boards are strictly advisory in nature. Additionally, the process of appointing and confirming the appointments and re-appointments of those members creates more bureaucracy.

If the Parks and Recreation and the Cemetery Boards were removed from the Charter, the Mayor could authorize their existence and purpose, similar to how the *recent Trash Technical Advisor Committee* and the *Roads Technical Advisory Committee* were appointed and served. Or, the Council could simply pass an ordinance authorizing their creation. That was how the *Health Advisory Board* was created—not through the Charter.

cc: Mayor
Directors
Files

CHARTER REVIEW COMMISSION
RESOLUTION
August 2, 2006

CRC RESOLUTION NO.: 04-2006

RE: Merger of Section 6.05 Park and Recreation Board and
Section 6.06 Cemetery Board

The Norton Charter Review Commission does hereby make the following recommendations on the above.

- Revise Section 6.05 as stated in attachment
- Remove Section 6.06
-
-
-

Votes: FOR 6 AGAINST 0 ABSTAIN 0

Therefore this resolution is:

APPROVED X DENIED TABLED

This resolution shall be sent to the Mayor for his action or for his information X, and to Council for its action X or for its information .

Barbara Vinard
Charter Review Commission
Chair/Vice-Chair

Gene C Becker
Charter Review Commission
Vice-Chair/Member

8/2/06
Date

SECTION 6.05. PARKS, RECREATION, AND CEMETERY BOARD
PARK AND RECREATION BOARD
PARKS, RECREATION, AND
CEMETERY BOARD.

A. COMPOSITION AND TERM.

The ~~Park and Recreation Board~~Parks, Recreation, and Cemetery Board shall consist of five electors of the Municipality not holding other Municipal office except as provided in Section 6.02A of this Charter. They shall be appointed by the Mayor with confirmation by Council.

Each regular appointment shall be for a term of three years. No person shall serve more than two consecutive full terms on the ~~Park and Recreation Board~~Parks, Recreation, and Cemetery Board, and such person shall not serve again on such ~~Park and Recreation Board~~Parks, Recreation, and Cemetery Board until at least three years have elapsed since the expiration of the second consecutive term.

B. POWERS AND DUTIES.

The ~~Park and Recreation Board~~Parks, Recreation, and Cemetery Board shall suggest general policy making and planning for all Municipal parks and for all Municipal cemeteries, subject to the appropriations of Council, and shall have such other powers and duties as may be conferred upon it by Council not inconsistent herewith.

Labor and equipment to perform the work shall be supplied by, and shall be under the supervision of, the Director of Public Service, who shall also be responsible for the purchasing function.

SECTION 6.06. CEMETERY BOARD.

Removed

SECTION 6.05. PARKS, RECREATION, AND CEMETERY BOARD
PARKS, RECREATION, AND CEMETERY BOARD.

A. COMPOSITION AND TERM.

The Parks, Recreation, and Cemetery Board shall consist of five electors of the Municipality not holding other Municipal office except as provided in Section 6.02A of this Charter. They shall be appointed by the Mayor with confirmation by Council.

Each regular appointment shall be for a term of three years. No person shall serve more than two consecutive full terms on the Parks, Recreation, and Cemetery Board, and such person shall not serve again on such Parks, Recreation, and Cemetery Board until at least three years have elapsed since the expiration of the second consecutive term.

B. POWERS AND DUTIES.

The Parks, Recreation, and Cemetery Board shall suggest general policy making and planning for all Municipal parks and for all Municipal cemeteries, subject to the appropriations of Council, and shall have such other powers and duties as may be conferred upon it by Council not inconsistent herewith.

Labor and equipment to perform the work shall be supplied by, and shall be under the supervision of, the Director of Public Service, who shall also be responsible for the purchasing function.

SECTION 6.06. CEMETERY BOARD.

Removed

From: Michael Lyons <lyonslaw@alltel.net>
To: Cindy <cindyh@cityofnorton.org>
Date: Thursday, July 20, 2006 9:01:42 PM
Subject: Charter Review Commission
Folder: Inbox/Cindy

Cindy,

Thank you for the reminder that the Charter Reveiw Commission requested my comments regarding Section 5.04 of Charter of the City of Norton. This section defines the "Department of Law", establishes the Solicitor as the head of the department, sets forth the general duties of the Solicitor, the manner in which the Solicitor is appointed and the appointment of assistants or special counsel to the Solicitor.

I don't have any suggestions for changes at this time. Please tell the Charter Review Commission I would be happy to attend one of their meetings if they would like to discuss this matter with me in more detail.

Very Truly Yours,

Michael Lyons, Solicitor
City of Norton

-----Original Message-----

From: Cindy [mailto:cindyh@cityofnorton.org]
Sent: Monday, July 17, 2006 3:53 PM
To: Mike Lyons
Subject: Charter Review Commission

Hello Mike,

The Charter Review Commission request your comments, if any, regarding Section 5.04-Department of Law in the City of Norton Charter.

Please advise.

Thank you.

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Best regards,
Cindy, B/C Secretary

[Mailto:cindyh@cityofnorton.org](mailto:cindyh@cityofnorton.org)

SECTION 5.04 DEPARTMENT OF LAW.

(Drafted Possible Revision)

A. SOLICITOR.

The Solicitor shall be the head of the Department of Law and shall be appointed by the Mayor with the concurrence of a majority of the members elected and appointed to Council. The Solicitor shall be an attorney-at-law, admitted to the practice of law in the State of Ohio.

B. DUTIES.

The Solicitor shall be the legal advisor on all legal matters coming before the City and shall represent or direct the representation of the City in all litigation cases, or suits coming before the City. He/She shall prepare or review all contracts, ordinances, resolutions, and other documents or instruments as required by the Mayor and Council. He/She shall have other powers and duties performed by directors of law of general statutory plan cities under the general laws of the State of Ohio.



City of Norton
4060 Columbia Woods Drive
Norton, Ohio 44203

Administrative Officer Claude Collins' Memo

Claude Collins

TO: Charter Review Board
DATE: Monday, June 19, 2006
SUBJECT: Charter Section 5.07 – My Suggestions

Ms. Cindy Hughes, Boards and Commission Secretary, has asked me to comment on Charter “Section 5.07 Personnel Department” for your Board. Thank you for the opportunity to again offer my suggestions to the Board members pertaining to “Section 5.07 Personnel Department”.

1. **ADMINISTRATIVE OFFICER DUTIES RECAP:** The Administrative Officer serves as the Personnel Director (in addition to the other duties of Safety Director and Service Director) and this includes the responsibilities of the Personnel Department. The Administrative Officer’s job is full-time. The individual works directly for the *executive head* of the City (the Mayor, who is paid *part-time* wages: \$11,250 a year) and works with the seven Council Members, who are also paid *part-time* wages. The Administrative Officer serves as the full-time *day-to-day operations head* for the majority of the operations of the City. The Finance Director and the Community Development Director are on the same “Director” level. The Finance Director controls the Finance Department (consisting of four other employees) and the Community Development Department consists of only the Director. The Administrative Officer has the responsibility for personnel duties for those six employees also. Other than these six employees, the remainder of the City’s employees fall under the responsibility and authority of the Administrative Officer. There is so much needing to be done that the three Directors must work together as a “team” in order to accomplish their basic tasks. Overwhelmingly, the Personnel Director’s and the Service Director’s duties and responsibilities consume the majority of the Administrative Officer’s time.
2. **PERSONNEL DEPARTMENT:** A Personnel Department (or called a Department of Human Resources by some entities) is **absolutely necessary for the City of Norton—whether required by the Charter or not.** “Personnel management” is such an expertise that the City’s personnel matters (for the 54 full-time employees and another 40 plus part-time employees) must be coordinated, handled uniformly and done so in a legal manner. The Director of Personnel must do all that can be done to assure fair and equitable treatment of all our employees. Additionally when job openings exist within the City, the Director of Personnel must work with the elected officials, department heads and the Civil Service Commission to seek, find, evaluate and hire qualified employees to fill those jobs. Ongoing education, training and experience in personnel matters is imperative!

3. **OPINION ON REMOVAL FROM THE CHARTER:** In my opinion, the entire **Section 5.07 should remain within the Charter.** It is then a requirement that we must comply with and provide for that department. But if it were eliminated, Council must immediately pass legislation defining the Personnel Department, setting the perimeters and the matters which the department is to handle—even if means just utilizing the current Charter language and inserting that language into a legislative form and passing it as ordinances. Norton Codified Ordinances (NCO), Chapter 252, currently is reserved for “Personnel Department” legislation—but today, there are no ordinances within that Chapter. Section 5.07 of the Charter is the only *locally* controlling document pertaining to the duties and requirements for a Personnel Department. This is something that I recognized some time ago and I have been working towards drafting future legislation to put in place within NCO Chapter 252. But at this time, my draft is an incomplete rough draft.
3. **CHARTER OPINION:** **Section 5.07, (A) Director of Personnel:** I believe a Director of Personnel is imperative for this City and must be a requirement. I personally have no problem with the authority of the Mayor to appoint a Director of Personnel and that Council must confirm the Director (*or any other Directors*). A qualified person must be appointed to any Director positions and should then be confirmed only because they are qualified. I trust those matters will be handled in a professional manner. *(Note: As I pointed out in my previous memo to your Board, my preference in these situations is for the Charter process to be changed to where the Mayor appoints any Director and the Council has the power to reject the appointment of any Director so appointed within 30-60 days after the appointment. It is more streamlined and less politically charged for those non-controversial appointments. Also, I believe department heads [i.e. building and zoning, engineering, police, fire, service, utilities, etc.] who are administrative appointments, should not be part of the same confirmation process.)*
5. **SUGGESTION:** **Charter Section 5.07 (B) General Provisions:** I believe this Section should have additional language that says to the effect: *“Personnel Director is responsible for implementing and enforcing personnel policies and procedures required for all employees of the City.”* These are very important functions and should be part of the listed required functions.

cc: Mayor
Directors
Files

Proposed Revision of Section 6.02(B)-Planning Commission & Zoning Procedures; Powers and Duties.

Add a new second paragraph: "The Municipality shall have the right to incorporate a Comprehensive General Plan. When incorporated, the Planning Commission shall maintain this plan, to be known as the official Master Plan, which shall provide for the overall development of the Municipality and shall review said plan periodically and may revise said plan as it deems necessary. All recommendations shall be submitted to the Council for approval."

**CHARTER REVIEW COMMISSION
RESOLUTION**

August 2, 2006

CRC RESOLUTION NO.: 05-2006

RE: Rescinding of CRC Resolution No. 03-2006

The Norton Charter Review Commission does hereby make the following recommendations on the above.

Rescind CRC Resolution No. 03-2006 because similar language has
already been approved by Council in Ordinance No. 57-2006, passed on
July 12, 2006.

(See attached.)

Votes: FOR 6 AGAINST 0 ABSTAIN 0

Therefore this resolution is:

APPROVED X DENIED TABLED

This resolution shall be sent to the Mayor for his action or for his information X, and to Council for its action or for its information X.

Barbara Vinard
Charter Review Commission
Chair/Vice-Chair

Gene Becker
Charter Review Commission
Vice-Chair/Member

8/2/06
Date

**CHARTER REVIEW COMMISSION
RESOLUTION**

July 5, 2006

CRC RESOLUTION NO.: 03-2006

RE: 502 (D)

The Norton Charter Review Commission does hereby make the following recommendations on the above.

*strike "toward the end of the fiscal year"
add at end "as approved by Council"*

The Director of Finance may transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within the various accounts for which a specific fund was established by the original or revised appropriation, under limits set by ordinance as approved by Council

Votes: FOR 6 AGAINST 0 ABSTAIN

Therefore this resolution is:

APPROVED DENIED TABLED

This resolution shall be sent to the Mayor for his action or for his information , and to Council for its action or for its information .

Barbara Vimont
Charter Review Commission
Chair/Vice-Chair

Gene Becker
Charter Review Commission
Vice-Chair/Member

7/5/06
Date

SPONSORED BY;
REFERRED TO:
INTRODUCED BY:

Mayor Joseph Kernan
Committee of the Whole
Scott Pelot, Rules Vice-Chair

CITY OF NORTON ORDINANCE NO. 57-2006

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND SECTIONS 5.02(B), (C) and (D) OF THE CHARTER OF THE CITY OF NORTON TO MODIFY THE DUTIES OF THE DIRECTOR OF FINANCE, AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Norton, Counties of Summit and Wayne, and State of Ohio:

Section 1: That there be, and hereby is, submitted to a vote of the qualified electors of the City of Norton at the November 7, 2006 general election at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law the proposal to amend Sections 5.02(B), (C) and (D) of the Charter of the City of Norton to read as follows (new language shown in bold type and language to be deleted shown with a line through it):

"SECTION 5.02(B) DUTIES OF DIRECTOR OF FINANCE

The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for the collection, disbursement, and custody of all funds. He/She shall establish and maintain those records and procedures necessary to perform his/her duties.

The Director of Finance shall perform such other functions as may be assigned by ordinance or resolution or by order of the Mayor. He/She shall perform all other duties performed by city treasurers and city auditors under the general laws of the State of Ohio. ~~have charge of the administration of the fiscal affairs of the Municipality and to that end shall have authority and be required to:~~

- ~~(a) Serve as financial adviser to the Mayor and Council and assist Council in all financial affairs of the Municipality.~~
- ~~(b) Have custody of all public funds belonging to or under control of the Municipality, or any office, department or agency thereof, and deposit or invest all funds coming into his or her hands in such manner as required by ordinance of Council.~~
- ~~(c) Disburse moneys of the Municipality, provided that all warrants of the Municipality shall be signed by the Director of Finance and the Mayor or the President of Council.~~
- ~~(d) Serve as Clerk of Council until such time as Council provides otherwise by ordinance.~~

- ~~(e) Prescribe the forms of receipts, vouchers, bills, claims, accounting forms and systems of accounts to be used by all the offices, departments and agencies of the Municipal government.~~
- ~~(f) Examine and approve the financial aspects of all contracts, orders and other documents by which the Municipal government incurs financial obligations, having previously ascertained that sufficient monies have been appropriated and allotted and will be available when the financial obligations shall become due and payable.~~
- ~~(g) Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the government of the Municipality and, with the advice of Department of Law, determine the regularity, legality and correctness of such claims, demands or charges.~~
- ~~(h) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the government of the Municipality apart from or subsidiary to the accounts kept in the Director of Finance's office.~~
- ~~(i) Perform all other duties that may now or hereafter be imposed upon city auditors or treasurers under the general laws of the State of Ohio, unless otherwise provided by this Charter or by ordinance or Council, and perform such other duties, consistent with the office, as may be required by this Charter, by ordinance of Council or as directed by the Mayor.~~

~~5.02(C) DEPUTY AND ASSISTANT DIRECTORS OF FINANCE~~

~~When such positions are created by Council, the Director of Finance shall appoint a Deputy Director of Finance and Assistant Directors of Finance, which positions shall not be subject to the Civil Service provisions of this Charter. The appointment of the Deputy Director of Finance shall be subject to confirmation by a majority of the members elected and appointed to Council. The Deputy Director of Finance shall become the Acting Director of Finance when the office of Director of Finance is vacant, or when the Director of Finance is absent from the Municipality or for any other reason is unable to perform his or her duties, and while so acting shall have and service of all the powers and duties of the Director of Finance.~~

5.02(D) TRANSFERS OF APPROPRIATIONS.

The Director of Finance may, toward the end of the fiscal year, transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within the various accounts for which a specific fund was established by the original or revised appropriation, under limits set by ordinance.

Section 2: The ballot language for said issue shall read substantially as follows:

**"CITY OF NORTON
PROPOSED CHARTER AMENDMENT**

Shall Section 5.02(B), (C) and (D) of the Charter of the City of Norton be amended to modify the duties and authority of the Director of Finance by simplifying the general statement of duties, incorporating duties of Finance Directors as set forth in the Ohio Revised Code, eliminating the Charter appointment of Deputy Directors, and eliminating the language that appears to limit the Director of Finance's ability to transfer unencumbered appropriations to the end of the year.

/ / Yes
/ / No"

Section 3: That the Clerk of Council be, and she hereby is, directed to submit a certified copy of this Ordinance to the Summit County Board of Elections not less than 60 days prior to the November 7, 2006 general election for submission to the qualified electors of the City of Norton.

Section 4: That pursuant to Ohio Revised Code Section 731.211 the Clerk of Council shall give notice of the foregoing proposed Charter amendment to the electors of the City of Norton.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the 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 6: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City of Norton and the inhabitants thereof because it is immediately necessary to place the directive of this Ordinance in effect to meet the time requirements for an election required by the Charter, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after the earliest period allowed by law.

Emergency Vote: 7 Yeas 0 Nays

Date Passed: 7-10-06



Michael Zita, President of Council

Date Submitted to the Mayor 7-11-06

Attest: Karla Richards

Karla Richards, CMC-Clerk of Council

Joseph Kernan
Joseph Kernan, Mayor

Date Approved by the Mayor 7/12/06

I, Karla Richards, CMC-Clerk of Council of the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No.57-2006** was duly and regularly passed by the Council of the City of Norton, Summit County and Wayne Counties, Ohio at a meeting held on July 10th, 2006.

That this legislation was posted according to law on July 14th, 2006 and will become effective on July 12th, 2006

Karla Richards

Karla Richards, CMC-Clerk of Council

Prepared and approved as to legal form by Michael K. Lyons, Law Director, City of Norton.
June 9, 2006.

**CITY OF NORTON, OHIO
CHARTER REVIEW COMMISSION
ATTENDANCE RECORD**

The following members were present at the Hearing of the Charter Review Commission,

Held on: **Wednesday, August 2, 2006**

Barbara Vimont

Barbara Vimont

Gene Becker

Gene Becker

Megan Booth

Megan Booth

Charles Campbell

[Signature]

Robert Daymut

[Signature]

Christopher Judge

[Signature]

Sue Ringkor

Sue Ringkor

Signed

Cynthia J. Hughes
Stenographer

**Distribution: Mayor
CRC Files**