

ARTICLE VI CITY MANAGER

Section 6.01. Appointment of City Manager. The Council shall, by a majority vote of all members of Council, appoint and fix the salary of an officer of the Municipality who shall have the title of City Manager. The City Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications in the profession of city management, as judged by the adequacy of the person's technical training and/or successful experience in public administration. At the time of his/her appointment the City Manager need not be a resident of the Municipality or State, but during his/her tenure of office the City Manager shall reside in the Municipality*. No member of Council shall be eligible for appointment as City Manager during the term for which the member of Council has been elected or for one (1) year thereafter.

****Note: (This section has been invalidated by R.C. 9.481 and the Ohio Supreme Court's ruling in The City of Lima v. The State of Ohio 2009, 122 Ohio St.3d 155)***

Section 6.02. Duties of City Manager. The City Manager shall be the chief executive and administrative officer of the Municipality and shall be responsible to the Council for the proper administration of all affairs of the Municipality and, to that end, subject to the provisions of this Charter, shall have authority and shall be required to:

- (1) See that this Charter and the ordinances and resolutions of the Municipality are faithfully observed and enforced;
- (2) Appoint, and when necessary for the good of the service suspend or remove all officers and employees of the Municipality, not selected or appointed by the Council, in the manner provided in this Charter;
- (3) Prepare the tax budget and the annual budget, submit them to the Council for approval, and administer the appropriations made by Council;
- (4) Prepare and submit to Council and to the public, annually not later than March 31, a complete report on the finances and administrative activities of the Municipality for the preceding year; this report shall be deemed to satisfy the requirements of the Ohio Revised Code without separate publication of the financial statement;
- (5) Keep the Council informed of the current financial condition and future needs of the Municipality;
- (6) Sign all contracts, bonds and notes on behalf of the Municipality;
- (7) Attend all Council meetings and shall have the right to take part in discussions but may not vote;
- (8) Appoint, with approval of Council, such citizen advisory committees as seem to the City Manager desirable and discharge them when in the City Manager's judgement their function has been completely served;
- (9) Delegate to subordinate officers and employees of the Municipality any duties conferred upon the City Manager by this Charter or by action of Council, and hold them responsible for the faithful discharge of such duties;
- (10) Serve as an ex-officio member, without the right to vote, of all Boards and Commissions created by this Charter, by ordinance of Council, or by law;
- (11) Serve as the head of all public utilities owned and/or operated by the Municipality;
- (12) Perform such other duties, not inconsistent with this Charter, as may be required by the Council.

Section 6.03. Absence or Disability of the City Manager. The City Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the Municipality to perform the duties of City Manager during any temporary absence or disability. If such designation has not been made, and the City Manager is unable to perform the duties of the office or to make such a designation, the Council may, by resolution, appoint any qualified

administrative officer of the Municipality to perform the duties of the City Manager until the absence or disability ceases.

Section 6.04. Removal of the City Manager. The City Manager shall serve for an indefinite term, subject to removal by the Council at any time by a majority vote of all the members of Council. At least thirty (30) days before such removal shall become effective, the Council shall adopt a preliminary resolution stating the reasons for the removal. The City Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of the request, before the full Council. After such public hearing, if one is requested, after full consideration, the Council may adopt a final resolution of removal. By the preliminary resolution the Council may suspend the City Manager from duty and designate an acting City Manager, but shall cause to be paid to the City Manager forthwith any salary due to the City Manager up to the date of suspension. Upon removal, unless for misconduct of the City Manager involving moral turpitude, the City Manager shall be paid his/her salary for the period of suspension from duty and for the next two months following the removal. In case of the voluntary resignation of the City Manager, the Council and the City Manager shall agree upon the effective date of the resignation.

Section 6.05. Council: Relation to City Manager. Except for the purpose of inquiry or investigation, members of Council shall deal with the administrative employees of the Municipality, other than the Law Director, solely through the City Manager. Except for the appointment or removal of the Law Director, no member of Council shall take the initiative in the appointment or removal of officers or employees subordinate to the City Manager. Neither the Council nor any member or committee thereof shall give any orders to a subordinate of the City Manager, other than the Law Director, either publicly or privately. Any member of Council who violates any of the provisions of this section or votes for any ordinance or resolution in violation thereof shall be guilty of malfeasance in office and upon conviction thereof cease to be a member of Council and shall be ineligible to hold further office or employment in the Municipal government.