

ARTICLE VII ADMINISTRATIVE DEPARTMENTS

Section 7.01. Creation of Departments. The administrative activities of the Municipality shall be carried on by a Department of Finance, a Department of Law, a Department of Safety, a Department of Service and such other departments as may be created by ordinance, after consultation with the City Manager.

Section 7.02. Department Heads. At the head of each department there shall be a full time or part time director. The City Manager, with approval of Council, shall appoint the directors of all departments, other than the Director of the Department of Law, who shall be appointed by Council. Each director shall be an administrative officer of the Municipality and shall have supervision and control of the department he/she heads subject to the direction of the City Manager, except the Director of the Department of Law shall be subject to the direction of Council. With the approval of Council, the City Manager may serve as the head of one or more such departments, except that the City Manager may not serve as Director of Finance, or the City Manager may appoint one person as the head of two or more departments.

Section 7.03. Administrative Code. Subject to the provisions of this Charter and after consultation with the City Manager, the Council shall adopt an administrative code which shall provide in detail the organization of the Municipal government, define the powers and duties of each organizational unit, and determine the administrative procedures to be followed. The Council may delegate to the City Manager and the City Manager may delegate to the heads of departments, other than the Director of the Department of Law, power to make rules and regulations to govern management practices, consistent with the administrative code. Amendments to and revisions of the administrative code shall be made by the Council only after consultation with the City Manager. Where the administrative code is silent, the officers and employees of the municipality shall have and may exercise all powers and duties provided for similar officers and employees by the state law. However, provisions of the administrative code shall supersede those of the state law in case of conflict.

Section 7.04. Departmental Divisions. The work of each department shall be distributed among such divisions thereof as may be established by the administrative code. Pending the adoption of such a code by the Council, the City Manager may establish temporary divisions by administrative order, which shall be applicable to all departments other than the Department of Law.

Section 7.05. Central Purchasing. The Council shall establish a purchasing agency either as a separate office or as a division of one of the departments created by this Charter, whose duty it shall be to contract for, purchase, store and distribute all supplies, printing, materials, equipment and contractual services required by an agency of the Municipality, within the appropriations made by Council. The Council may designate the City Manager as Purchasing Agent, but in any case the City Manager shall be responsible for supervising the purchasing function.

Section 7.06. Competitive Bidding. Purchase of all supplies, materials and equipment for the Municipality shall be made pursuant to specifications through open competitive bidding under such rules, consistent with this Charter as the Council may establish by ordinance. In cases of public disaster, declared by resolution approved by at least five (5) members of Council, purchases may be made in the open market without competition.

Section 7.07. Over-Expenditures. No officer, department or agency of the Municipality shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money on behalf of the Municipality for any purpose in excess of the amounts appropriated for such expenditures and obligations. The officer or employee who knowingly attempts or purports to create such an obligation shall be guilty of malfeasance in office and upon conviction thereof shall be removed from office. However, nothing in this section shall prevent the making of contracts not to be fully performed within the fiscal year when specifically authorized by the Council.

Section 7.08. Personal Financial Interest. Any Municipal officer or employee who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the Municipality or in the sale of any land, material, supplies or services to the Municipality or to a contractor supplying the Municipality shall make known that interest and shall refrain from voting upon or otherwise participating in any capacity as a Municipal officer or employee in the making of such sale or in the making or performance of such contract. Any Municipal officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit said office or position.

Section 7.09. Illegal Contracts Voidable. Whenever any contract is found to be illegal, for the reasons stated in Sections 7.07 or 7.08 and the Municipality has received the goods or property involved, the Council may, by resolution, elect to rescind the contract, and return the goods or property or retain them, paying for them not at the contract price, but at their fair value, provided such value is not in excess of the contract price. If payment has already been made, the Municipality shall be entitled to recover the excess, if any, over the fair value.

Section 7.10. Department of Law - Law Director. The Law Director shall be the head of the Department of Law. The Law Director shall be appointed by a majority vote of the Council and shall serve at the pleasure of the Council. The Law Director must be admitted to the practice of law in the State of Ohio.

The Law Director shall be the legal advisor, attorney and counsel for the Municipality and for all other offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with Municipal affairs; and subject to the direction of Council, shall represent the municipality in all proceedings in Court or before any administrative board or body. The Law Director shall perform such other duties consistent with the office, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio unless otherwise provided by ordinance of Council. The Law Director shall be the prosecuting attorney on behalf of the Municipality and shall prosecute cases brought before courts of competent jurisdiction.

The Council may provide for such assistants and special counsel to the Law Director as shall be deemed advisable. All assistants shall be responsible to the Law Director and when authorized by the Law Director, may exercise all or any part of the powers and duties granted to the Law Director in this section. Special counsel may be selected by the Council or the Law Director, as determined by the Council; and such special counsel may perform those powers and functions as authorized by and in the manner provided by the Council.

Section 7.11. Department of Finance. The Department of Finance shall perform those functions customarily performed by the auditor and the treasurer under the state law. The Director of Finance shall be the fiscal officer of the Municipality and shall be responsible for accounting, collection and custody of public funds, and control over disbursements. The Director of Finance shall advise the City Manager and the Council concerning the financial condition of the Municipality and shall examine all payrolls, bills and other claims against the Municipality and shall issue no warrants unless he/she finds that the claim is in proper form, correctly computed, duly approved and that an appropriation has been made therefore. The Director of Finance shall countersign all bonds and notes issued by the Municipality and shall perform such other functions as may be assigned by ordinance or by order of the City Manager.

Section 7.12. Department of Safety. The Department of Safety shall have and perform such functions as may be assigned by ordinance or by order of the City Manager. Notwithstanding any provisions of state law, the Council may establish unified police and fire service in which both types of service are rendered by the same personnel.

Section 7.13. Creation of New Departments. The Council, by ordinance, may create change and abolish offices, departments and agencies, other than those established by this Charter. The Council may assign additional duties to the departments established by this Charter, but may not discontinue or assign to any other office, department or agency any function assigned by this Charter to a particular office, department or agency.