

ARTICLE VII
ADMINISTRATIVE DEPARTMENTS AND PERSONNEL SYSTEMS

7.01 Departments

The ~~Municipality~~City shall have a Department of Law, a Department of Finance, a Police Department, and such other departments as the Council may create. Except for the Department of Law and the Department of Finance, the Council may abolish, combine, merge, change, or alter any department of the ~~Municipality~~City.

7.02 Powers, Duties, and Functions

Departments of the ~~Municipality~~City shall have those powers, duties, and functions as provided in this Charter and by the Council.

7.03 Department Directors

(A) Departments of the ~~Municipality~~City shall be under the supervision of each department's respective director.

(B) The Chief of Police shall be appointed and removed by the ~~City Manager~~Mayor, subject to the consent and approval of the Council, and the Chief of Police shall serve at the pleasure of the ~~City Manager~~Mayor and the Council subject to Section 7.03(C). The Director of Law and the Director of Finance shall be appointed and removed by the ~~City Manager~~Administrator, subject to the consent and approval of the Council, and the Director of Law and the Director of Finance shall serve at the pleasure of the ~~City Manager~~Administrator and the Council. All other directors shall be appointed by the ~~City Manager~~Administrator and shall serve at the pleasure of the ~~City Manager~~Administrator. ~~With the consent of the Council, the~~ ~~City Manager~~Administrator may serve as the director of one or more departments or may appoint one person as the director of two or more departments.

(C) Notwithstanding the ~~City Manager's~~Mayor's authority to appoint and remove the Chief of Police pursuant to Section 7.03(B), the Council may propose the suspension or removal of the Chief of Police by a resolution of the Council, which shall include that shall set forth the reasons for the proposed suspension or removal and, which resolution must receive an affirmative vote of at least five Council members. ~~A copy of such resolution shall be served immediately upon the Chief of Police. The Chief of Police shall have five days from the date of receipt of service in which to reply in writing and request a public hearing. Upon request, the Chief of Police shall be afforded a public hearing, which shall occur not earlier than 10 days nor later than 30 days after the public hearing is requested. After the public hearing, if requested, and after full consideration, the Council may adopt a final resolution of suspension or removal. After providing the Chief of Police with an opportunity to be heard, and after full consideration, the Council may adopt a final resolution of suspension or removal,~~ which resolution must also receive an affirmative vote of at least five Council members. If the Chief of Police is suspended or removed from duty as provided under this Section, the ~~City Manager~~Mayor may appoint an Acting Chief of Police pursuant to Section 7.06.

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7.04 Director of Law

(A) The Director of Law shall be an attorney-at-law duly authorized and licensed to practice law in the State of Ohio.

(B) The Director of Law shall be legal counsel for the MunicipalityCity and shall represent the MunicipalityCity in any proceedings before any court or before any administrative board or body, including serving as Prosecutor of the Mayor’s Court. Subject to the approval of the Council, the Director of Law, where appropriate, may alternatively facilitate representation of the MunicipalityCity by the hiring of assistant(s) or engaging outside counsel. The Director of Law shall perform other duties as required by this Charter, by legislation of the Council, and by the City ManagerAdministrator. The Director of Law shall not be required to represent any school district or any other unit of government other than the MunicipalityCity.

7.05 Director of Finance

The Director of Finance shall be the chief financial officer of the MunicipalityCity; shall exercise the powers, duties, and functions as required by the laws of the State of Ohio, this Charter, legislation of the Council, and by the City ManagerAdministrator; and shall provide full and complete information concerning the financial affairs and financial status of the MunicipalityCity as required by the City ManagerAdministrator and the Council.

7.06 Acting Department and Division Heads

In the event of a vacancy or the temporary absence or disability of the head of any administrative department or division authorized by or created pursuant to this Charter, ~~(A) the Mayor may appoint an acting Chief of Police for the Police Department until the vacancy is filled or the temporary absence or disability is removed, and (B) the City Manager Administrator, for every other department besides the Police Department,~~ may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

7.07 Contract Services

Professional services not otherwise provided for in this Charter may be provided by way of contract engagements authorized by the Council. The Council may substitute or supplement services to be provided by municipal personnel through contracts with other political subdivisions or other government agencies or by contracts with private persons, firms, corporations, or other entities.

7.08 Administrative Code

Subject to the provisions of this Charter, Council shall adopt and may amend an administrative code (the “Administrative Code”) which shall provide, in detail, the organization of the MunicipalityCity’s government, define the powers and duties of each organizational unit, and set forth administrative procedures. Amendments to and revisions of the Administrative Code shall be made by the Council. Where the Administrative Code is silent as to a matter or function, the officers and employees of the MunicipalityCity shall have and may exercise all the powers and duties provided for similar officers and employees under the laws of the State of Ohio. However,

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provisions of the Administrative Code shall supersede those of the general laws of the State of Ohio in case of conflict to the fullest extent permitted by law.

7.09 Personnel Systems

~~(A)~~ Section 7.09 shall be effective once Sunbury is declared to be and classified as a city under the laws of the State of Ohio.

~~(B)~~(A) All appointments and promotions of employees of the MunicipalityCity shall be made on the basis of merit and fitness demonstrated through a competitive selection process to the extent practicable and except as otherwise provided by the Council.

~~(C)~~(B) The Council shall establish a classified and unclassified service for employees of the MunicipalityCity. The Council shall include as a part of the Administrative Code, adopted pursuant to Section 7.08, a section or sections to define and govern the classified and unclassified service of the MunicipalityCity. All original appointments and promotions to full-time positions within the Police Department below the level of Chief of Police shall be within a classified service.

~~(D)~~(C) Appointments to and removal from all elected and appointed offices, including the MunicipalityCity's boards, commissions, and committees, shall be made in accordance with the specific applicable provisions of this Charter or the specific applicable legislation of the Council, and shall not be subject to Sections 7.09(BA) and (CB).

~~(E)~~(D) The laws of the State of Ohio governing the retirement of employees of municipalities shall be applicable to MunicipalityCity employees under this Charter.

[End of Article VII]

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