

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES December 15, 2022

NEW BUSINESS

ORDINANCES (SINGLE READING AND IMMEDIATE ENACTMENT VIA EMERGENCY)

ORDINANCE NO. O – 12 – 22 - 39

AN ORDINANCE AUTHORIZING AMENDMENTS TO DESIGNATION OF JOB CATEGORIES AND PAY SCHEDULES AND DECLARING AN EMERGENCY

WHEREAS, Section 3.01(D) of the Clayton Charter provides that Council may authorize the creation of positions of employment and set their rates of compensation; and

WHEREAS, an Organization Chart and revised pay tables have been prepared by the City Manager, reviewed by the Finance Director and recommended for approval by the City Manager.

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

1. That the Organization Chart and Pay Table(s) appended hereto as *Exhibit A* be and hereby are authorized and approved with the Pay Tables to be effective the first full payroll period in January, 2023.
2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
3. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.
4. That, unless prompt implementation of pay rates for personnel can be achieved so as to ensure continued provision of City services, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON DECEMBER 15, 2022.

RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)

RESOLUTION NO. R - 12 – 22 - 81

A RESOLUTION TO AUTHORIZE AND APPROVE THE 2023 BUDGET AND PERMANENT APPROPRIATIONS

WHEREAS, during the operation of the City of Clayton certain expenditures are required to provide required governmental services; and

WHEREAS, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

WHEREAS, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

WHEREAS, certain appropriations are necessary to authorize payment from certain funds; and

WHEREAS, the City Manager and Finance Director have prepared and presented the 2023 Budget and Permanent Appropriations for the City of Clayton.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the 2023 Budget appended hereto as *Exhibit A* and made a part hereof is hereby authorized and approved.
2. That the appropriations by fund and appended hereto and made a part hereof are hereby authorized and approved for 2023.
3. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to affect such appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON DECEMBER 15, 2022.

RESOLUTION NO. R – 12 – 22 – 82

A RESOLUTION APPROVING AMENDMENT OF 2022 APPROPRIATIONS AND ESTIMATED RESOURCES

WHEREAS, during the operation of the City of Clayton certain expenditures are required to provide required governmental services; and

WHEREAS, the expenditures must be in accordance with requirements provided by applicable state law and be applied against certain designated City funds; and

WHEREAS, certain transfers of moneys within and between specified City funds may be required to comply with accounting requirements established by the office of the State Auditor of Ohio; and

WHEREAS, certain appropriations are necessary to authorize payment from certain funds; and

WHEREAS, Council previously approved the Original Certificate of Estimated Resources and Appropriations; and

WHEREAS, the Finance Director has requested amendment of the 2022 Appropriations and Estimated Resources with respect to the General Fund (101), Capital Improvement Projects Fund (150), Fire Trust Fund (330), Street Fund (401) and the Permissive Tax Fund (403).

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the following amendments are hereby approved as follows and the appropriation amendments are for *operating or personnel expenses as noted below:*

<u>Fund</u>	<u>Estimated Resource Amount</u>	<u>Appropriation Amount</u>
General (101)	\$35,000.00	\$711,676.90 Operating \$99,291.99 Transfers Out
Capital Improvement Projects (150)	\$48,570.00	\$48,570.00 Operating
Fire Trust (330)	\$14,000.00	\$14,000.00 Operating
Street (401)	\$84,368.21 Transfer In	(\$30,571.00) Personnel \$114,939.21 Operating
Permissive Tax (403)	\$14,923.78 Transfer In	\$14,923.78 Operating

2. That the Finance Director is hereby authorized, empowered and directed to take all action necessary to effect such amendments and appropriations and evidence same on the books and financial record of the City.

ADOPTED BY COUNCIL ON DECEMBER 15, 2022.

RESOLUTION NO. R – 12 – 22 – 83

A RESOLUTION APPOINTING ASHLEY CALDWELL TO THE CLAYTON BOARD OF ZONING APPEALS TO FILL THE UNEXPIRED VACANT SEAT OF BARBARA BUYERS

WHEREAS, Charter Section 7.02 provides for the creation and appointment of members to the Clayton Board of Zoning Appeals (BZA); and

WHEREAS, Member Barbara Buyers has resigned from the BZA leaving a vacant unexpired seat on the BZA;

WHEREAS, Council desires to appoint Ashley Caldwell to fill the vacant unexpired seat of Barbara Buyers on the Clayton Board of Zoning Appeals.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Ashley Caldwell is hereby appointed to the Clayton Board of Zoning Appeals to fill the vacant seat thereon created by the resignation of Barbara Buyers, said term expiring January 6, 2026.

ADOPTED BY COUNCIL ON DECEMBER 15, 2022.

RESOLUTION NO. R – 12 –22 – 84

A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. R-03-22-27 ADOPTED MARCH 17, 2022 REGARDING *COUNCIL SALARY REVIEW COMMISSION*

WHEREAS, Charter Section 3.08 provides that the salaries of elected officials of the City shall be established by Council via ordinance; and

WHEREAS, the salaries of the Mayor and Council Members have remained unchanged since the formation of the City of Clayton, Ohio and;

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution permits the City of Clayton to exercise its power of local self-government; and

WHEREAS, Charter Section 7.04 provides Council with the following authority: “Council may, by ordinance or resolution, establish, revise, merge or abolish other boards and commissions.” and;

WHEREAS, *via Resolution No. R-03-22-27 adopted on March 17, 2022, Council established a Council Salary Review Commission for the purpose of reviewing the current salaries of the Mayor and Council Members and making recommendations respecting same to Council as provided herein.*

WHEREAS, *Council now desires to repeal Resolution No. R-03-22-27 and replace said Resolution No. R-03-22-27 with this Resolution No. R-12-22-84.*

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That, in accordance with Charter Section 7.04, Council does hereby establish a *Council Salary Review Commission* for the purpose of reviewing the current salaries of the Mayor and Council Members and make recommendations respecting same to Council as follows:

The Council Salary Review Commission (“Commission”) shall consist of three (3) qualified electors of the City of Clayton, Ohio appointed by simple majority vote of Council via Resolution. Commission members shall not hold any other office or employment with the City of Clayton and shall serve without compensation. No immediate family members of Council members or employees shall be eligible to be a member of the Commission.

Said Commission shall convene every five (5) years to study and recommend changes, if any, in compensation of the Mayor and Council members. Council will appoint Commission members every four (4) years via Resolution. The first commission shall be appointed, convene, and make recommendations to Council in 2023. The Commission will cease to function sixty (60) days following the submission of its report of recommendations to Council. A Commission member’s seat shall be forfeited if such member ceases to be a qualified elector of the City of Clayton, Ohio and Council shall name a replacement by simple majority vote via Resolution.

The Commission, at its first meeting, shall elect a Chairperson from its membership. Within thirty (30) days of appointment of members to the Commission, the Commission shall meet to begin performance of its functions as described herein. The Commission shall meet as often as needed to complete its duties and make recommendations to Council. The Commission shall present a report to Council with recommendations at a public meeting to occur no later than ninety (90) days after the first meeting of the Commission. This ninety (90) day period may be extended upon good cause with approval via legislation adopted by Council. The Commission may request of the Finance Director financial information and/or documentation necessary for completion of its duties, which may include current budget information.

The Commission shall be considered a public body and its meetings shall be open to the public and conducted in accordance with The Ohio Open Meetings Act, Ohio Revised Code 121.22 et seq.

The Commission shall not have the power or authority to change Council compensation amounts as that authority is provided to Council via Charter Section 3.08. Recommendations of the Commission to Council shall be advisory only.

2. That this Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Resolution or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON DECEMBER 15, 2022.
