

CITY OF CLAYTON, OHIO

RESOLUTION NO. R - 07 - 25 - 53

A RESOLUTION APPROVING AN AMENDMENT TO CLAYTON CHARTER SECTIONS 5.02 (CITY MANAGER QUALIFICATIONS) AND 11.03 (PERSONNEL PRACTICES MANUAL)

WHEREAS, the Clayton Charter Review Commission has submitted the following rationale for the below listed amendments to the Clayton City Charter:

Rationale: Sections 5.02 and 11.03 of the Clayton Charter require certain employees to become residents of the City of Clayton. However, Ohio Revised Code Section 9.481 provides at division (B)(1) thereof, "Except as otherwise provided in division (B)(2) of this section, no political subdivision shall require any of its employees, as a condition of employment, to reside in any specific area of the state." Ohio Revised Code division (B)(2) provides, "To ensure adequate response times by certain employees of political subdivisions to emergencies or disasters while ensuring that those employees generally are free to reside throughout the state, the electors of any political subdivision may file an initiative petition to submit a local law to the electorate, or the legislative authority of the political subdivision may adopt an ordinance or resolution, that requires any individual employed by that political subdivision, as a condition of employment, to reside either in the county where the political subdivision is located or in any adjacent county in this state."

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

1. That the following amendments to the Clayton City Charter are hereby approved for submission to the voters of the City of Clayton *as a single ballot issue* at the November 4, 2025 General Election:

ARTICLE V CITY MANAGER

5.02 Qualifications

The City Manager shall be appointed solely on the basis of his executive and administrative qualifications; ~~and need not be a resident of the City at the time of his appointment, but shall become a resident of the City within six months after his appointment, unless residence outside the City is approved by a majority vote of the members of Council.~~

ARTICLE XI PERSONNEL ADMINISTRATION AND MERIT SYSTEM

11.03 Personnel Practices Manual

...

~~(D)(1) Council shall require the following part-time or full-time officers or employees (including volunteers) hired after January 1, 2000, to live in the City or attain City residency within six months after completion of their probationary period or date of hire whichever is later:~~

- ~~(a) City Manager;~~
- ~~(b) Assistant Managers;~~
- ~~(c) Department Directors;~~
- ~~(d) Assistant Fire Chiefs; and~~

~~(e) All other officers and employees having twenty-four emergency response assignment, including paid on call (volunteer) fire personnel and emergency medical service personnel, and other positions designated as necessary by the City Manager.~~

~~(2) The City Manager, with Council approval, may waive residency requirements as to particular employees if he determines, on balance, the best interests of the City are served by the waiver.~~

~~(3) Council may require by ordinance that all employees newly hired after the effective date of this ordinance must live within the City or attain City residency within six months after completion of their probationary period or date of hire whichever is later.~~

2. That the Clerk of Council be and is hereby authorized and directed to forward a certified copy of this Resolution, no later than August 6, 2025, to the Montgomery County Board of Elections for placement on the November 4, 2025 Ballot.

3. That this Resolution shall take effect from and after the date of its passage.

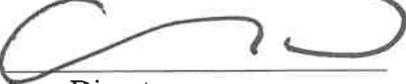
ADOPTED BY COUNCIL ON JULY 17, 2025.

AUTHENTICATION:


Mayor (Presiding Officer of Council)


Clerk of Council

APPROVED AS TO FORM:


Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Edon Register Herald

Date of publication

July 23, 2025

Barbara Sain
CLERK