

**CITY OF XENIA, OHIO
ORDINANCE 2022 – 35**

**AMENDING AND RETITLING CHAPTERS 250, 252 AND 254 AND ENACTING CHAPTERS
253, 255 AND 256 OF THE ADMINISTRATIVE CODE, AS CONTAINED IN PART TWO: CITY
GOVERNMENT, TITLE SIX – ADMINISTRATIVE CODE OF THE XENIA CITY CODE**

WHEREAS, Section 7.01 of the City Charter states that Council may establish City departments and divisions and prescribe the function of any department or division so established;

WHEREAS, this Council has established various City departments and divisions in the City’s Administrative Code, as contained in Part Two: City Government, Title Six; and

WHEREAS, the Legislative Review & Government Affairs Committee of this Council has recommended to this Council certain amendments and updates to those provisions of the Administrative Code establishing the Finance Department and its divisions, as well as the City Clerk’s Office.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, a majority of the members of Council present concurring, that:

Section 1. Chapter 250, to be titled “Department of Finance,” Sections 250.01 to 250.04 are hereby amended, and Sections 250.05 through 250.06 are hereby enacted, as shown in the attached Exhibit A.

Section 2. Chapter 252, to be titled “Accounting Division,” Sections 252.01 and 252.02 are hereby amended, as shown in the attached Exhibit A.

Section 3. Chapter 253, to be titled “Accounts Receivable & Billing Division,” including Sections 253.01 to 253.03, is hereby enacted as shown in the attached Exhibit A.

Section 4. Chapter 254, to be titled “Tax Division,” Sections 254.01 and 254.02 are hereby amended, and Section 254.03 is hereby enacted, as shown in the attached Exhibit A.

Section 5. Chapter 255, to be titled “Payroll & Benefits Division,” including Sections 255.01 and 255.02, is hereby enacted, as shown in the attached Exhibit A.

Section 6. Chapter 256, to be titled “City Clerk’s Office,” including Sections 256.01 to 256.03, is hereby enacted, as shown on the attached Exhibit A.

Section 7. Existing Chapters 236, 250, 252 and 254 are hereby repealed.


Section 8. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including ORC 121.22.

Section 9. This Ordinance shall become effective on January 1, 2023.

Introduced: September 8, 2022
Adopted: September 22, 2022

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council

CHAPTER 250
Department of Finance
Department of Development

250.01	Establishment	250.04	<u>Assessments</u>
250.02	Finance Director; <u>Assistant</u>	<u>250.05</u>	<u>Debt Collection; Bad Checks</u>
250.03	<u>Required Policies</u>	<u>250.06</u>	<u>Loan Review Advisory Committee</u>

250.01 ESTABLISHMENT; ~~COMPOSITION.~~

(a) Establishment. In accordance with Section 6.04 and Section 7.01 of the City Charter, a Department of Finance, which may also be known as the Finance Department, to be headed by the Director of Finance, who may also be known as the Finance Director, is hereby established. The Department of Finance shall have such employees as may from time-to-time be determined by the City Council.

(b) Divisions. The Department of Finance shall include the following Divisions:

- (1) The Accounting Division;
- (2) The Accounts Receivable & Billing Division;
- (3) The Tax Division;
- (4) The Payroll & Benefits Division; and
- (5) The City Clerk' Office.

(Ord. 2022-35. Adopted 09/22/22)

~~There is hereby established a Department of Development, which shall be under the general supervision and control of the City Manager and administered by the Director of Development. The Department shall be responsible for directing activities and resources to ensure the economic vitality of the community and shall be responsible for coordinating the various aspects of the physical development of the community. The Department shall include the Division of Economic Development and the Division of Neighborhood Services.~~

250.02 FINANCE DIRECTOR; ASSISTANT. ~~DUTIES OF DIRECTOR OF DEVELOPMENT~~

(a) Appointment. The Finance Director shall be appointed by City Council and shall be under the direct supervision of the City Council.
(Charter 6.03 and 7.01)

(b) Powers and Duties.

- (1) The Finance Director shall be the head of the Finance Department and its Divisions. He or she shall have supervision of all fiscal matters of the City and direct all activities of the Department of Finance, including the supervision of its Divisions, Division heads, and all employees of the Department and its Divisions.
- (2) The Finance Director shall be the fiscal officer of the City and shall have those powers and duties assigned to him or her by Section 6.04 and Article IX of the City Charter, by the Xenia City Code, or by other ordinances or resolutions. The Finance Director shall exercise those powers and have those duties assigned to municipal auditors or municipal treasurers under the general laws of the State.
- (3) The Finance Director is hereby appointed as the City official with the authority to open and close bank accounts and to manage such accounts, in accordance with the City's Deposit and Investment Policy.

- (4) The Finance Director shall be an administrative officer of the City.
- (5) The Finance Director shall have any additional powers and duties relative to the City's fiscal matters as may be necessary to carry out the duties of his or her office as required by City Charter, the Xenia City Code, the Uniform Tax Levy Law, or other applicable state statute.
(Charter 6.04)

(c) Assistant Finance Director. The Finance Director may appoint an Assistant Finance Director, who shall be under the direct supervision and control of the Finance Director, and who shall perform such duties as are assigned by the Finance Director.

(d) Unclassified Service. In accordance with Section 10.02 of the City Charter, the position of Finance Director and Assistant Finance Director shall be in the unclassified service.
(Ord. 2022-35. Adopted 09/22/22)

The Director shall be responsible for coordinating and supervising the activities of the divisions in the department.

250.03 REQUIRED POLICIES. DIVISION OF ECONOMIC DEVELOPMENT

(a) Deposit and Investment Policy. City Council shall adopt and approve, by ordinance, a Deposit and Investment Policy to establish the method and manner in which City moneys shall be deposited and invested to provide the highest investment return while preserving principal and maintaining adequate daily cash flow for the City.

- (1) The Deposit and Investment Policy shall define the parameters for eligible institutions that may hold public deposits, standards for securing those deposits, and the process by which such eligible institutions are selected for deposit.
- (2) The Deposit and Investment Policy shall identify permitted investment instruments, the maximum term of those investments, and the process for selecting the investments, as well as custody, safekeeping, and the licensing and registration of broker dealers.
- (3) All investments made by the City shall conform to the City's Investment Policy and the Finance Director shall, at least annually, provide regular reports to City Council about the City's investment activities, including details of the City's portfolio of investments by instrument type.
- (4) The Finance Director shall make all deposits and investment in accordance with the Deposit and Investment Policy. The Finance Director is hereby authorized to pool cash balances from the several different funds of the City for investment purposes, in accordance with the City's Deposit and Investment Policy, and unless such pooling of a particular fund is prohibited by federal or state law.
- (5) The Finance Director shall file a copy of the City's Deposit and Investment Policy, and any amendments thereto, with the Auditor of the State of Ohio.
(Ord. 98-14. Adopted 03/26/98; Ord. 2022-35. Adopted 09/22/22)

(b) Debt Administration Policy. City Council shall adopt and approve, by resolution, a Debt Administration Policy establishing criteria for the selection of bond counsel, underwriters, and financial advisers. The policy shall identify the various debt instruments permitted for use and the process for soliciting proposals for debt financing. The Policy shall also identify metrics for evaluating debt coverage ratios, establish maximum maturities, and address financial disclosures. The Policy may provide for additional guidance related to credit ratings, refunds, and other debt related topics.

(Ord. 12-19. Adopted 04/26/12; Ord. 2022-35. Adopted 09/22/22)

(c) Purchasing Manual. The Finance Director shall establish a Purchasing Manual, in consultation with the Administrative Steering Committee, which Manual shall set forth the policies and procedures for all purchases and expenditures and to provide guidelines on the competitive bidding process.

- (1) The Manual shall set forth policies and procedures regarding procurement, requisitions, purchase orders, receipts, payment authorization, the use of City credit cards, travel expenses, contracting for services, supplies and equipment, and any other appropriate fiscal matter. The policies and procedures set forth in the Manual shall conform to the Ohio Uniform Tax Levy Law, where applicable.**
- (2) All elected officials, appointed officials, department heads, division heads, and City employees shall comply with the Purchasing Manual in making any expenditure of public funds that is not made pursuant to competitive bid.**
(Ord. 2022-35. Adopted 09/22/22)

(d) Sensitive Information Policy and Identity Theft Prevention Program. In accordance with Section 114 of the Fair and Accurate Credit Transaction Act of 2003, and any amendments thereto, and the Red Flag Program Clarification Act of 2010, and any amendments thereto, the Finance Department shall establish a Sensitive Information Policy and Identity Theft Prevention Program to help protect customers, reduce the risk of identity fraud, and to minimize potential damage to the City from fraudulent new accounts.

- (1) The Sensitive Information Policy will define sensitive information; describe the physical security of data when printed on paper; describe the electronic security of data when stored and distributed; and will place the City in compliance with state and federal laws regarding identity theft protection.**
- (2) The Identity Theft Prevention Program will assist the City in identifying risks that signify potentially fraudulent activity within new or existing covered accounts; detect risks when they occur in covered accounts; and respond to risks to determine if fraudulent activities have occurred and act if fraud has been attempted or committed. The Program shall be updated periodically, including reviewing accounts that are covered by the Program and the identified risks that are a part of the Program.**
- (3) The Policy and Program shall apply to all City employees, contractors, consultants, and all personnel affiliated with third parties.**
- (4) The Finance Director shall manage the Policy and Program and shall ensure all appropriate City personnel are trained in overseeing the Program in accordance with the Policy.**
- (5) The Policy and Program shall be considered security records and may be exempted from disclosure under the Ohio Public Records Act.**
(Ord. 2022-35. Adopted 09/22/22)

~~There is hereby established within the Department of Development a Division of Economic Development. The Development Director shall oversee activities of the Division and shall serve as the coordinator of economic development. The Economic Development Director shall be responsible for administering all programs and initiatives necessary to ensure the economic vitality of the community, including but not limited to, retail growth, commercial advancement, and industrial development and redevelopment.~~

~~250.04 **ASSESSMENTS. DIVISION OF NEIGHBORHOOD SERVICES.**~~

(a) Tax Liens for Unpaid Water Rents, Fees, or Service Charges. The Finance Director is hereby designated as the City official with the authority to assess unpaid water rents, fees or service charges pursuant to ORC 743.04, and such assessments shall not require separate approval by City Council.

- (1) When rents, fees, or service charges for water are not paid, the Director of Finance shall certify them, together with any penalties and late fees, to the County Auditor. The County Auditor shall place the certified amount on the real property tax list and duplication against the property in the manner prescribed by ORC 743.04.
- (2) The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding ORC 323.15, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid rents, fees, or service charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.
- (3) Finance Director shall not certify to the County Auditor, and the County Auditor shall not place upon the tax list and duplicate as a charge against the property the amount of any unpaid rents, fees, or service charges together with any penalties if any of the following apply:

 - A. The property served by the connection has been transferred or sold to an electing subdivision, as defined in ORC 5722.01, regardless of whether the electing subdivision is still the owner of the property, and the unpaid rents, fees, or service charges together with any penalties have arisen from a period of time prior to the transfer or confirmation of sale to the electing subdivision;
 - B. The property served by the connection has been sold to a purchaser at sheriff's sale or auditor's sale, the unpaid rents, fees, or service charges together with any penalties has arisen from a period of time prior to the confirmation of sale, and the purchaser is not the owner of record of the property immediately prior to the judgment of foreclosure nor any of the following:

 - (i) A member of that owner's immediate family;
 - (ii) A person with a power of attorney appointed by that owner who subsequently transfers the land to the owner;
 - (iii) A sole proprietorship owned by that owner or a member of that owner's immediate family;
 - (iv) A partnership, trust, business trust, corporation or association of which the owner or member of the owner's immediate family owns or controls directly or indirectly more than fifty percent (50%).
 - C. The property served by the connection has been forfeited to the State of Ohio for delinquent taxes, unless the owner of record redeems the property.
(ORC 743.04)

(b) Tax Liens for Unpaid Sewer or Stormwater Rents, Fees, or Service Charges. The Finance Director is hereby designated as the City official with the authority to assess unpaid sewer or stormwater rents, fees, or service charges pursuant to ORC 729.49, and such assessments shall not require separate approval by City Council.

- (1) When rents, fees, or service charges for sewer or stormwater are not paid, the Director of Finance shall certify them, together with any penalties and late fees, to the County Auditor in the same manner as unpaid water rents, fees, or service charges. The County Auditor shall place the certified amount on the real property tax list and duplication against the property in the same manner.
- (2) The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding ORC 323.15, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid rents, fees, or service charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.
(ORC 729.49)

(c) Tax Liens for Unpaid Refuse Collection Fees or Service Charges. The Finance Director is hereby designated as the City Official with the authority to assess unpaid refuse collection fees or service charges pursuant to ORC 701.10, and such assessments shall not require separate approval by City Council.

- (1) When fees or service charges for refuse collection are not paid, the Director of Finance shall certify them, together with any penalties and late fees, to the County Auditor in the same manner as unpaid water rents, fees, or service charges. The County Auditor shall place the certified amount on the real property tax list and duplication against the property in the same manner.**
- (2) The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding ORC 323.15, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid fees or service charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.**
- (3) No lien for unpaid refuse collection fees or service charges shall be assessed unless the unpaid amount is equal to or greater than Two Hundred Fifty Dollars (\$250) or the unpaid amount is equal to or greater than the applicable annual fee, rate or charge imposed upon the property using the refuse collection service, regardless of the actual cost incurred by the City in providing the refuse collection services.**
(ORC 701.10)

(d) Tax Liens for Unpaid Mowing Services or Property Maintenance Abatement Charges. The Finance Director is hereby designated as the City Official with the authority to assess unpaid mowing charges or unpaid charges for abatement activities pursuant to ORC 715.261, 715.47, and/or 731.54, and such assessments shall not require separate approval by City Council.

- (1) When charges for mowing or abatement activities are not paid, the Director of Finance shall certify them, together with any penalties and late fees, to the County Auditor in the same manner as unpaid water service charges. The County Auditor shall place the certified amount on the real property tax list and duplication against the property in the same manner.**
- (2) The amount placed on the tax list and duplicate shall be a lien on the property served from the date placed on the list and duplicate and shall be collected in the same manner as other taxes, except that, notwithstanding ORC 323.15, the County Treasurer shall accept a payment in such amount when separately tendered as payment for the full amount of such unpaid charges and associated penalties. The lien shall be released immediately upon payment in full of the certified amount.**
(ORC 715.261, 715.47, 731.54)
(Ord. 2022-35. Adopted 09/22/22)

~~There is hereby established with the Department of Development a Division of Neighborhood Services under the direction and control of the Development Director. The Neighborhood Services Division shall be responsible for coordinating all activities related to neighborhood development services and housing. The Division shall be responsible for coordinating initiatives, providing general support, and serving as staff to downtown development activities, including but not limited to redevelopment, economic restricting, historical preservation, and special assistance programs.~~

250.05 DEBTS AND BAD CHECKS.

(a) Collection. The Finance Director is hereby authorized to use any debt collection service to collect unpaid amounts due and owing to the City, which amounts may include, but are not limited to, unpaid utility bills, unpaid income taxes, unpaid parking tickets, unpaid mowing or property abatement charges.

(Ord. 2022-35. Adopted 09/22/22)

(b) Bad Checks. The Finance Director is hereby authorized to establish, by administrative directive, a service fee for any bad or dishonored check issued to the City for payment. The Finance Director shall establish a process to be used by the Finance Department when a bad or dishonored check is received, which shall include referral of the matter to the Law Department for prosecution if the issuer of the check does not make full restitution, including the service fee, to the Finance Department within sixty (60) days.

(Ord. 08-25. Adopted 04/24/08; Ord. 2022-35. Adopted 09/22/22)

(c) Uncollectable Charges. The Finance Director may submit a list of uncollectible fees or service charges including, but not limited to, water, sewer, stormwater, or refuse collection services, uncollectible taxes, loans, or parking tickets to the City Council, along with his or her recommendation to waive such uncollectible amounts. Upon receipt of the Finance Director's recommendation, Council may, by resolution, and with or without amendment, waive such uncollectible amounts, which waiver shall act to remove such uncollectible amounts from the active records of the applicable fund to which such amount(s) is due.

(Ord. 15-59. Adopted 11/24/15; Ord. 2022-35. Adopted 09/22/22)

250.06 LOAN REVIEW ADVISORY COMMITTEE.

(a) Establishment. The Finance Director is hereby authorized to establish a Loan Review Advisory Committee, to advise the Director and City staff, as needed, on the granting of a loan under any loan program established by the City Council. Such Committee shall consist of three (3) members, to be appointed by the Finance Director, who shall have banking or other relevant financial expertise and preference shall be given to persons who are either residents of the City or who work in the City but no member shall hold elective office or employment with the City. Other City staff members may participate at the Finance Director's request in Committee meetings in a nonvoting advisory capacity.

(b) Functions. The Loan Review Advisory Committee shall review all applications for economic development loans including, but not limited to, industrial loans, commercial loans, and micro-loans submitted to the City and make recommendations on whether to grant or deny the requested loan.

(c) Confidentiality. The Loan Review Advisory Committee shall not be subject to the Ohio Open Meetings Act, and due to the sensitive and personal financial information reviewed by the Committee, the Committee's meetings shall not be open to the public. The Finance Director shall assure that all information of a sensitive or personal financial nature presented to the Committee is appropriately safeguarded and retained by the Finance Department.

(Ord. 2022-. Adopted 09/22/22)**

CHAPTER 252
Accounting Division
~~Department of Human Resources~~

- 252.01 Establishment
 - 252.02 Functions
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252.01 ESTABLISHMENT; ~~DIRECTOR.~~

In accordance with Section 7.01 of the City's Charter, a Division of Accounting (Accounting Division) is hereby created within the Department of Finance, which shall have such employees as may from time-to-time be determined by the City Council. All such employees shall be appointed by the Finance Director and shall be under the supervision and control of the Finance Director. (Ord. 2022-35. Adopted 09/22/22)

~~There is hereby established a Department of Human Resources, which shall be under the general supervision of the City Manager. The Department shall be administered by the Human Resources Director, who shall be appointed by the City Manager.~~

252.02 FUNCTIONS ~~DUTIES OF DIRECTOR.~~

(a) Powers and Duties. The Accounting Division, under the supervision and direction of the Finance Director, shall perform the following functions:

- (1) Keep financial records giving a full and accurate account of the moneys received and disbursed by, or on behalf of, the City;**
- (2) Receive and have custody of all moneys paid to the City and those moneys payable from the Xenia Municipal Court, as required by law;**
- (3) Disburse moneys when the claim thereon has been submitted in the proper form, correctly computed, fully approved, and when an appropriation has been made for the same;**
- (4) Provide fiscal supervision over all Departments and Divisions of the City regarding proper management of their fiscal concerns and oversee the distribution and use of City credits cards in accordance with the Purchasing Manual;**
- (5) Examine and audit the accounts of the City's various Departments and Divisions, oversee required financial reporting and compliance audits;**
- (6) Process all purchase orders and invoices and payments on the same in accordance with the Purchasing Manual;**
- (7) Keep all general accounts and any special accounts of the City and of its respective Departments, Divisions, Boards and Commissions;**
- (8) Prepare estimates of revenues, make fiscal projections and forecasting regarding City finances, and oversee the preparation of the yearly budget, prepare or review all appropriation ordinances;**
- (9) Keep all Departments and Divisions, as well as the City Manager, currently and fully informed of its unencumbered appropriation balances;**
- (10) Manage facility utility contracts, the fleet leasing program, propane procurement, gas aggregation, and electric aggregation; and**
- (11) Assist the Finance Director in the management of cash, deposits, investments, assets, debt, and supply inventory.**

(b) Additional Powers and Duties. The Accounting Division may also perform any other functions as may be necessary to carry out the duties placed on the Finance Director pursuant to the City's Charter, or by the Council or by State law. (Ord. 2022-35. Adopted 09/22/22)

~~The Human Resources Director shall be responsible for general human resources and personnel management within the City. He or she shall perform such administrative duties relating to personnel management as are assigned by the City Manager. He or she shall provide staff assistance to the Civil Service Commission and assume such responsibilities or duties relating to civil service rules and regulations as are required by the Commission. He or she shall also assume and perform all other duties and responsibilities as directed by the City Manager in accordance with police direction from the Personnel Management Committee.~~

CHAPTER 253
Accounts Receivable & Billing Division

- 253.01 Establishment**
 - 253.02 Accounts Receivable Manager**
 - 253.03 Functions**
-

253.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City’s Charter, a Division of Accounts Receivable & Billing (Accounts Receivable & Billing Division) is hereby created within the Department of Finance, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the Finance Director and shall be under the supervision and control of the Accounts Receivable Manager.

(Ord.79-61. Adopted 09/13/79; Ord. 2022-35. Adopted 09/22/22)

253.02 ACCOUNTS RECEIVABLE MANAGER.

(a) Appointment. The Accounts Receivable Manager shall be appointed by the Finance Director and shall be under the supervision and control of the Finance Director.

(b) Powers and Duties. The Accounts Receivable Manager shall perform such duties and have such obligations and responsibilities as are set forth in the Xenia City Code, the laws of the State of Ohio, and all other ordinances and resolutions passed by the City Council, as the same are assigned to him or her by the Finance Director. The Accounts Receivable Manager shall direct the work the Accounts Receivable & Billing Division and shall control the assignment and training of all Division personnel, subject to the approval of the Finance Director.

(c) Unclassified Service. In accordance with Section 10.02 of the City’s Charter, the position of Accounts Receivable Manager shall be in the unclassified service.

(Ord. 2022-35. Adopted 09/22/22)

253.03 FUNCTIONS.

(a) Powers and Duties. The Accounts Receivable & Billing Division shall perform the following functions:

- (1) Oversee and administer the billing of customers of the City’s utility systems (water, sewer, stormwater, trash collection), in accordance with the City’s Utilities and Public Services Code, other applicable sections of the Xenia City Code, and the policies and procedures of the Finance Department;**
- (2) Collect all moneys due and payable to the City for the use of the City’s utility systems and account for all moneys collected through utility billing;**
- (3) Maintain utility customer accounts and deposits in accordance with the City’s Utilities and Public Services Code and the policies and procedures of the Finance Department;**
- (4) Process utility customer disputes regarding billing;**
- (5) Oversee and administer the billing of user fees for services provided by the Fire & EMS Division in accordance with XCC Section 242.09 and the policies and procedures of the Finance Department;**
- (6) Oversee the collection of unpaid parking tickets in accordance with the City’s Traffic Code;**

- (7) Oversee and administer the collection of any amount due to the City for services provided by the City pursuant to contract;**
- (8) Keep adequate records and accounts of all moneys due and payable to the City and all payment received;**
- (9) Pursue the collection of any unpaid amount due to the City through court action or a collection agency; and**
- (10) Make reports to the Finance Director regarding moneys collected.**

(b) Additional Powers and Duties. The Accounts Receivable & Billing Division may also perform any other functions consistent with billing and collection as may be necessary or as the Xenia City Code, state law, or other ordinances or resolutions of the Council may designate. (Ord. 2022-35. Adopted 09/22/22)

CHAPTER 254
Tax Division
Health Services

- 254.01 Establishment
254.02 Tax Administrator
254.03 Functions
-

254.01 ESTABLISHMENT. MERGER OF CITY AND COUNTY HEALTH DISTRICTS

In accordance with Section 7.01 of the City's Charter, a Division of Tax (Tax Division) is hereby created within the Department of Finance, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the Finance Director and shall be under the supervision and control of the Finance Director.
(Ord. 2022-35. Adopted 09/22/22)

~~The City Council, as the legislative authority of the City of Xenia, under Ohio R.C. 3709.07, approves the union of the City Health District with the Greene County Health District, creating thereby a combined district which shall constitute a general health district under the laws of the state.~~

254.02 TAX ADMINISTRATOR. CONTRACT FOR MERGER.

(a) Appointment. For the purposes of administering and enforcing the City of Xenia's Income Tax Code, the Finance Director shall appoint a Tax Administrator or, upon the recommendation of the Finance Director, City Council may contract with a regional council of governments for the administration and enforcement of the City's Tax Code regarding municipal income taxes under the direction of the Tax Administrator.

(b) Powers and Duties. The Tax Administrator shall perform such duties and have such obligations and responsibilities as are set forth in Chapters 880. and 881. of the City's Tax Code and all other ordinances and resolutions passed by the Council or applicable statutes of this State relative to municipal income taxes and/or municipal income tax administrators.

(c) Reports to Finance Director. The Tax Administrator shall be under the supervision and control of the Finance Director.

(d) Unclassified Service. In accordance with Section 10.02 of the City's Charter, the position of Tax Administrator shall be in the unclassified service, unless the City contracts for services regarding the administration of the City's Income Tax Code under division (a) of this Section, in which case the Tax Administrator shall be an independent contractor and not an employee of the City.
(Ord. 2022-35. Adopted 09/22/22)

~~The City Manager is hereby authorized to enter into a contract for the administration of health affairs in the combined district as is provided for by Ohio R.C. 3709.07. Such contract shall state the proportion of the expenses of the Board of Health or Health Department of the combined district to be paid by the city and by that part of the district lying outside of the city. Such contract shall provide that the administration of the combined district shall be taken over by the Board of Health of the Greene County General Health District. The contract shall prescribe the date on which such change of administration shall be made.~~

254.03 FUNCTIONS.

(a) Powers and Duties. The Tax Division, under the supervision and direction of the Finance Director, shall perform the following functions:

- (1) Administer and enforce the City's Income Tax Code and keep accurate records showing amounts due from each taxpayer required to file a declaration or make a return, including taxes withheld, and show the dates and amounts of payments thereof;**
- (2) Administer and enforce the City's hotel/motel tax and keep accurate records showing amounts due from each hotel/motel and show the dates and amounts of payments thereof;**
- (3) Make reports to the Finance Director regarding moneys collected, as requested.**

(b) Additional Powers and Duties. The Tax Division may also perform any other functions consistent with income tax billing and collection and hotel/motel tax billing and collection as may be necessary or as the Council, the City Tax Code, or State law may designate. (Ord. 2022-35. Adopted 09/22/22)

CHAPTER 255
Payroll & Benefits Division

255.01 Establishment

255.02 Functions

255.01 ESTABLISHMENT.

In accordance with Section 7.01 of the City’s Charter, a Division of Payroll & Benefits Division (Payroll & Benefits Division) is hereby created within the Department of Finance, which shall have such employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the Finance Director and shall be under the supervision and control of the Finance Director.

(Ord. 2022-35. Adopted 09/22/22)

255.02 FUNCTIONS.

(a) Powers and Duties. The Payroll & Benefits Division, under the supervision and direction of the Finance Director, shall perform the following functions:

- (1) Oversee and administer the compensation and payroll of the City’s employees including, but not limited to, reconciling payroll data, paycheck deposits, wage deductions, pension payments, bonuses, overtime, holiday pay, leave usage, and reporting taxes;**
- (2) Oversee and maintain employee payroll files including recording of new hires and editing of existing employee payroll files;**
- (3) Oversee and administer City employee timekeeping, leave banks and leave usage;**
- (4) Oversee and administer enrollment of employees in the City’s health insurance plans;**
- (5) Oversee the City’s compliance with all income tax laws and reporting and with all pension system requirements and reporting;**
- (6) Keep adequate records of all employees’ compensation and benefits in accordance with Xenia City Code, the Personnel Manual, directives of the Administrative Steering Committee, applicable collective bargaining agreements, and the policies and procedures set forth by the Finance Director;**
- (7) Maintain records for exempt and nonexempt employees in accordance with the Fair Labor Standards Act;**
- (8) Assist the appropriate City official(s) with labor negotiations; and**
- (9) Maintain and administer the employee apparel program.**

(b) Additional Powers and Duties. The Payroll & Benefits Division may also perform any other functions consistent with employee payroll and benefits as may be necessary or as the City Council, the City’s ordinances, federal law, or applicable state law may designate.

(Ord. 2022-35. Adopted 09/22/22)

CHAPTER 256
City Clerk's Office

- 256.01** **Establishment**
256.02 **City Clerk; Deputies**
256.03 **Acting City Clerk**
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256.01 ESTABLISHMENT.

In accordance with Section 4.10 and 7.01 of the City Charter, there is hereby created within the Department of Finance a City Clerk's Office, which shall have such employees as may from time-to-time be determined by the Council.
(Ord. 2022-35. Adopted 09/22/22)

256.02 CITY CLERK; DEPUTIES.

(a) Appointment. **The City Clerk shall be appointed by City Council, in accordance with Section 4.10 of the City Charter.**

(b) Powers and Duties. **The City Clerk shall perform such duties and have such obligations and responsibilities as are set forth in the City Charter, the Xenia City Code, and all other ordinances and resolutions passed by the Council or applicable statutes of this State relative to clerks of council. The City Clerk may also perform any other functions as may be necessary or as assigned by the Finance Director or City Council.**

(c) Reports to Finance Director. **The City Clerk shall be under the supervision and control of the Finance Director.**

(d) Deputy City Clerks. **The Finance Director may appoint assistants to the City Clerk, who shall be known as Deputy City Clerks, and who shall be under the direct supervision and control of the City Clerk. Deputy City Clerks shall perform such duties as are assigned by the City Clerk or the Finance Director.**

(e) Unclassified Service. **In accordance with Section 10.02 of the City's Charter, the position of City Clerk and Deputy City Clerk shall be in the unclassified service.**
(Ord. 2022-35. Adopted 09/22/22)

256.03 ACTING CITY CLERK.

Should a vacancy in the office of City Clerk, or during periods of absence or disability of the City Clerk lasting thirty (30) days or more, the Council shall, by a majority vote of the members present, appoint an Acting City Clerk. In cases where the City Clerk is absent from his or her office for a period of less than thirty (30) days due to vacation, illness or other leave, the Finance Director shall appoint, by administrative directive, an Acting City Clerk to fill the temporary vacancy. The Acting City Clerk shall have all the duties and functions of the City Clerk while so acting.
(Charter 4.10)
(Ord. 2022-35. Adopted 09/22/22)