

ARTICLE III

COUNCIL

SECTION 3.01 COMPOSITION AND TERMS.

The Council shall consist of six members, elected at large and on a nonpartisan ballot for a term of four years beginning on the first day of January next following their election. Three members of the Council shall be elected at the regular Municipal election in the year 2021 and every fourth year thereafter, and three members of the Council shall be elected at the regular Municipal election in the year 2023 and every fourth year thereafter.

[We will need to ref. Archbold 14.02 in order to transition from 4/2 to 3/3]

SECTION 3.02 QUORUM.

A quorum for Council and for any of its committees and any board established by this Charter shall consist of a majority of the members of that body, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules, regulations and bylaws of the Council. The term “by majority vote” shall mean a majority of the quorum present.

SECTION 3.03 ORGANIZATION.

In January of each year, Council shall organize and elect one of its members to serve as President of Council who shall preside at meetings in the absence of the Mayor.

SECTION 3.04 PRESIDENT OF COUNCIL.

The President of Council shall act as presiding officer of the Council in the absence or incapacity of the Mayor and during such absence or incapacity, shall exercise all the powers and duties granted the Mayor by the Charter. While presiding over special or regular meetings of Council the President of Council may vote upon all matters coming before the Council, but in no event shall the President of Council, in such person's dual capacity as Council member and presiding officer of Council, cast more than one vote on any action. In the event that the office of Mayor shall become vacant, the President

of Council shall become Mayor for the unexpired term, and Council shall elect a successor from among the membership of Council to the office of President of Council for that unexpired term.

SECTION 3.05 POWERS AND DUTIES.

Except as provided in this Charter or as expressly limited by this Charter and the Constitution of the State of Ohio, all legislative powers of this Municipality shall be vested in the Council. Without limitations of the general powers herein before stated, Council shall:

- (A) Originate, introduce and pass ordinances and adopt resolutions.
- (B) Upon recommendation of the Mayor, appoint or discharge a Fiscal Officer by a vote of two-thirds of its members.
- (C) Fix the number and salary ranges of all officers and employees of the Municipality whether elected or appointed.
- (D) Require and fix bond for the faithful discharge of the duties of office by officers and employees of the Municipality. The premium of any bond required by the Council shall be ordered by the Council to be paid by the Municipality.
- (E) Adopt an annual appropriation ordinance based upon the annual budget in the manner set forth in the general laws of Ohio.
- (F) Have the power to make investigations into the affairs of the Municipality and the conduct of any Municipal Department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require production of evidence.
- (G) Have the power to levy taxes and incur debts subject to the limitations imposed thereon by this Charter.
- (H) Have the power to adopt and to provide for the enforcement of local Police, Fire and EMS, Sanitary and other similar regulations as are not in conflict with general laws.
- (I) Have the power to provide for the exercise of all powers of local self-government granted to the Municipality by the Constitution of the State of Ohio in a manner consistent with this Charter or the Constitution of the State of Ohio.
- (J) Exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

SECTION 3.06 REMOVAL.

The Mayor and Council shall be the sole judges of the qualifications of the members of Council. By two-thirds vote of the Council and the Mayor inclusive, the Council and

the Mayor may expel or remove any member of Council for failure to meet or maintain qualification of office, for violation of this person's oath of office, or conviction of a felony or other crime involving moral turpitude, or for persistent failure to abide by the rules of Council. Any such action taken by the Council and Mayor shall be of immediate effect and shall not be subject to Mayoral veto. Charges may be brought against a member of Council by the Mayor and one Council member or by any two members of Council who notify the accused member in writing of the charge against that member. The Mayor and Council shall consider the charge at a public meeting which shall occur not less than fifteen days after written notice is delivered to the accused member of the charges. If the accused member cannot be located after reasonable effort, written notice of the charges and the date, time and location of the public meeting to be held by the Mayor and Council to consider the charges shall be provided by public notice [which will be defined in a later article--13.07? AND ALSO: public petition to removal--in article 8??? AND ALSO--public participation in council meetings] once each week for two consecutive weeks. The meeting shall be held not earlier than seven days after the date of the last publication. The accused member may be represented by an attorney and shall have the opportunity to be heard, present evidence, and examine under oath any witnesses. The accused member shall not vote on any matters relating to the charges or the removal of that member. If removed, a council member could not be appointed by council but may run for election after four years .

SECTION 3.07 VACANCIES.

When a seat of Council becomes vacant, the vacancy shall be filled with a qualified person for the unexpired term by a majority vote of the remaining members of Council. If that vacancy is not so filled within thirty days, the Mayor shall fill it by appointment; such appointment by the Mayor shall not then require approval by Council. If more than two and a half years remain in the term, the appointee is required to run in the next municipal election for the remainder of the unexpired term.

[NOTE: Ask Joe: can we require applicants to remove themselves from a public meeting in order to interview candidates?]

SECTION 3.08 QUALIFICATIONS.

Each Council member shall have been a continuous resident and qualified elector of the Municipality for at least one year immediately prior to election and shall continue to be a resident and qualified elector of the Municipality throughout the term of office.

Except as provided by or under this Charter, members of Council shall not hold any other compensated office or position of employment with the Municipality, nor shall they hold any other compensated elected public office, including School Board; provided that Council members shall not be prohibited from holding an elected or appointed political party position, being a notary public or a member of the National Guard or a member of the reserve armed forces of the United States. Absence due to military service shall always be excused. A member of Council shall forfeit his or her office if he or she shall be absent for four regular meetings per year, except where a majority of the members

present at that meeting or of the other members present at a subsequent meeting have excused the absence.

Any member of Council who shall cease to possess, or who shall violate, any of the qualifications herein enumerated may be removed from such office, but failure to maintain said qualifications shall not render void or ineffective any actions of Council in which such member participated.

SECTION 3.09 RULES AND JOURNAL.

The Council shall adopt its own rules, regulations or by-laws insofar as they are not set forth in this Charter, and shall keep a journal of all of its proceedings. The journal shall be open for public inspection during the Municipal Building's regular office hours. All other legislative actions and financial reports will also be made available for public inspection as specified by laws governing such within the State of Ohio.

SECTION 3.10 CLERK OF COUNCIL.

The Clerk of Council shall be appointed by the Mayor with the advice and consent of Council by two-thirds of its membership. The Clerk of Council shall attend meetings of Council and keep a record of its proceedings, and of all rules, bylaws, resolutions and ordinances passed or adopted, which record shall be subject to the inspection of all persons interested. The Clerk may perform such other duties as may be assigned by this Charter or by ordinance. The Clerk may be a person having employment or appointment with the municipality.

SECTION 3.11 COUNCIL MEETINGS.

No less than one regular meeting of Council shall be held each month.

SECTION 3.12 RELATION OF COUNCIL TO ADMINISTRATOR.

The Council and its members shall deal solely through the Administrator ***OR MAYOR*** with respect to any part of the administration of the affairs of the Municipality which are within the scope of the powers, duties and responsibilities of the Administrator. [WE NEED TO REVISIT THIS AFTER DRAFTING ARTICLE IV AND V.]