

ARTICLE IV THE COUNCIL

Section 4.01. Powers. All legislative powers of the Municipality shall be vested in a Council consisting of six (6) Councilmembers and a separately elected Mayor.

Section 4.02. Selection and Term. All Councilmembers shall be elected at large by the qualified electors of the Municipality for four (4) year overlapping terms, in the manner provided by Article XI of this Charter.

Section 4.03. Qualifications. Any qualified elector who has lived in the Municipality for one (1) year prior to filing a petition of candidacy shall be eligible to hold the office of Councilmember or Mayor.

Section 4.04. Mayor. The Mayor shall be elected by separate ballot from the Municipality at large for a four (4) year term. The Mayor shall be a member of Council and have the right to vote on all issues before the Council, but shall have no power to veto.

In addition to his/her powers, rights and duties as a member of Council, the Mayor, when present, shall preside at meetings of the Council, shall be recognized as official head of the Municipality for ceremonial purposes, by the Governor for military purposes and by the Courts for the purpose of serving civil process, but the Mayor shall exercise no administrative authority.

The Mayor shall also have jurisdiction in civil and criminal cases as provided by the laws of Ohio, including all statutes now or hereafter enacted, until such jurisdiction is placed elsewhere by law.

Section 4.05. Deputy-Mayor. The Council shall elect from among its members a Deputy-Mayor who shall act as Mayor during the absence or disability of the Mayor and, if a vacancy occurs, shall serve as Mayor until the next regular municipal election occurring not less than one hundred (100) days after the occurrence of the vacancy. At such election a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term. Upon the election of a Mayor, the Deputy-Mayor may retain his/her position as Councilmember for the remainder of his/her unexpired term.

In the event that a vacancy should occur in the office of Mayor and the Deputy-Mayor is required to serve as Mayor, the Council shall select a person to fill the vacancy in Council as provided in Section 4.07 hereof; provided, however, that a person so chosen shall serve only until a Mayor is elected, as provided herein.

Section 4.06. Vacancies, Creation of. Once elected and sworn in, a member of Council may vacate the office:

- (1) By death; or
- (2) By resignation, accepted by a majority of the remaining members of Council; or
- (3) By ceasing to be a qualified elector; or
- (4) By removal of a member of Council's permanent residence to a place outside the boundaries of the Municipality; or
- (5) By failure to attend three (3) consecutive regular meetings of Council without being excused by the Council; or
- (6) By removal from office for malfeasance; or
- (7) By the acceptance of and entering upon the duties of an incompatible office; or
- (8) By recall of the qualified voters of the Municipality under the procedure provided by Section 705.92 of the Ohio Revised Code.

Section 4.07. Vacancies, Filling of. Vacancies in the office of Councilmember shall be filled within sixty (60) days by vote of a majority of the remaining members of Council by the selection of a person qualified as provided in Section 4.03 hereof. If the Council should fail to act within sixty (60) days, the Mayor, or Deputy-Mayor when acting as Mayor, shall fill such vacancy by appointment. A person so chosen or appointed shall serve until the next regular municipal election occurring not less than one hundred (100) days after said selection. At such election a successor shall be elected to serve for the remainder of the unexpired term, if any; if not, for a full term.

Section 4.08. Salary of Members of Council. The Council may determine the annual salary of the members of Council by ordinance, provided, however, that no change in the salary of a member of Council shall be effective during his/her current term of office, and provided further that no change in salary shall be effective unless the ordinance establishing it shall have been passed at least one hundred (100) days before a regular Municipal election. Members of Council shall receive their actual and necessary expense incurred in the performance of their duties of office.

Section 4.09. Election Contests. The Council shall be the sole judge of the election and qualifications of its own members and, for such purposes, shall have power by subpoena to compel the attendance of witnesses and the production of ballots and records.

Section 4.10. Rules, Journal. The Council shall adopt and may amend its own rules of procedure, in conformity with the provisions of this Charter. It shall cause to be kept a journal of its proceedings, which shall be a public record.

Section 4.11. General Powers and Duties. All powers of the Municipality shall be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Municipality by law.

Section 4.12. Investigations. The Council may 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 the production of evidence. The Council may provide penalties for the failure or refusal of any person to obey a lawful order issued in the exercise of these powers.

Section 4.13. Independent Audit. During those years in which the State of Ohio shall make an audit of the affairs of the municipality, such audit may be accepted as satisfying the requirements of this section. In any other years, Council may, when it deems it advisable, provide for an annual audit by a certified public accountant or firm of such accountants.

Section 4.14. Meetings of Council. The first Council meeting in January of each year shall be the organizational meeting of Council. At such meeting the newly elected members of Council shall take the oath of office and the Council shall proceed to elect a Deputy-Mayor and may transact such other business as may come before it. Thereafter, regular meetings shall be held as prescribed in the Council rules, but not less frequently than twice each month. Special meetings may be held upon the call of the Mayor or of four (4) or more members and, whenever practicable, upon no less than twelve (12) hours notice to each member. All meetings of Council, where official business is consummated, shall be open to the public except as otherwise provided by Ohio Statute or by Ordinance. A majority of the members of Council shall constitute a quorum at all meetings.

Section 4.15. Clerk of Council. There shall be a Clerk of Council, selected by vote of a majority of the members of Council from outside its membership, to serve until a successor is chosen and enters upon the duties of the office. The Clerk of Council shall give notice of Council meetings, keep the journal, advertise public hearings, record in a separate book all ordinances and resolutions approved by Council and see that such enactments are published as required by this Charter and shall perform such other duties as may be assigned to the Clerk by this Charter or by ordinance. The Clerk of Council may be appointed to serve full time or part time and the Council may assign the duties of Clerk of Council to any employee of the Municipality as an additional duty. The Clerk of Council shall receive a salary for his/her services as such, as established by ordinance.

Section 4.16. Commencement of Terms. The terms of members of Council shall begin the first day of January after their election.