

# CITY COUNCIL DUTIES AND RESPONSIBILITIES

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## **SECTION 1.0 COMPOSITION AND TERM.**

The Council shall consist of seven (7) members all of whom shall be elected at large. The terms of the members of the Council shall begin on the first day of January next following their election and they shall serve for a term of four (4) years or until their successors are chosen and qualified. (Amended 11-3-98)

## **SECTION 2.0 QUALIFICATIONS.**

A member of Council shall have been continuously a resident and an elector of the Municipality for two (2) years prior to the date of his or her election or appointment, or who has been for two (2) years prior to his or her election or appointment a resident and elector of territory which, at the time of the election or appointment, has been annexed to the Municipality. Each such member of Council shall continue to be a resident and an elector throughout his or her term of office. No member of Council shall hold any other elective public office or any other Municipal office or employment. No member of Council shall be interested in the profits or emoluments of any contract, job, work or service for which moneys of the municipality are expended. Council shall be the final judge of the election and qualifications of its members, consistent with the above requirements. (Amended 11 -3-98)

## **SECTION 3.0 COMPENSATION.**

The Council shall determine and fix the salary of its members, but the salary of a member of Council shall not be increased or decreased during the elective term of office which he is serving. If Council determines to change the established salary of members in respect to a succeeding term of office, such change must be made by Council before the first day of September next preceding a regular Municipal election. Unless and until the salary is so changed, it shall remain as last fixed. (Amended 11-3-98)

## **SECTION 4.0 ORGANIZATION.**

On or before the eighth day of January next following each regular municipal election, the members of Council shall meet at the Council Chambers for the purpose of organization. At such meeting, the new Council shall elect one of the members thereof as President of the Council to serve until his successor shall have been elected and shall elect its committees. In the event the President of the Council ceases to be a member thereof, the Council shall elect another member to serve as President until his successor shall have been elected. (Amended 11-3-98)

## **SECTION 5.0 QUORUM.**

A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a number less than a quorum 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 ordinance, resolution or by rules of the Council. At any meeting at which a quorum is present, any action may be taken by the affirmative vote of a majority of the members of the Council present, unless a larger number be required by the provisions of this Charter or the laws of the State of Ohio not in conflict therewith.

## **SECTION 6.0 RULES AND JOURNAL OF COUNCIL.**

At the organizational meeting, following each regular Municipal election, the new Council shall review, amend as deemed necessary, and adopt its own rules, regulations, or bylaws. Council shall keep a journal of all its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution, or motion shall be by roll call, and the vote of each member of Council shall be entered upon the journal. (Amended 11-7-78)

## **SECTION 7.0 CLERK OF COUNCIL.**

See Section 2.0 of Article V hereof

## **SECTION 8.0 VACANCIES.**

Whenever the office of member of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the vacancy shall not be so filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected and shall qualify for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term to fill any such vacancy at the next regular municipal election provided such election shall occur more than two (2) years prior to the expiration of the unexpired term, and if the vacancy shall have occurred prior to the first day of August immediately preceding such election.

## **SECTION 9.0 MEETINGS.**

A. Meetings. The Council shall meet in the Council Chambers at such times as may be prescribed by its ordinances, resolutions or rules. Meetings shall be held at least twice in each calendar month, except that during the months of July and August, the Council may dispense with one of its meetings. All meetings of the Council, whether regular or special, shall be open to the public. Provided, however, the Council may hold an executive session if a majority of a quorum so determines by a roll call vote to hold such a session at a regular or special meeting for the sole purpose of consideration of the following matters: consideration of the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; purchase or sale of property, pending or imminent litigation or court action; collective bargaining issues and preparations for and conducting negotiations or bargaining sessions;

matters required to be kept confidential by federal or State law or rules; and specialized details of security arrangements where disclosure might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law.

**B. Special Meetings.** Special meetings of the Council may be called in accordance with and as provided by its rules. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk upon the written request of the Mayor or President of Council, or of three (3) members of Council. Any such request shall state the time, place and date thereof and the subject or subjects to be considered at the meeting. Unless five (5) members in attendance concur, no other subject or subjects shall be considered. Notice in writing of each such special meeting called at the request of the Mayor, President of Council or three (3) Council members shall be given to each member of Council and the Mayor by serving the same on each of them personally or by leaving a copy thereof at his usual place of residence not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing or by attendance at such special meeting. (Amended 11-3-98)

## **SECTION 10.0 POWERS.**

Except as otherwise provided by the Constitution of the State of Ohio or this Charter, and among other powers, the Council shall have and possess:

A. All of the legislative powers of the Municipality now or hereafter granted by the Constitution and laws of the State of Ohio and by this Charter;

B. The power to create, combine or abolish offices, departments, divisions, boards or commissions of the Municipality and the power to fix the qualifications, duties, bonds and compensation of all officers and members thereof,

C. The power to approve and confirm or to disapprove and reject the appointment or removal by the Mayor of any appointive officer or head of a department or division of the Municipality;

D. The power to determine the qualifications, duties, bonds and compensation of employees;

E. The power to determine the method of and procedure for making, awarding, advertising, modifying and enforcing contracts with the Municipality and the method, procedure, time and manner of payment thereunder. No contract shall be made on behalf of the Municipality unless authorized by the Council and no contract shall be binding upon the Municipality unless it has been so authorized or approved and the necessary money has been lawfully appropriated therefor;

F. The power to determine the method, manner, consideration and procedure for the purchase of property on behalf of the Municipality and the sale or disposal thereof,

G. The power to determine the method, manner and procedure for making public improvements and for levying and collecting assessments on property benefitted thereby;

H. The power to expel or remove:

(1) Any member of Council for gross misconduct, misfeasance, malfeasance or nonfeasance in office, or for disqualification from holding office, or for conviction while in office of a crime involving moral turpitude, or for violation of his oath of office, or for persistent failure to abide by the rules of Council, or for absence without Justifiable excuse for three (3) consecutive regular meetings of Council.

(2) The Mayor, or Clerk of Council for gross misconduct, malfeasance, misfeasance or nonfeasance in office, or for disqualification from holding office, or for conviction while in office of a crime involving moral turpitude, or for the violation of his oath of office. No such expulsion or removal shall take place except on concurrence of five (5) members of Council, nor until the accused person shall have been notified in writing of the charge against him at least ten (10) days in advance of any hearing upon such charge, and until he or his counsel shall have been given the opportunity to appear before the Council and be heard, present evidence and examine witnesses appearing in support of the charge;

I. The power to make such other general regulations as the Council may deem necessary in the public interest;

J. The power to provide for and to determine by ordinance or resolution, the matter of whether contracts shall be awarded pursuant to separate trades or whether a general contractor or some other method of contracting shall be utilized, which matter shall be determined by the Council either by a general ordinance or resolution or by a specific action with respect to particular projects taken by ordinance or resolution. (Amended 11-3-98)

## **SECTION 11.0 PROVISIONS AS TO LEGISLATIVE ACTION.**

A. All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution.

B. EDITOR'S NOTE: The provisions of this Section 11.0 B have been repealed by the electors on November 8, 1966.

C. No ordinance or resolution shall contain more than one general subject, which subject shall be clearly expressed in its title. Any ordinance or resolution revising or amending previous legislation shall set forth the entire section or sections thereof so revised or amended, as revised or amended, and the original section or sections, so revised or amended, shall be deemed repealed.

D. The Council may adopt standard codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating and air conditioning, and similar subjects by reference to the date and source of such codes without reproducing the same at length in the adopting ordinance. In case of such adoption, publication of the code at length shall not be required but there shall be at the time of adoption thereof and at all times thereafter on file for public inspection in the Office of the Clerk of the Municipality at least one copy of such code. The Clerk shall make additional copies thereof available for sale to interested persons at such prices as may be established by Council.

E. Revisions, codifications or rearrangements of ordinances may be published in book form if so specified therein. If so revised, codified and rearranged under appropriate titles, chapters and sections, such revisions, codifications or rearrangements may be made in one ordinance comprising one or more subjects. The publication in book form as aforesaid with certification of the passage and adoption thereof by the Clerk shall constitute sufficient publication of the ordinance or ordinances contained therein. The book so published and certified shall be received in evidence in any Court, for the purpose of proving the ordinance or ordinances therein contained, in the same manner and for the same purpose as the original book, ordinances, minutes or journals would be received. If a revision, codification or rearrangement of ordinances contains new matter not previously published, a notice of the enactment thereof, setting forth the titles of the ordinances and the titles of the chapters and sections containing such new matter, shall be published in the manner provided in Section 12.0 of this Article, which notice shall constitute a sufficient publication of such new matter. (Amended 11-8-66)

## **SECTION 12.0 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES.**

A. Except as provided in Section 11.0 of this Article, every ordinance or resolution of a general or public nature including, but not limited to those granting, renewing or extending a franchise, creating a right, involving expenditures of money, levying of a tax, or concerning the purchase, lease, sale or transfer of a public property shall be published by posting a copy thereof in a conspicuous place in the Perrysburg Municipal building for a period of not less than fifteen (15) days. Except as to emergency ordinances and resolutions, publication shall be completed prior to the taking effect thereof

B. Council may by ordinance designate additional public places in the Municipality for posting copies of ordinances or resolutions and may make provision in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the Municipality. In the case of newspaper publication, ordinances and resolutions shall be published once a week for two (2) consecutive weeks; notices shall be published not less than two (2) nor more than four (4) consecutive weeks, and all other matters once.

C. Publication of any notice, statement, order, report or proclamation required to be published by this Charter, by the applicable laws of the State of Ohio, or by legislation enacted by the Council shall be published by posting as provided in this Section except as otherwise herein specifically set forth.

D. Notices to bidders for the construction of public improvements and notices of the sale of notes or bonds of the Municipality shall be published in at least one (1) English language newspaper printed in the State of Ohio and of general circulation in the Municipality.

E. Proof of any publication provided for in this Section shall be made by the Clerk as provided by ordinance or if not so provided by the laws of the State of Ohio. (Amended 11-3-98)

### **SECTION 13.0 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.**

A. Each ordinance or resolution providing for the appropriation of money or for any annual tax levy, or for the authorization or making of improvements petitioned for by the owners of not less than a majority of the front footage of property to be benefitted and specially assessed therefor, and any emergency ordinance or resolution declared by the Council to be necessary for the immediate preservation of the public peace, health or safety shall take effect, unless a later date be specified therein, (1) upon its approval by the Mayor, (2) upon the expiration of the time within which it may be disapproved by the Mayor, or (3) upon the passage thereof after disapproval by the Mayor, as the case may be.

B. No other ordinance or resolution shall become effective until thirty (30) days after (1) its approval by the Mayor, (2) the expiration of the time within which it may be disapproved by the Mayor, or (3) its passage after disapproval by the Mayor, as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least five (5) members of Council for its enactment. No action of the Council authorizing any change in the boundaries of the Municipality, or authorizing the surrender or joint exercise of its powers, or granting, renewing or extending any franchise, or contracting for the supply to the Municipality or its inhabitants of the product or service of any utility or authorizing reduction of Municipal income tax credit; or enacting of special assessments on the lots and lands within the City of Perrysburg, shall be taken as an emergency measure. (Amended 11-7-78)