

NOTICE OF PROCEEDINGS
CHARLES D. BEARD COMMUNITY ROOM
631 PERRY STREET – DEFLANCE, OH 43512

CHARTER REVIEW MEETING
MONDAY APRIL 20th, 2009
OPENING COMMENTS – 6:30 p.m.

- I. Call to Order**
- II. Approval of March 20th, minutes**
- III. Review of purpose of Charter Review Committee**
- IV. Article I (Revisit Section 1.06 and Section 1.11)**

INCORPORATION, POWERS, FORM OF GOVERNMENT, GENERAL PROVISIONS

Section 1.06 Amendment to Charter.

This Charter and any section thereof may be amended as provided by the Constitution of the State of Ohio, by submission of the proposed amendment or amendments to the electors of the City. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the higher number of affirmative votes, not less than a majority, shall become a part of the Charter. In the event that two conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the higher number of affirmative votes shall be the amendment to the Charter.

- A) CLARIFICATION

Section 1.11 Removal from Office.

Whenever in this Charter certain acts on the part of City officials or employees are described as constituting malfeasance or misfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed in the Ohio Revised Code.

- A) POSSIBILITY OF ADDING "FAILURE TO MAINTAIN QUALIFICATIONS WHILE IF OFFICE".

- V. Article II (Revisit Section 1.06 and Section 1.11)**

THE CITY COUNCIL

2.05

Section 2.02 Qualifications.

No person shall be eligible to be a member of Council unless he or she shall have been a qualified elector of the City for one (1) year immediately prior to his or her election or appointment, and no member shall serve as a member of Council unless he or she shall continue to reside in and be an elector of the City and, in the case of a ward Council member, of the respective ward which he or she represents throughout the term of office. Except as otherwise provided herein, no member of Council shall hold any other public office, or any other office or employment with the City of Defiance.

Council, by a majority vote, shall be the sole and final judge of the qualifications of its members. Any member of Council who shall cease to possess or who violates any of the qualifications herein enumerated shall forfeit his or her office. Removal of a Council member shall follow the procedures set forth in Section 1.11 of this Charter. Failure of any member of Council to maintain said qualifications shall not render void or ineffective any action of the Council taken during the time he or she was not qualified.

- A) CONCERNED CONSTITUTIONAL ISSUE CONCERNING AN AGE REQUIREMENT.

Section 2.04 Vacancies.

Should a vacancy occur on Defiance City Council (including the President of Council), those Central Committee members living in the City from the same political party of the vacated member shall name a person to fill that vacancy for the remainder of the term. If no person is named within thirty (30) days, the Council shall select a replacement. If the person to be replaced is an independent, then the replacement will be selected by Council? All vacancies must be filled with the consent of Council.

If a majority of the Council, for any reason, shall vacate their positions on Council, any elector of the City may appeal to the Court of Common Pleas of Defiance County to appoint the required number of new members from the list of registered voters to fill the vacancies on Council. The new members shall serve until the end of the terms of the former Council members whose positions they fill by Court appointment.

A) DISCUSSION OF COUNCIL SEATS BEING NON-PARTISAN

Section 2.11 Ordinances and Resolutions.

1. Each proposed ordinance or resolution shall be introduced in written or printed form and the adoption, effective date, revision or amendment and signing thereof, shall be in the manner provided by the laws of the State of Ohio except as otherwise in this Charter provided.

7 CHARTER 2.12

2. Ordinances and resolutions of a general or permanent nature, or granting a franchise, or creating a right, or involving the expenditure of money or the levying of a tax, or the purchase, lease, sale or transfer of property, shall be published once in a newspaper of general circulation in the City, except that in the case of such an ordinance or resolution containing more than 1,000 words in the recitals and text thereof, it shall be sufficient to publish an abstract of the ordinance, except the annual budget of the City of Defiance which shall be published in total. If there is no newspaper of general circulation in the City, Council may prescribe some other method of publication or giving notice of ordinances and resolutions.

3. Council shall establish an Administrative Code, prescribing the manner of giving notice of all other ordinances, resolutions, orders, proclamations, reports and notices required by law or by this Charter or by ordinance to be published and any other acts or proceedings of the City which Council deems it proper to publish or give notice.

A) NOTIFICATION IN NEWSPAPER (MR. WILLIAMS IS LOOKING INTO THE NAPOLEON CHARTER)

VI. Article III

MAYOR/ADMINISTRATOR

Section 3.01 Election and Term.

The Mayor shall be elected at the regular Municipal election held in the year 1983, and every fourth year thereafter, for a term of four (4) years. His or her term shall commence and he or she shall assume office on the first day of January next following such election. He or she shall serve until his or her successor is elected and qualified.

Section 3.02 Qualifications.

The Mayor shall be a qualified elector of the City for at least one (1) year prior to his or her election, and shall continue to be an elector therein through his or her term of office, failing which he or she shall forfeit his or her office. He or she shall not hold any other full-time position.

Section 3.03 Compensation.

The Council shall fix the salary schedule of the Mayor and if the salary is thereafter to be changed in respect to a succeeding term of office, such change shall be made by Council not later than the first day of January immediately preceding the commencement of a new term of office of the Mayor and shall become effective upon the commencement of such term. The salary of the Mayor may, with his or her consent, be decreased or relinquished during his or her term of office.

Section 3.04 Filling Vacancy.

In the event the office of Mayor shall become vacant, it shall be filled within thirty (30) days by the Central Committee of the party of the former Mayor who are electors of the City. If

the vacancy is not filled within thirty (30) days, a special election shall be held. If the unexpired term is six (6) months or less, the President of Council shall fill the remainder of the term. In the absence of the Mayor, the President of Council shall conduct the business of the City.

9 CHARTER 3.06

Section 3.05 Executive Powers.

1. The Mayor shall be the Chief Executive Officer of the City. He or she shall supervise the administration of the affairs of the City and shall exercise control over all departments and divisions thereof. He or she shall be the chief conservator of the peace within the City and shall cause all laws and ordinances to be enforced therein.
2. The Mayor shall possess all powers and privileges granted by this Charter, by the Ohio Revised Code and by the Constitution of the State of Ohio.
3. He or she shall be recognized by the Governor of the State for purposes of military law and recognized by the Courts for all civil processes involving the City.
4. He or she shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures and of appropriation measures and for furnishing to the Council full information on the financial condition and needs of the Municipality. He or she shall be responsible for the faithful observance and performance of the conditions imposed in favor of the City or its inhabitants by any franchise or contract to which the City is a party.
5. The Mayor shall have the power to appoint the City Administrator, the Law Director and the Finance Director, with the advice and consent of the majority of Council.
6. Except as otherwise provided by this Charter, the Mayor shall have the power to appoint, promote, transfer, suspend, reduce or remove any officer or any non-elected employee of the City.
7. The Mayor may call a special session of Council, by written request through the office of the Clerk of Council under the provisions of this Charter.
8. The Mayor shall perform duties as prescribed by ordinance and by the Charter.

Section 3.06 Legislative Powers.

1. General. The Mayor should attend meetings of Council but shall have no vote therein. The Mayor may, however, take part in the discussion upon all matters under consideration by Council and may introduce and propose ordinances and resolutions, and if the adoption of the same shall be moved by a member of Council, they shall be considered and acted upon as if introduced and proposed by a member of Council.
2. Veto Power. Every ordinance and resolution of the Council shall be signed by its President and shall be promptly presented to the Mayor. If the Mayor approves such ordinance or resolution, he or she shall sign and return it within five (5) days after its passage or adoption by Council. If he or she does not approve it, he or she shall return it to the Council in such five (5) day period together with a written statement of his or her objections, which statement shall be entered in its entirety on the Journal of Council. The Council may reconsider the vote on the passage of such legislation disapproved by the Mayor not later than thirty (30) days after the date upon which the Mayor returned the same to Council with his or her objections. If, on reconsideration, such legislation is approved by at least two-thirds of the members of Council, it shall take effect at the time of the vote of such approval or at such later date as shall be specified in such ordinance or resolution. If any ordinance or resolution shall not be returned by the Mayor within five (5) days after its passage or adoption by Council it shall become effective in the same manner as if he or she had signed it. The Mayor may approve or disapprove, in the manner provided above, the whole or any item of an ordinance appropriating money. The item or items so disapproved shall be returned to the Council for its consideration and shall be void unless re-passed by the Council in the manner herein prescribed, but otherwise his or her approval or disapproval shall cover the entire ordinance or resolution.

3.07 CHARTER 10

3. Charter Amendments. The Mayor may not veto an ordinance by Council submitting a Charter Amendment to the vote of the people.
Section 3.07 City Administrator.

There shall be a City Administrator whose appointment and removal shall be as stipulated in this Charter for the appointment and removal of department heads. He or she shall be the principal managerial aide to the Mayor and shall perform such full-time duties as may be assigned to him or her by the Mayor and this Charter.

Section 3.08 Qualifications.

The City Administrator shall be chosen on the basis of his or her executive, administrative and managerial qualifications as judged by the adequacy of his or her training and his or her successful experience in private or public administration. At the time of his or her appointment, he or she need not be a resident (elector) of the City, but during his or her tenure of office, he or she must become a resident and elector of the City within six (6) months after taking office.

1. MAYOR BEING FULL TIME/CEO OF THE CITY?

VII. Article IV

NOMINATIONS AND ELECTIONS

Section 4.01 Conduct of Elections.

Council shall have the authority to mandate elections by appropriate arrangements with the County Board of Elections. All elections of this City shall be conducted according to the provisions of the Ohio Revised Code, except as otherwise provided in this Charter. Where the Charter is silent, the provisions of the Ohio Revised Code shall be followed.

Section 4.02 Special Elections.

The Council may at any time, by ordinance or resolution, order a special election, the purpose of which shall be set forth in the ordinance or resolution.

Section 4.03 Outcome of Elections.

The outcome of elections involving issues shall be determined by a simple majority of those voting.

Section 4.04 Petition Signature Requirements.

The percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding General Municipal Election.

Section 4.05 Appointments to Elective Office.

Any person who is appointed to an elective office shall continue in office until a successor is elected and qualified.

VIII. Next Meeting

IX. Adjournment

Charter Review Clerk
Lisa Elders