

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. **2002-08**

Passed **AUGUST 6, 2002**, YEAR

## **AN ORDINANCE TO PROVIDE FOR THE SUBMISSION OF PROPOSED CHARTER AMENDMENTS TO THE ELECTORS OF THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY.**

WHEREAS, a petition signed by at least 10% of the electors of the City of Brookville and calling for an election on proposed Charter Amendments of Sections 3.01 and 3.08 of the City Charter to provide for direct election of the Mayor having been submitted to Council and found to be sufficient according to law; and

WHEREAS, pursuant to Section 11.06 of the Charter of the City of Brookville and Article XVIII Section 9 of the Ohio Constitution, Council hereby submits the proposed charter amendments to the electors of the City of Brookville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO, THAT:

SECTION 1: The question of the charter amendments shall be submitted to a vote of the qualified electors at the general election to be held November 5, 2002. The charter as amended shall read as follows:

### **Section 3.01 Number; Election; Term of Office.**

Until December 31, 2003, the Council shall consist of seven members to be elected from the Municipality at large to serve overlapping terms of office commencing on the first day of January of the year following their election. On January 1, 2004, and thereafter, the Council shall consist of seven members, of which six shall be Council members and one shall be a separately elected Mayor as provided in Section 3.08, to be elected from the Municipality at large to serve overlapping terms of office commencing on the first day of January of the year following their election. All members of Council, including the Mayor, shall be elected to terms of office of four years each. Elections for members of the Council, including the Mayor, shall be by a non-partisan ballot.

### **Section 3.08 Mayor; Vice Mayor.**

(A) Until December 31, 2003, at each organizational meeting of the Council held in even-numbered years, the Council shall, by a motion adopted by a majority vote of its members, select one of its members to serve as Mayor and another of its members to serve as Vice Mayor, each to serve two year terms of office. For a term commencing on January 1, 2004, and thereafter, the Mayor shall be elected by separate ballot from the Municipality at large for a four-year term. At each organizational meeting of Council held on or after January 1, 2004, Council shall, by a motion adopted by a majority vote of its members, select one of its members to serve as Vice Mayor to serve a two-year term of office.

(B) The Mayor, in addition to his powers, duties and functions as a member of the Council, shall: preside at all meetings of the Council; serve as the official head of the Municipality for all ceremonial purposes; exercise judicial functions as conferred upon mayors of municipal corporations by the general laws of Ohio; be recognized as the head of municipal government for military purposes; and shall perform all other powers, duties and functions imposed upon the Mayor by this Charter, ordinances or resolutions adopted by the Council, or by the general laws of Ohio to the extent such laws are consistent with this Charter and ordinances and resolutions adopted by the Council.

(C) The Vice Mayor, in addition to his powers, duties and functions as a member of the Council, shall preside at all meetings of the Council when the Mayor is absent; perform the powers, duties, and functions of the Mayor during the temporary absence or disability of the Mayor; and perform such other powers, duties, and functions as are imposed upon the Vice Mayor by this Charter or ordinances or resolutions adopted by the Council.

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(D) In the event of a vacancy in the office of Mayor, the Vice Mayor shall become the Mayor and shall serve as Mayor until the next regular Municipal election. At such election, a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term.

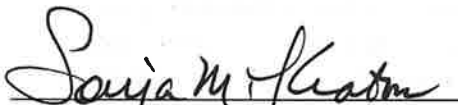
SECTION 2: The Clerk of Council is directed to publish the full text of the proposed charter amendment, as set forth above, once a week for not less than two consecutive weeks in a newspaper of general circulation in the City of Brookville, with the first publication being at least fifteen days prior to the election, in accordance with Section 9 of Article XVIII, Ohio Constitution, and Ohio Revised Code Section 731.211.

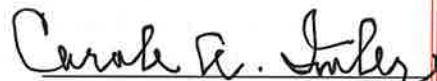
SECTION 3: The Clerk of Council shall submit a certified copy of this Ordinance to the Montgomery County Board of Elections, and take all other actions necessary to place the proposed charter amendments on the ballot.

SECTION 4: This Ordinance is hereby declared to be an emergency measure to preserve the public health, safety and welfare of the citizens of the City of Brookville to permit the timely filing with the Board of Elections of Montgomery County, Ohio for the election of November 5, 2002.

PASSED this 6th day of August, 2002.

ATTEST:

  
Sonja M. Keaton, Clerk

  
Carole A. Imler, Mayor

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2002-08, passed by the Council of the City of Brookville, Ohio, on the 6th day of August, 2002.

  
Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2002-08 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 8th day of August, 2002 to the 8th day of September, 2002, both days inclusive.

  
Sonja M. Keaton, Clerk