

**ARTICLE IV THE COUNCIL**

**SECTION 4.03. QUALIFICATIONS.**

Each Council member shall be at the time of election or appointment, and shall remain throughout the term of office, a qualified elector of the City.

Council members shall begin their term of office on the first day of January following their election. They shall take the oath of office on or before January first.

(Amended 11-6-90)

*Proposed Change:*

**SECTION 4.03. QUALIFICATIONS.**

(A) Any qualified elector who has been a resident of the city or of territory annexed thereto for a period of one (1) year immediately prior to the date of the election or appointment, and who is not the occupant of an incompatible elected or appointed office, shall be eligible to serve as a member of council or as mayor.

(B) Each Council member shall be at the time of election or appointment, and shall remain throughout the term of office, a qualified elector of the City.

(C) Council members shall begin their term of office on the first day of January following their election. They shall take the oath of office on or before January first.

(Amended 11-6-90)

**SECTION 4.04. OFFICERS OF THE COUNCIL.**

The City Council candidate receiving the highest number of votes from City electors at the most recent November general election in an odd numbered year will be the Mayor and will serve as such for the first two (2) years of his or her term. The candidate receiving the second highest number of votes at that election will be the Vice Mayor and will serve for the same two (2) years in that capacity. Tie votes in any Council election shall be resolved by a coin flip in the presence of the person then serving as Mayor or in the presence of two other members of Council.

(Amended 11-6-90)

(A) *Mayor.* The Mayor shall have the right to vote on all issues before the Council but shall have no power of veto. In addition to the powers, rights, and duties as a Council member, the Mayor shall preside at meetings of the Council, shall be recognized as head of the city government for all ceremonial purposes, by the Governor for purposes of military law, and by the courts for civil process involving the City. The Mayor may by ordinance have judicial powers and shall perform all other duties prescribed by ordinance or by resolution of the Council not inconsistent with the provisions of this Charter.

(B) *Vice Mayor.* The Vice Mayor shall exercise all the power and perform all the duties of the Mayor in case of temporary absence or disability. Should the office of Mayor become vacant, the Vice Mayor shall succeed to that office. If the office of Vice Mayor becomes vacant, the successor Vice Mayor shall be the member who received the next higher number of votes at the most recent rotation election of Council members. If it is not possible to identify a successor in that manner, the Council shall choose a new Vice Mayor at its next regular meeting.

(Amended 11-6-90; Amendment passed by electorate 11-4-97)

*Proposed Change:*

**SECTION 4.04. OFFICERS OF THE COUNCIL.**

The City Council candidate receiving the highest number of votes from City ~~electors~~electors at the most recent November general election in an odd numbered year will be the Mayor and will serve as such for the first two (2) years of his or her term. The candidate receiving the second highest number of votes at that election will be the Vice Mayor and will serve for the same two (2) years in that capacity. Tie votes in any Council election shall be resolved by a coin flip in the presence of the person then serving as Mayor or in the presence of two other members of Council.

(Amended 11-6-90)

(A) *Mayor.* The Mayor shall have the right to vote on all issues before the Council but shall have no power of veto. In addition to the powers, rights, and duties as a Council member, the Mayor shall preside at meetings of the Council, shall be recognized as head

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of the city government for all ceremonial purposes, by the Governor for purposes of military law, and by the courts for civil process involving the City. The Mayor is recognized as the Chief Executive Officer as required by the Ohio Revised Code for purposes of declaring an emergency, but not for appointments or any action other than as required by declared emergencies. The Mayor may by ordinance have judicial powers and shall perform all other duties prescribed by ordinance or by resolution of the Council not inconsistent with the provisions of this Charter.

(B) *Vice Mayor.* The Vice Mayor shall exercise all the power and perform all the duties of the Mayor in case of temporary absence or disability. Should the office of Mayor become vacant, the Vice Mayor shall succeed to that office. If the office of Vice Mayor becomes vacant, the successor Vice Mayor shall be the member who received the next higher number of votes at the most recent rotation election of Council members. If it is not possible to identify a successor in that manner, the Council shall choose a new Vice Mayor at its next regular meeting.

(Amended 11-6-90; Amendment passed by electorate 11-4-97)

**SECTION 4.05. PROHIBITIONS.**

(A) *Holding Other Offices.* Except where authorized by this Charter, Council members shall neither hold any other city office except as a representative of the City as authorized by the Council nor hold any employment by the City government during the term for which said Council members were elected or appointed.

(B) *Appointment and Removals.* Neither the Council nor any of its members shall in any manner dictate the appointment of any city officers or employees, except by approving or disapproving appointment of department directors under this Charter, nor dictate the removal of any city officers or employees; but the Council, as a body meeting with the Manager, may express its views, and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(C) *Interference with Administration.* Except for the purpose of inquiries and investigations permitted under this Charter, the Council or its members shall deal with the city officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give any orders to any such officer or employee, either publicly or privately.

*Proposed Change:*

**SECTION 4.05. PROHIBITIONS.**

(A) *Holding Other Offices.* Except where authorized by this Charter, Council Members shall neither hold any other city office except as a representative of the City as authorized by the Council. No member of Council shall serve or be appointed to any Board or Commission designated within this charter. No Council Member shall hold any compensated Beaver creek municipal office while serving as a member of Council nor shall any member of Council hold appointive or municipal employment within the Municipality of Beaver creek for a period of one (1) year after leaving or resigning from the office for which that council member was elected or appointed.

(B) *Appointment and Removals.* Neither the Council nor any of its members shall in any manner dictate the appointment of any city officers or employees, except by approving or disapproving appointment of department directors under this Charter, nor dictate the removal of any city officers or employees; but the Council, as a body meeting with the Manager, may express its views, and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

(C) *Interference with Administration.* Except for the purpose of inquiries and investigations permitted under this Charter, the Council or its members shall deal with the city officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give any orders to any such officer or employee, either publicly or privately.

**SECTION 4.08. PROCEDURES.**

**Commission Note:** If the Council doesn't accept this proposed change for a vote by ballot, the commission recommends an administrative action to change this section as outlined in the Administrative Changes document.

(A) *Meetings.* A quorum of the Council shall be present to conduct official business. A majority of the members of the Council shall constitute a quorum. The Council shall meet regularly at least once every month at such times and places as the Council may prescribe. Special meetings may be held on the call of the Mayor or of four (4) or more members of the Council and, whenever practicable, upon no less than twelve (12) hours notice to each member.

(B) *Rules.* The Council shall determine and may amend its own rules and order of business in conformity with the requirements of this Charter.

(C) *Voting.* Votes shall be taken by voice or by show of hands. A roll-call vote shall be conducted if requested by any member of Council. Votes shall be recorded in a journal. Faced with the lack of a quorum, a smaller number of the members of the Council may convene and may compel the attendance of absent members in the manner, and subject to the penalties, prescribed by the rules of the Council, and may adjourn to a subsequent date.

(Amended 11-4-86)

*Proposed Change:*

**SECTION 4.08. PROCEDURES.**

(A) *Meetings.* The Council shall hold all public meetings at such times as may be prescribed by its rules, and within the geographical confines of the City or Township of Beaver Creek, but not less frequently than once each month. All meetings shall be open to the public, except as otherwise allowed by law. A majority of the members of Council shall constitute a quorum to do business. Special meetings may be called by the Mayor or any three (3) members of Council on twenty-four (24) hours notice. The purpose of a special meeting shall be stated in the notice.

(B) *Rules.* The Council shall determine and may amend its own rules and order of business in conformity with the requirements of this Charter.

(C) *Voting.* Votes shall be taken by voice or by show of hands. A roll-call vote shall be conducted if requested by any member of Council. Votes shall be recorded in a journal. Faced with the lack of a quorum, a smaller number of the members of the Council may convene and may compel the attendance of absent members in the manner, and subject to the penalties, prescribed by the rules of the Council, and may adjourn to a subsequent date. (Amended 11-4-86)

**SECTION 4.10. COMPENSATION.**

(A) *Salary of the Council.* Members of the Council shall receive an annual salary in the amount of \$2,000.00 until such amount is changed by the Council in accordance with the provisions of this Charter.

(Amended 11-6-90)

(B) *Increases and Expenses.* The Council may increase or decrease the salary of its members by ordinance. The Mayor and Vice Mayor shall receive no additional compensation for their duties. No member of the Council shall benefit from any increase in salary during such member's current term of office. Any ordinance changing the salary of members of the Council shall be adopted no later than June first of any odd numbered year. Council members may, by resolution, stating the exact purpose thereof, receive their necessary and reasonable expenses incurred in the performance of their official duties.

*Proposed Change:*

**SECTION 4.10. COMPENSATION.**

(A) Council Salary. Council members shall receive an annual salary. The salary is set by ordinance in accordance with the provisions of this Charter.

(B) Change to Council Salary. Changes to Council salary shall only occur during presidential election years. Council may vote to increase its salary by one of the two following methods:

(1) By a percentage not to exceed the cost of living allowance (COLA) established by the federal government for the total of the previous four (4) years. This requires an affirmative vote of a majority of the members of Council.

(2) Council may also increase or decrease the salary of its members in order to establish a new salary baseline in lieu of the COLA increase for that four (4) year cycle. This requires an affirmative vote of a supermajority (two-thirds) of the members of council.

(C) Restrictions on Salary Changes. The Mayor and Vice Mayor shall receive no additional compensation for their duties. No member of the Council shall benefit from any increase in salary during such member's current term of office.

(D) Expenses. Council members may, by resolution, stating the exact purpose thereof, receive their necessary and reasonable expenses incurred in the performance of their official duties.

**Commission Note on Section 4.10:** If the Council doesn't accept this proposed change for a vote by ballot, the commission recommends an administrative action to change the salary above to match the current council salary.

**ARTICLE V LEGISLATION**

**SECTION 5.02. ACTION REQUIRING AN ORDINANCE.**

In addition to other acts required by general law or by specific provision of this Charter to be performed by ordinance, those acts of the Council which shall be by ordinance shall include but not be limited to:

(1) Adopting or amending an Administrative Code or establishing, altering, or abolishing any City department, division, or office, other than those established by this Charter.

(2) Providing for a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed.

(3) Granting or renewing a franchise.

(4) Regulating the rate charged for its services by a public utility.

(5) Authorizing the borrowing of money.

(6) Conveying, leasing, or authorizing the conveyance or lease of any lands of the City.

(7) Adopting without amendment, or with amendment that does not affect the substance, ordinances proposed under the initiative power.

(8) Adopting or amending a budget and adopting or amending a capital program.

(9) Amending or repealing any ordinance previously adopted.

(Amendment passed by electorate 11-4-97)

*Proposed Change:*

**SECTION 5.02. ACTION REQUIRING AN ORDINANCE.**

In addition to other acts required by general law or by specific provision of this Charter to be performed by ordinance, those acts of the Council which shall be by ordinance shall include but not be limited to:

(1) Adopting or amending an Administrative Code or establishing, altering, or abolishing any City department, division, or office, other than those established by this Charter.

(2) Providing for a fine or other penalty or establishing a rule or regulation for violation of which a fine or other penalty is imposed.

(3) Granting or renewing a franchise.

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- (4) Regulating the rate charged for its services by a public utility.
  - (5) Authorizing the borrowing of money.
  - (6) Conveying, leasing, or authorizing the conveyance or lease of any lands of the City.
  - (7) Adopting without amendment, or with amendment that does not affect the substance, ordinances proposed under the initiative power.
  - (8) Adopting or amending a budget and adopting or amending a capital program.
  - (9) Amending or repealing any ordinance previously adopted.
  - (10) No ordinance shall be passed which calls for using Municipal Tax revenue for uncompensated financing of development without the vote of the public.
- (Amendment passed by electorate 11-4-97)

**SECTION 5.03. INTRODUCTION AND ADOPTION OF ORDINANCES.**

A proposed ordinance may be introduced by any Council member at any regular or special meeting of the Council. Every proposed ordinance shall be introduced in written or printed form after review by the City Attorney. It shall be in the form required by the Council for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be, "The City of Beavercreek hereby ordains..." A written summary shall also accompany each proposed ordinance at the time of introduction. The fact that the summary contains errors or is incomplete shall not affect the validity of any ordinance.

(A) *First Reading.* Upon introduction of any proposed ordinance, a copy shall be distributed to each Council member and to the City Manager, and the summary of the proposed ordinance shall be read.

After the first reading and upon approval for additional readings by the Council, the Clerk shall: file copies of the proposed ordinance in office of the Clerk of Council; post the proposed ordinance in full in the city offices; and publish one time the summary of the proposed ordinance or the ordinance in full in one or more newspapers or other printed publication regularly distributed and of general circulation in the City or public media forums as required by law. The publication of the ordinance shall also include the date, time and place for a public hearing, and for the third reading and final consideration on the proposed ordinance. The public hearing on the proposed ordinance shall follow the publication by at least seven (7) days. The public hearing shall be held in connection with a regular or special Council meeting, and may adjourn from time to time.

(B) *Second Reading and Public Hearing.* At the date, time and place of the Council meeting so advertised, the summary of the proposed ordinance shall be read for the second time, unless a member of the Council present requests a reading of the ordinance in full. All persons present shall be given an opportunity to be heard on the proposed ordinance subject to the rules of the Council. Following this hearing, the Council may cause the proposed ordinance to be returned to the first reading, or proceed to the third reading.

(C) *Third Reading and Adoption.* At the next meeting of the Council following the public meeting, the summary of the proposed ordinance shall be read for the third time. After such reading, the Council may adopt such ordinance by an affirmative vote of the majority of the members of Council, except that if an amendment changes it as to any matter of substance. In such case, the Council shall not adopt the ordinance until it shall have caused a summary of the amended ordinance to be published at least once, together with a notice of the date, time and place where such amended ordinance will further be considered. A public hearing on the amended ordinance shall be held. After such hearing, the Council may adopt such amended ordinance or again amend it subject to the same conditions.

(D) *Notice of Adoption.* Within ten days after adoption of any ordinance, the Clerk shall post the summary of the ordinance in a designated place for public view in City

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Hall, and shall publish one time the summary of the ordinance or the ordinance in full in one or more newspapers or other printed publication regularly distributed of general circulation in the City, or public media forums as required by law together with a notice of its adoption.

(Amendment passed by electorate 11-4-97; Amendment passed by electorate 11-2-04)

*Proposed Change:*

### **SECTION 5.03. INTRODUCTION AND ADOPTION OF ORDINANCES.**

Any member of Council may introduce an ordinance. However, no ordinance shall be adopted at a special meeting.

Every proposed ordinance shall be introduced in written or printed form after review by the City Attorney. It shall be in the form required by the Council for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be, "The City of Beavercreek hereby ordains..." A written summary shall also accompany each proposed ordinance at the time of introduction. The fact that the summary contains errors or is incomplete shall not affect the validity of any ordinance.

(A) *First Reading.* Upon introduction of any proposed ordinance, a copy shall be distributed to each Council member and to the City Manager, and the summary of the proposed ordinance shall be read.

After the first reading and upon approval for additional readings by the Council, the Clerk shall: file copies of the proposed ordinance in office of the Clerk of Council; post the proposed ordinance in full in the city offices; post the proposed ordinance in a designated place for public view in City Hall; and publish one time the summary of the proposed ordinance or the ordinance in full in one or more newspapers or other printed publication regularly distributed and of general circulation in the City or public media forums as required or allowed by law. All publications of the ordinance shall also include the date, time and place for a public hearing, and for the third reading and final consideration on the proposed ordinance. The public hearing on the proposed ordinance shall follow the publication by at least seven (7) days. The public hearing shall be held in connection with a regular or special Council meeting, and may adjourn from time to time.

(B) *Second Reading and Public Hearing.* At the date, time and place of the regular Council meeting so advertised, the summary of the proposed ordinance shall be read for the second time, unless a member of the Council present requests a reading of the ordinance in full. All persons present shall be given an opportunity to be heard on the proposed ordinance subject to the rules of the Council. Following this hearing, the Council may cause the proposed ordinance to be returned to the first reading, or proceed to the third reading.

(C) *Third Reading and Adoption.* At the next regular meeting of the Council following the public meeting, the summary of the proposed ordinance shall be read for the third time. After such reading, the Council may adopt such ordinance by an

## Proposed Changes

affirmative vote of the majority of the members of Council unless conditions defined in other sections of this charter require Council to reject this ordinance.

After corrections are made, a summary of the amended ordinance shall be published at least once, together with a notice of the date, time and place where such amended ordinance will further be considered. A public hearing on the amended ordinance shall be held. After such hearing, the Council may adopt such amended ordinance or again amend it subject to the same conditions.

(D) Conditions for the Rejection of Ordinances. At any time during the ordinance adoption process, Council shall reject any ordinance when: 1) the ordinance contains incomplete or erroneous information in its summary or any other part of its contents; and 2) if substantive changes have been made to the summary or any other part of the ordinance since its introduction. Upon rejecting the ordinance, Council shall ask for the ordinance to be corrected and reintroduced.

For purposes of this charter, “incomplete or erroneous information” and “substantive changes” are defined as errors and changes that materially involve or affect named parties, subjects, other proper or improper nouns, or actions called for in the summary or ordinance, or numerical discrepancies involving monetary amounts of at least \$500 or 1%, whichever is greater. Grammatical or punctuation errors are not “incomplete or erroneous information” and grammatical or punctuation corrections are not “substantive changes” unless they cause alteration to the meaning of the summary or ordinance as defined in this charter. Any changes to the document structure such as numbering, formatting or paragraph ordering are not “substantive changes”.

(E) Notice of Adoption. Within ten days after adoption of any ordinance, the Clerk shall post the summary of the ordinance in a designated place for public view in City Hall, and shall publish one time the summary of the ordinance or the ordinance in full in one or more newspapers or other printed publication regularly distributed of general circulation in the City, or public media forums as required or allowed by law together with a notice of its adoption.

(Amendment passed by electorate 11-4-97; Amendment passed by electorate 11-2-04)

**SECTION 5.06. EMERGENCY ORDINANCES.**

**Commission Note:** If the Council doesn't accept this proposed change for a vote by ballot, the commission recommends an administrative action to change this section as outlined in the Administrative Changes document.

To meet a public emergency affecting life, health, safety, or the public welfare, or a special emergency in the operation of a city department, the Council may adopt one or more emergency ordinances. Such ordinances shall not:

- (1) Grant or renew a franchise.
- (2) Establish, abolish, or alter the basic purpose or structure of any department.
- (3) Adopt or amend a zoning regulation.
- (4) Adopt with or without amendment ordinances proposed under the initiative power.
- (5) Adopt an administrative code.
- (6) Regulate the rate charged by any public utility for its services.
- (7) Grant any special privileges.

(Amended 11-6-90)

An emergency ordinance shall be introduced in the form and manner prescribed for regular ordinances, except that it shall be designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. A proposed emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of at least five (5) members of the Council shall be required for adoption. The emergency ordinance shall be published and posted as prescribed for other adopted ordinances and shall become effective upon adoption or at such later time as specified therein.

An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified for adoption of emergency ordinances. Emergency ordinances shall be subject to initiative.

(Amended 11-4-86)

Proposed Changes

*Proposed Change:*

**SECTION 5.06. EMERGENCY ORDINANCES.**

Council may adopt one or more emergency ordinances when sudden, urgent, or unforeseen circumstances require immediate action to avert possible adverse conditions on life, health, safety, property or public welfare.

However, such ordinances shall not:

- (1) Grant or renew a franchise.
- (2) Establish, abolish, or alter the basic purpose or structure of any department.
- (3) Adopt or amend a zoning regulation.
- (4) Adopt with or without amendment ordinances proposed under the initiative power.
- (5) Adopt an administrative code.
- (6) Regulate the rate charged by any public utility for its services.
- (7) Grant any special privileges.
- (8) Levy taxes
- (9) Use Municipal Tax revenue for uncompensated financing of development without the vote of the public.
- (10) Increase Council salary

(Amended 11-6-90)

An emergency ordinance shall be introduced in the form and manner prescribed for regular ordinances, except that it shall be designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. A proposed emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of a supermajority (two-thirds) of the members of Council shall be required for adoption. The emergency ordinance shall be published and posted as prescribed for other adopted ordinances and shall become effective upon adoption or at such later time as specified therein.

An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified for adoption of emergency ordinances. Emergency ordinances shall be subject to initiative. (Amended 11-4-86)

**ARTICLE VII ADMINISTRATIVE DEPARTMENTS**

**SECTION 7.03. CITY ATTORNEY.**

The City shall have a City Attorney who shall be appointed in the same manner as department directors. The City Attorney shall be an attorney-at-law admitted to practice law in the State of Ohio, be in good professional standing, and need not be a resident of the City. A law firm as well as an individual attorney may serve as the City Attorney. The City Attorney shall serve as chief legal advisor to the Council, the Manager, and all city departments, divisions, offices, and agencies, shall represent the City in all legal proceedings, and shall perform any other duties prescribed by this Charter, by ordinance, or by the Administrative Code. When necessary, the City Manager may appoint special legal counsel to represent the City, together with or in place of the City Attorney.

(Amendment passed by electorate 11-2-04)

*Proposed Change:*

**SECTION 7.03. CITY ATTORNEY.**

The City shall have a City Attorney who shall be appointed in the same manner as department directors. The City Attorney shall be an attorney-at-law admitted to practice law in the State of Ohio, be in good professional standing, and need not be a resident of the City. A law firm as well as an individual attorney may serve as the City Attorney. The City Attorney shall serve as chief legal advisor to the Council, the Manager, and all city departments, divisions, offices, and agencies, shall represent the City in all legal proceedings, and shall perform any other duties prescribed by this Charter, by ordinance, or by the Administrative Code.

In conducting City business, the City Attorney may be required to meet with private parties promoting a variety of political, commercial, personal or other interests with the City. However, the City Attorney shall not provide advocacy legal council to private parties except when directed by the City Manager officially acting under the authority of the Office of City Manager. No member(s) of Council acting on their own shall ask, direct, or put the City Attorney in a position to provide advocacy legal council to private parties without official approval from the City Manager or through a majority vote of the members of Council.

When necessary, the City Manager may appoint special legal counsel to represent the City, together with or in place of the City Attorney. All special legal representatives shall be bound by the same guidelines as the City Attorney.

(Amendment passed by electorate 11-2-04)

**ARTICLE IX BOARDS AND COMMISSIONS**

**SECTION 9.02. GENERAL RULES FOR BOARDS AND COMMISSIONS.**

Unless otherwise provided for in this Charter:

(1) Each Board or Commission created in Section [9.01](#) shall consist of members appointed by the Council for overlapping terms of three years. Members of the first boards shall be appointed for terms of one, two, and three years, respectively. Thereafter, all members of boards and commissions shall be appointed for the full three-year term.

(2) Appointments and removals shall be subject to the procedures as specified in the Administrative Code.

(3) Each member of a Board or Commission of the City shall be and shall remain an elector of the City.

(4) Members of a Board or Commission of the City shall not hold any other elected or appointed office in the City or be an employee thereof.

(5) A vacancy occurring during the term of any member of a Board or Commission shall be filled for the unexpired term in the same manner as original appointments.

(6) Vacancies shall be filled within sixty (60) days.

(7) Each Board and Commission shall keep a journal of its proceedings. An affirmative vote of a majority of all members shall be necessary to adopt any question, motion, or order.

(8) Each Board and Commission shall establish its own operating procedures.

(9) All members of Boards and Commissions shall serve without compensation unless otherwise provided for by the Council.

(10) Boards and Commissions shall perform all duties and functions imposed upon them by this Charter and by the Council.

(Amendment passed by electorate 11-2-04)

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*Proposed Change:*

**SECTION 9.02. GENERAL RULES FOR BOARDS AND COMMISSIONS.**

Unless otherwise provided for in this Charter:

(1) Each Board or Commission created in Section [9.01](#) shall consist of members appointed by the Council for overlapping terms of three years. Members of the first boards shall be appointed for terms of one, two, and three years, respectively. Thereafter, all members of boards and commissions shall be appointed for the full three-year term.

(2) Appointments and removals shall be subject to the procedures as specified in the Administrative Code.

(3) Each member of a Board or Commission of the City shall be and shall remain an elector of the City.

(4) A citizen shall only serve on a single Board or Commission (internal or external to the City) at any one time. No member of a Board or Commission shall hold any compensated Beaver Creek municipal office.

(5) A vacancy occurring during the term of any member of a Board or Commission shall be filled for the unexpired term in the same manner as original appointments.

(6) Vacancies shall be filled within sixty (60) days.

(7) Each Board and Commission shall keep a journal of its proceedings. An affirmative vote of a majority of all members shall be necessary to adopt any question, motion, or order.

(8) Each Board and Commission shall establish its own operating procedures.

(9) All members of Boards and Commissions shall serve without compensation unless otherwise provided for by the Council.

(10) Boards and Commissions shall perform all duties and functions imposed upon them by this Charter and by the Council.

(11) A Board or Commission Member is entitled to apply for another appointed position without affecting their current appointment. If the Board or Commission Member is subsequently appointed to the new Board or Commission (internal to the City or external), the member's original appointment is automatically terminated.

(Amendment passed by electorate 11-2-04)

Proposed Changes

**ARTICLE X FINANCE, TAXATION AND DEBT**

**SECTION 10.04. TRANSFER OF APPROPRIATIONS.**

At any time during the fiscal year the Manager may transfer part or all of any unencumbered balance among budget allotments within a single appropriation; and upon written request by the City Manager, the Council may by ordinance transfer any unencumbered balance from one appropriation to another.

(Amended 11-4-89; Amended 11-6-90)

*Proposed Change:*

**SECTION 10.04. TRANSFER OF APPROPRIATIONS.**

At any time during the fiscal year the City Manager may transfer part or all of the unencumbered balance within a fund; and upon written request by the City Manager, the Council shall by ordinance transfer any unencumbered balance between funds. The ordinance to transfer any unencumbered balance shall become effective upon adoption.

(Amended 11-4-89; Amended 11-6-90)

**SECTION 10.10. ANNUAL APPROPRIATION ORDINANCE.**

At the meeting of the Council at which the revised final budget estimates for the appropriation ordinance are submitted, the Council shall adopt the estimates as submitted, or as amended, as the appropriation ordinance of the City of Beavercreek for the ensuing fiscal year:

The appropriation ordinance shall become effective upon adoption and shall constitute an appropriation for the budgeted items and approval of the work projects without further legislation

(Amended 11-06-90)

*Proposed Change:*

**SECTION 10.10. ANNUAL APPROPRIATION ORDINANCE.**

At the meeting of the Council at which the revised final budget estimates for the appropriation ordinance are submitted, the Council shall adopt the estimates as submitted, or as amended, as the appropriation ordinance of the City of Beavercreek for the ensuing fiscal year:

The appropriation ordinance shall become effective upon adoption and shall constitute an appropriation for the budgeted items and approval of the work projects without further legislation

Amendments to the annual appropriation shall be passed by ordinance with an affirmative vote of a supermajority (two-thirds) of the members of Council and shall become effective upon adoption.

(Amended 11-06-90)

**ARTICLE XII INITIATIVE, REFERENDUM AND RECALL**

**Commission Note:** If the Council doesn't accept these proposed changes for a vote by ballot, the commission recommends an administrative action to change these sections as outlined in the Administrative Changes document.

**SECTION 12.01. INITIATIVE.**

Ordinances and other measures providing for the exercise by this City of any of its powers of government may be proposed by initiative and shall be by petition. The forms and procedures to be used and followed with regard to any initiative petition shall be as provided by state statutes dealing with the initiative process in municipal government, except as provided in Section [12.03](#).

(Amended 11-4-86; Amended 11-6-90)

*Proposed Change:*

**SECTION 12.01. INITIATIVE.**

Ordinances and other measures providing for the exercise by this City of any of its powers of government may be proposed by initiative and shall be by petition. The forms and procedures to be used and followed with regard to any initiative petition shall be as provided by state statutes dealing with the initiative process in municipal government, except as provided in Sections [12.03](#) and [12.05](#).

(Amended 11-4-86; Amended 11-6-90)

**SECTION 12.02. REFERENDUM.**

Any ordinance or other legislative action enacted by the Council of this City shall be subject to the referendum to the extent provided in state statutes dealing with the referendum process in municipal government. The forms and procedures to be used and followed with regard to any referendum shall be as provided by those same state statutes, except as provided in Section [12.03](#).

(Amended 11-4-86; Amended 11-6-90)

*Proposed Change:*

**SECTION 12.02. REFERENDUM.**

Any ordinance or other legislative action enacted by the Council of this City shall be subject to the referendum to the extent provided in state statutes dealing with the referendum process in municipal government. The forms and procedures to be used and followed with regard to any referendum shall be as provided by those same state statutes, except as provided in Sections [12.03](#) and [12.05](#).

Proposed Changes

(Amended 11-4-86; Amended 11-6-90)

**SECTION 12.03. ELECTION.**

Legislation proposed by initiative petition, and legislation submitted by referendum petition for approval or rejection, shall be placed before the electors at the next succeeding election occurring subsequent to 75 days after the initiative or referendum petition is certified to the Board of Election.

(Amended 11-6-90)

*Proposed Change:*

**SECTION 12.03. ELECTION.**

Legislation proposed by initiative petition, and legislation submitted by referendum petition for approval or rejection, shall be held at the next election occurring subsequent to (seventy-five) 75 days after the initiative or referendum petition is certified by the County Board of Elections.

(Amended 11-6-90)

**SECTION 12.04. RECALL.**

Any elected officer of the City may be removed from office by the qualified voters of the City. The forms and procedures to be used and followed with regard to recall shall be as provided in Revised Code 705.92, the state statute dealing with recall in municipal corporations, except to the extent set forth below:

(1) The question of recall of any elected official may be submitted to the qualified voters after that official has served one year of his or her elected term.

(2) A recall election shall be held at the next election occurring subsequent to seventy-five (75) days after the recall petition is certified by the County Board of Elections.

(Amended 11-4-86; Amended 11-6-90; Amendment passed by electorate 11-4-97)

*Proposed Change:*

**SECTION 12.04. RECALL.**

Any elected officer of the City may be removed from office by the qualified voters of the City. The forms and procedures to be used and followed with regard to recall shall be as provided in state statutes dealing with recall in municipal corporations, except to the extent set forth below and in Section 12.05:

(1) The question of recall of any elected official may be submitted to the qualified voters after that official has served one year of his or her elected term.

Proposed Changes

(2) A recall election shall be held at the next election occurring subsequent to seventy-five (75) days after the recall petition is certified by the Greene County Board of Elections.

(Amended 11-4-86; Amended 11-6-90; Amendment passed by electorate 11-4-97)

**SECTION 12.05. CITY RESPONSIBILITIES.**

When submitting a Referendum, Initiative or Recall petition, all procedures are executed as outlined in state statutes except as provided here:

The Clerk of Council shall provide all the necessary forms to gather the required number of signatures for a petition drive; at the cost charged to the city, or the cost incurred by the City for reproduction.

All petitions shall be filed with the Clerk of Council, and the Clerk shall transmit and receive all petitions between the Greene County Board of Elections as specified by state statutes.

A minimum of three (3) petitioners are needed to establish a committee to file the petition.

A petition need only be signed by five (5) percent of the number of electors who voted for governor at the most recent general election for the office of governor in the municipal corporation