

ARTICLE III

THE MAYOR

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SECTION 1. TERM.

The Mayor shall be elected at the regular municipal elections, held in the year 1963 and every four years thereafter, for a term of four (4) years commencing on January 1 following the general election.

(Amended 11-7-06.)

SECTION 2.

QUALIFICATIONS.

The Mayor shall have been a qualified elector and a resident of the Municipality for at least two (2) years immediately prior to his election, and shall continue to be a qualified elector and resident during his term of office. He shall not hold any other public office or municipal employment in the City of Sheffield Lake, except that of Director of Public Safety as provided by this Charter, a notary public or a member of the State Militia, National Guard or Reserve Corps of the United States of America. He shall not solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work or service with, or for, the Municipality.

(Amended 11-3-15.)

SECTION 3. REMOVAL

If at any time the Mayor shall cease to possess any of the aforesaid qualifications of office, or shall be declared legally incompetent, or to be determined by a majority vote of Council to be guilty of malfeasance, misfeasance or nonfeasance in office, it shall be the duty of Council to declare the office of Mayor vacant, and upon such declaration the office of Mayor shall automatically and immediately become vacant. Such declaration by Council shall be made by a majority vote of Council but shall not be finally and officially made until after a public hearing upon the charge or charges brought, and provided further that the Mayor shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such hearing; provided further, that the Mayor and/or his counsel shall have been given an opportunity to be heard, present evidence and examine under oath, all witnesses appearing in support of such charge or charges. To be effective and final, such declaration of vacancy in the office of Mayor must receive the affirmative vote of two-thirds (2/3) of the membership of the legislative authority at the conclusion of the public hearing.

If at any time the Mayor shall be convicted of a felony or other crime involving moral turpitude, it shall be the duty of Council to declare the office of Mayor vacant and upon such declaration the office of Mayor shall automatically and immediately become vacant. Such declaration by Council shall cause the office of Mayor to be vacant provided, however, that the Mayor shall be notified in writing of the fact that the Council has declared the office of Mayor vacant as a result of the Mayor having been convicted of a felony or other crime involving moral turpitude. The Mayor shall if he disputes the fact that he has been convicted of a felony or other crime of moral turpitude shall advise the Council through the Clerk of Council within fifteen (15) days from the date of the receipt by him of the above set forth notification and upon such notification a hearing shall be held by the Council and the Mayor shall be notified in writing at least fifteen (15) days in advance of the hearing as to the date, place and time of the hearing; and further provided that the Mayor or his counsel shall be given an opportunity to be heard, present evidence and examine under oath all witnesses appearing in support of the claim that the Mayor has been convicted of a felony or other crime of moral turpitude. For the declaration of vacancy in the office of Mayor on the basis that the Mayor has been convicted of a felony or other crime involving moral turpitude to be effective; the determination that the Mayor has been convicted of a felony or other crime involving moral turpitude must receive the affirmative vote of two-thirds (2/3) of the membership of the legislative authority.

(Amended 11-8-88)

SECTION 4. VACANCY IN THE OFFICE OF MAYOR.

(a) Absence. When the Mayor is absent or inaccessible or is unable, for any cause or reason to perform his duties, the President of Council shall become the Acting Mayor, but he shall not thereby cease to be President of Council.

(b) Absence of President of Council. In the event the President of Council shall be absent or inaccessible or, for any reason, unable to perform his duties as Acting Mayor, then the President pro tem of the Council shall become the Acting Mayor with all the powers and duties of the Mayor, but he shall not thereby cease to be a member of Council.

(c) Vacancy. In the event the office of Mayor shall become vacant for any cause or reason, the office of Mayor shall be filled according to the following order of succession: Council President unless he or she is unable or declines to serve as Mayor, then the Council members at large in descending order of longevity in service unless all Council members at large are unable or decline to serve as Mayor, then the ward Council members in descending order of longevity unless all ward Council members are unable or decline to serve as Mayor, then the Director of Finance unless he or she is unable or declines to serve as Mayor, then the Director of Law.

In the event that more than one Council member at large or more than one ward Council member have the same longevity in service, then the Council member at large or ward Council member, of those who have the same longevity in service, who received the largest number of votes in the most recent general election shall stand next in the order of succession.

Any person filling a vacancy in the office of Mayor shall serve for the unexpired term until a successor is duly elected and qualified. In the event any member of Council fills a vacancy in the office of Mayor, his or her prior office shall become vacant. In the event that a department head fills a vacancy in the office of Mayor he or she shall not thereby cease to retain his or her office as a department head and shall not thereby have his or her salary or benefits reduced while serving for the unexpired term of Mayor.

(Amended 11-3-15)

SECTION 5. DUTIES AND POWERS OF THE MAYOR.

(a) Executive Powers. The Mayor shall be the chief executive officer of the Municipality. He shall supervise the administration of the Municipality's affairs and shall exercise control over all departments and divisions, except those reserved by this Charter to Council or its officers and employees. He shall be the chief conservator of the peace within the Municipality, and shall cause all laws, ordinances and resolutions to be enforced within the Municipality. He shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures, and of appropriation measures, and shall at all times keep the Council fully advised as to the financial condition of the Municipality. He shall cause all terms and conditions imposed in favor of the Municipality, or its inhabitants in any franchise or contract to which the Municipality is a party to be faithfully kept and performed. He shall be the ceremonial and official head of the Municipality recognized by the Courts for purposes of serving civil processes, and by the Governor for military purposes. He shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness, and all other instruments to which the Municipality is a party, unless otherwise directed by Council. He shall perform all such duties as are required by the laws of the State of Ohio, this Charter, or by any ordinance or resolution of Council.

Except as otherwise provided by this Charter, civil service regulations, or the laws of the State of Ohio, the Mayor shall have the power to appoint officers and employees of the Municipality with the approval of a majority of the voting members of Council. The Mayor shall have the power to transfer, reduce or remove any officer or employee of the Municipality with the provisions that the officer or employee so removed, transferred or reduced has a right to appeal such transfer, reduction or removal to the Council, and that upon a two-thirds (2/3) vote of the voting members of Council, the Mayor's decision to transfer, reduce or remove may be over-ruled.

(Adopted 11-7-61)

(b) Legislative Powers. The Mayor shall attend Council meetings but shall have no vote on any matters coming before it. He shall have the right to recommend legislation and to participate in the discussion of all matters coming before Council. Every ordinance or resolution passed and adopted by the Council shall forthwith be attested by the President of Council, or other presiding officer, and promptly presented to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution he shall sign and return same to the Council within ten (10) days after its passage or adoption by Council, but if he disapproves, he shall return it to Council along with his written objections within ten (10) days by delivery to the Clerk of Council, who will in turn provide him with a written receipt. The Mayor's objections shall be read at the next Council meeting and entered in full upon the journal of the Council. He may approve or disapprove the whole or part or item of an ordinance or resolution appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor fails to return an ordinance or resolution within the time limited by this section, said ordinance or resolution shall take effect in

the same manner as if he had approved. When the Mayor has disapproved an ordinance or resolution or part or item thereof, as herein provided, the Council may, no later than thirty-five (35) days thereafter, proceed to reconsider it and if beyond reconsideration, the ordinance or resolution, or part or item thereof, be approved by vote of two- thirds (2/3) of the membership of the Council it shall take effect as if it had received the signature and approval of the Mayor.

(Amended 11-7-67)

(c) Judicial Powers. The Mayor shall have all the judicial powers granted generally by the laws of the State of Ohio to mayors of Municipalities.