

WILLOUGHBY HILLS CHARTER  
SECTIONS 9.1-9.3 (as currently in effect)

SECTION 9.1 OFFICERS.

The word “officer” as used in this section shall include the Mayor, members of Council, the Clerk of Council, members of all Council or Charter-established Committees, Bureaus, Commissions or Agencies and the Directors of all administrative departments.

SECTION 9.2 GENERAL QUALIFICATIONS.

9.21 For All Personnel. No officer or employee shall have any financial interest, either directly or indirectly, in any contract to which the Municipality is a party, or in the expenditure of money by the Municipality, except for his lawful compensation and reimbursable expenses.

No officer or employee shall hold any other elective public office, nor any other employment incompatible with his duties as an officer of this Municipality.

No officer or employee shall accept or receive a gratuity, directly or indirectly, from any person, firm or corporation having, or having had business dealings with the Municipality.

9.22 For Officers. No member of the immediate family of any officer of the Municipality may be employed by the Municipality in any noncivil service employment.

Every officer shall comply with such qualifications as may be stated in the section regarding his election or appointment.

Every officer shall, before entering upon the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United States and of the State of Ohio and the Charter and ordinances of Willoughby Hills, and faithfully, honestly and impartially discharge the duties of the office.

SECTION 9.3 REMOVAL FROM OFFICE.

9.31 Removal by the Mayor. The Mayor shall remove immediately any such officer or employee for violation of any of the requirements stated in Section 9.2, for gross misconduct, malfeasance or non-feasance in office, or upon conviction while in office of a felony or other crime involving moral turpitude.

The Mayor may authorize the head of a department to make such removals in his department.  
(Amended 11-4-08)

9.32 Removal by Council. The Council shall remove immediately any councilman and any other officer to whom it may appoint a successor who fails to comply with the residential qualifications stated in the section regarding his election or appointment.

Any councilman, officer or employee to whom the Council may appoint a successor may be removed by the Council at any time, subject to the provisions of Section 9.4 where applicable.

The Council shall remove immediately any such councilman, officer or employee for violation of the requirements of Section 9.2, for gross misconduct, malfeasance or non-feasance in office, or upon conviction while in office of a felony or other crime involving moral turpitude.

9.33 Finality of Removals. The decision of the Council or the Mayor or other officer in removing any officer or employee after compliance with this Section 9.3 and subject to the provisions of Section 9.4 when applicable, shall be final, and thereupon the office or post of any such person shall be vacant.

9.34 Removal by Council of Mayoral Appointees. If after Council has requested him to do so, the Mayor fails to remove any officer or employee in the unclassified service to whom he may appoint a successor for violation of any of the reasons or grounds enumerated in Section 9.31 for which the Mayor is required to remove immediately such officer or employee, Council may, in accordance with the procedure provided in this section, remove such officer or employee. Proceedings for the removal by Council of an officer or employee to whom the Mayor may appoint a successor shall be commenced by filing of a written complaint setting forth the charge or charges which shall be limited to violations of any of the requirements stated in Section 9.2, gross misconduct, malfeasance or nonfeasance in office, or conviction in office of a felony or other crime involving moral turpitude. Such complaint shall be signed by at least five (5) members of Council and shall be filed with the Clerk of Council, who shall cause a copy thereof to be served upon the accused officer or employee at least ten (10) days before a hearing by Council on the matters specified in such complaint. Such hearing, which shall be open to the public, shall be had within thirty (30) days of the filing of the complaint, unless Council extends the time for hearing, which shall be done only upon the application of the accused officer or employee. The accused officer or employee may appear in person and by counsel, examine all witnesses, and answer all charges against him. A decision by Council to remove the accused officer or employee shall state the facts which support the grounds specified in the complaint and shall require the concurrence of at least five (5) members of Council. Any officer or employee so removed from office shall not be eligible for appointment to the vacancy thereby adopted.

(Adopted 11-4-75)

WILLOUGHBY HILLS CHARTER  
SECTIONS 9.1-9.3 (proposed revisions marked)

SECTION 9.1 OFFICERS.

The word "officer" as used in this section shall include the Mayor, members of Council, the Clerk of Council, members of all Council or Charter-established Committees, ~~Bureaus, or~~ Commissions ~~or Agencies~~ and the Directors of all administrative departments.

SECTION 9.2 GENERAL QUALIFICATIONS.

9.21 For All Personnel. ~~No officer or employee shall have any financial interest, either directly or indirectly, in any contract to which the Municipality is a party, or in the expenditure of money by the Municipality, except for his lawful compensation and reimbursable expenses. ¶~~ ~~No officer or employee shall hold any other elective public office, nor any other employment incompatible with his duties as an officer of this Municipality. All officers and employees shall comply with all laws applicable to Ohio public officials and employees. Any officer or employee pleading either guilty or no contest to a violation of such laws, or convicted of a violation of such laws shall be subject to punishment, suspension or removal from office as provided in Section 9.3.~~

~~No officer or employee shall accept or receive a gratuity, directly or indirectly, from any person, firm or corporation having, or having had business dealings with the Municipality.~~

9.22 For Officers. ~~No member of the immediate family of any officer of the Municipality may be employed by the Municipality in any noncivil service employment. ¶~~ Every officer shall comply with such qualifications as may be stated in the section regarding his election or appointment.

Every officer shall, before entering upon the duties of his office, take and subscribe his oath or affirmation to support the Constitution of the United States and of the State of Ohio and the Charter and ordinances of Willoughby Hills, and faithfully, honestly and impartially discharge the duties of the office.

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The Mayor may authorize the head of a department to make such removals in his department. (Amended 11-4-08)

9.32 Removal by Council. The Council shall remove immediately any councilman and any other officer to whom it may appoint a successor who ~~fails.~~ ¶

The Council shall be the judge of the election and qualification of its own members and those employees and officers. ~~Any councilman, officer or employee to whom the Council may appoint a~~

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successor. It may punish, suspend or remove from office any member of Council or any employee or officer to whom Council may appoint a successor for:¶

1. gross misconduct, malfeasance, misfeasance, nonfeasance, or¶
2. disqualification from office for failure to comply with the residential qualifications stated in the section regarding his or her election or appointment, or

Any councilman, officer or employee to whom the Council may appoint a successor may be removed by the Council at any time, subject to the provisions of Section 9.4 where applicable.¶

The Council shall remove immediately any such councilman, officer or employee for violation of the requirements of Section 9.2, for gross misconduct, malfeasance or non-feasance in office, or upon¶

3. the conviction (or a plea of guilty or no contest), while in office of a felony or other, of a crime: (a) involving moral turpitude, (b) which violates laws applicable to public employees or officials as provided in Section 9.21 hereof or (c) that is a felony, or¶
4. the persistent failure to abide by the rules of Council, or¶
5. incompetence if such person is legally adjudicated incompetent, or ¶
6. a violation of his/her oath of office; or¶
7. absence without justifiable excuse from three (3) consecutive regular meetings of Council.¶

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provided that such punishment, suspension or removal shall not take place without providing a written complaint setting forth the charge or charges signed by at least four (4) members of Council and shall be filed with the Clerk of Council, who shall cause a copy thereof to be served upon the accused Council member, officer or employee as soon as possible and at least ten (10) days before a hearing by Council on the matters specified in such complaint *where the accused Council Member or his/her counsel will be given an opportunity to be heard, present evidence or examine any witness or witnesses in support of said charges.* A decision to punish, suspend or remove the Council Member, employee of officer shall state the facts which support the grounds specified in the complaint and shall require the concurrence of at least five (5) members of Council and shall be filed with the Clerk of Council. Removal from office of any Council member shall not render void or ineffective any action of Council in which such member has participated unless void by a vote of two-thirds of all remaining members of Council.

9.33 Finality of Removals. The decision of the Council or the Mayor or other officer in removing any officer or employee after compliance with this Section 9.3 and subject to the provisions of Section 9.4 when applicable, shall be final, and thereupon the office or post of any such person shall be vacant.

9.34 Removal by Council of Mayoral Appointees. If after Council has requested him to do so, the Mayor fails to remove any officer or employee in the unclassified service to whom he may appoint a successor for violation of any of the reasons or grounds enumerated in Section 9.31 for which the Mayor is required to remove immediately such officer or employee, Council may, in accordance with the procedure provided in this section, remove such officer or employee. Proceedings for the

removal by Council of an officer or employee to whom the Mayor may appoint a successor shall be commenced by filing of a written complaint setting forth the charge or charges which shall be limited to violations of any of the requirements stated in Section 9.2, gross misconduct, malfeasance or nonfeasance in office, or conviction in office of a felony or other crime involving moral turpitude. Such complaint shall be signed by at least five (5) members of Council and shall be filed with the Clerk of Council, who shall cause a copy thereof to be served upon the accused officer or employee at least ten (10) days before a hearing by Council on the matters specified in such complaint. *Such hearing, which shall be open to the public, shall be had within thirty (30) days of the filing of the complaint, unless Council extends the time for hearing, which shall be done only upon the application of the accused officer or employee. The accused officer or employee may appear in person and by counsel, examine all witnesses, and answer all charges against him.* A decision by Council to remove the accused officer or employee shall state the facts which support the grounds specified in the complaint and shall require the concurrence of at least five (5) members of Council. Any officer or employee so removed from office shall not be eligible for appointment to the vacancy thereby adopted.

(Adopted 11-4-75)¶¶

*Text in italics noted for comparison/discussion by the Charter Review Committee.*