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# City of Willoughby Hills

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## ORDINANCE NO. 2018-41

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**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS NINE (9) PROPOSED AMENDMENTS TO THE CHARTER TO GIVE RESIDENTS AND TAXPAYERS THE POWER AND CHOICE TO REFORM AND CLARIFY THEIR CHARTER BY AFFIRMATIVE VOTE AND AVOID FUTURE LAWSUITS AGAINST THEIR CITY DUE TO AMBIGUITIES AND DECLARING AN EMERGENCY.**

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**WHEREAS**, pursuant to the Charter of the City and the Constitution of the State of Ohio, this Council has determined to authorize and direct the submission to the electors of the City of Willoughby Hills of the proposed Charter amendments hereinafter set forth, at the General Election to be held on November 6, 2018.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO, TWO-THIRDS (2/3) OF THE MEMBERS OF COUNCIL CONCURRING:**

**SECTION 1.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 the following proposal to amend the Charter of the City:

That existing **ARTICLE II – THE MAYOR, Sub-Section 2.21; and ARTICLE IV – ADMINISTRATIVE DEPARTMENTS, Sections 4.1, 4.2, 4.3 and 4.4** of the Charter be amended to read and provide as follows:

2.21 Appointments to Office and Removals from Office. The Mayor shall appoint the heads of all Departments of the Municipality, including but not limited to the Department of Law, Department of Finance, Department of Public Safety, Police Department, Fire Department, Department of Public Service, the City Engineer, the Road Supervisor, Recreation Coordinator, City Prosecutor and Building Commissioner, subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council. The Mayor shall have the authority to hire and fire employees *other than the Police Chief, Fire Chief, department heads, acting department heads and employees hired by Council.*

Subject to the provision of Sub-Section 9.43 which shall control with respect to removal of the Police Chief or Fire Chief, any department head appointed by the Mayor may be removed from office either by an affirmative vote of five (5) or more members of Council or by the Mayor with an affirmative vote of four (4) or more members of Council. Any department head so removed from office shall not be eligible for appointment to the vacancy thereby created. The Mayor may also serve as director of one or both of the following departments with Council confirmation: Department of Public Safety and Department of Public Service. Council shall provide additional compensation to the Mayor for such service.

### **SECTION 4.1 THE DEPARTMENT OF PUBLIC SAFETY.**

4.11 The Director of Public Safety. The Department of Public Safety shall be administered by a Director of Public Safety, who shall be appointed by the Mayor *subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council.*

4.12 Duties and Responsibilities. Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police and Fire Departments, and the chief administrative officer of the Building Department if such Building Department is created by ordinance of Council.

#### **SECTION 4.2 THE DEPARTMENT OF FINANCE.**

4.21 The Director of Finance. The Department of Finance shall be administered by a Director of Finance who shall be appointed by the Mayor *subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council.*

4.22 Duties and Responsibilities. Under the direction of the Mayor, the Director of Finance shall be the executive head of the treasury of the Municipality, and shall keep an account of all monies received by the Department of Finance, showing the amount thereof, the time received, from whom, and on what account received; all disbursements made by the Department of Finance, showing the amount thereof, the time made, to whom and on what accounts paid.

4.23 General Matters. The laws of the State of Ohio relating generally to budgets, appropriations, deposits, contracts, expenditures, taxation, assessments, debts, bonds and other fiscal matters of the Municipality shall be applicable to the Municipality, except, where competent, as modified by or necessarily inconsistent with the provisions of this Charter or by the ordinances of Council, and except when provision therefor is made in the Constitution of the State of Ohio.

#### **SECTION 4.3 THE DEPARTMENT OF LAW.**

4.31 The Law Director. The Department of Law shall be administered by a Law Director, who shall be an attorney-at-law admitted to practice in the State of Ohio, and shall be appointed by the Mayor *subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council.*

4.32 Duties and Responsibilities. The Law Director shall prepare all contracts, bonds and other instruments in writing in which the Municipality is concerned, and shall serve the several directors and officers of the Municipality as legal counsel and attorney. Such Law Director shall be prosecuting attorney of the Police or Mayor's Court. Subject to the approval of the Mayor, the Law Director may appoint such assistants as he shall deem necessary.

When required to do so by resolution of Council, the Law Director shall prosecute or defend on behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and such other suits, matters and controversies as he is directed to prosecute, by resolution or ordinance. He shall not be required to prosecute any action before the Mayor for the violation of an ordinance without first advising such action.

#### **SECTION 4.4 THE DEPARTMENT OF PUBLIC SERVICE.**

4.41 The Director of Public Service. The Department of Public Service shall be administered by a Director of Public Service who shall be appointed by the Mayor *subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council.*

4.42 Duties and Responsibilities. Under the direction of the Mayor, the Director of Public Service shall manage and supervise all public works and undertakings of the Municipality except as otherwise provided by law. He shall make rules and regulations for the administration of the affairs under his supervision.

Further, if this amendment is adopted, existing **Sub-Section 2.21 and Sections 4.1, 4.2, 4.3 and 4.4** of the Charter shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 2.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 1 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #1  
A majority affirmative vote is necessary for passage.**

***Shall Article II and Article IV of the Charter of Willoughby Hills be amended to clarify their meaning and require a fair and consistent appointment and confirmation process, with appointment by the Mayor and confirmation by Council, for the selection of all City department heads consistent with the separation of powers under the Charter?”***

**SECTION 3.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 of the following proposal to amend the Charter of the City:

That existing **ARTICLE V – BOARDS AND COMMISSIONS, Sections 5.1, 5.3, 5.4, 5.5 and 5.8** of the Charter be amended to read and provide as follows:

**SECTION 5.1 PLANNING AND ZONING COMMISSION.**

5.11 Composition. There shall be a Planning and Zoning Commission consisting of seven (7) members, one of whom shall be the Mayor, one of whom shall be a member of Council appointed by his fellow councilmen, and the remaining five (5) shall be electors to be appointed by the Mayor, ***subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council***, for terms of six (6) years.

Of the five (5) appointees first appointed by the Mayor, one (1) shall be appointed for a term of six (6) years; one (1) shall be appointed for a term of five (5) years; one (1) shall be appointed for a term of four (4) years; one (1) shall be appointed for a term of three (3) years; and one (1) shall be appointed for a term of two (2) years. Thereafter, appointments shall be made at the termination of each member’s term of office, and each appointment shall be for a term of six (6) years.

In the event of the death, resignation or removal of any of the members of the Commission appointed by the Mayor, the Mayor shall, forthwith, appoint a new member, ***subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council***, to fill the unexpired term left vacant. Council shall, immediately fill a vacancy left by the death, resignation or removal of the Council members of the Commission.

5.12 Duties and Responsibilities. The Planning and Zoning Commission shall have all of the authorities and responsibilities provided by the laws of the State of Ohio or by ordinances of this Municipality.

5.13 The Master Plan. The Planning and Zoning Commission shall be responsible for the preservation and development of the physical character of the Municipality, and to that end, shall have the power and be required to make and to present to Council for their consideration, a Master Plan for the present needs and future growth and development of the Municipality. Such Master Plan shall be comprised of existing ordinances and existing maps, a future land use plan, a public service plan, a street plan, and such other plans, maps, charts and descriptive and explanatory matters as are necessary to show the Commission’s recommendations for the most effective use of the Municipality’s resources.

The Commission shall make such investigations and inquiries as are necessary to complete this plan and may require information to be furnished by the Mayor or any office, department or agency of the Municipality. The Commission may also, within its budget appropriation, contract for the occasional services of city planners and other consultants, as it may require. The Commission shall promote public interest in and understanding of the Master Plan and of planning, zoning and urban renewal.

The initial Master Plan shall be completed not later than January 1, 1972, and thereafter it shall be revised and amended or extended by the Commission as it deems necessary, providing that a complete review of the Plan takes place not less than once every five (5) years.

5.14 Updating Zoning Code. The Planning and Zoning Commission shall review all currently authorized zoning uses in the City Zoning Code; said review shall be completed no later than January 1, 1984, and a review shall be made by said Commission at least once every five (5) years thereafter. Upon completion of the review provided by this section, the Planning and Zoning Commission shall forward its recommendation to the Council which shall be authorized to adopt legislation implementing the recommendations of the Planning and Zoning Commission; provided, however, that no such legislation shall provide for changes in the existing Zoning Map of the City except in accordance with the provisions of Section 6.2 of this Charter.

5.15 Mandatory Public Vote on Land Use Changes. Any change to the existing permitted uses in zoning districts, or any changes in the Municipal Zoning Map as amended from time to time, cannot be approved unless and until it shall have been submitted to the Planning Commission, for approval or disapproval. In the event the City Council should approve any of the preceding changes, whether approved or disapproved by the Planning Commission it shall not be approved or passed by the declaration of an emergency, and it shall not be effective, but it shall be mandatory that the same be approved by a majority vote of all votes cast of the qualified electors of the City of Willoughby Hills at the next regular Municipal election, if one shall occur not less than sixty (60) or more than one hundred and twenty (120) days after its passage, otherwise at a special election falling on the generally established day of the primary election. Said issue shall be submitted to the electors of the City only after approval of a change of an existing land use by the Council for an applicant. Should the land use request not be affirmed by a majority vote it cannot be presented again for one full year and new request must be made at that time.

All permitted use changes are subject to Section 5.15 and Section 6.2 of the Charter of the City of Willoughby Hills.

### **SECTION 5.3 BOARD OF BUILDING AND ZONING APPEALS.**

5.31 Composition. A Board of Building and Zoning Appeals, consisting of five (5) electors, shall be appointed by the Mayor, ***subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council***, for terms of five (5) years each.

Of the Board members first appointed by the Mayor, one (1) shall be appointed for a term of five (5) years; one (1) shall be appointed for a term of four (4) years; one (1) shall be appointed for a term of three (3) years; one (1) shall be appointed for a term of two (2) years; and one (1) shall be appointed for a term of one (1) year. Thereafter, appointments shall be made annually at the termination of each member's term of office, and each appointment shall be for a term of five (5) years.

In the event of the death, resignation or removal of any of the Board members, the Mayor shall, forthwith, appoint a new member, ***subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council***, to fill the unexpired term left vacant.

5.32 Duties and Responsibilities. The Board of Building and Zoning Appeals shall meet at the call of a chairman elected by its members from the membership of the Board, and it shall hear and determine appeals except as provided herein. It may grant exceptions to or variations from zoning ordinances or building codes in individual cases to alleviate hardship and to promote justice to property owners.

Decisions of the Board of Building and Zoning Appeals shall be based upon facts set forth in writing which shall become a part of the public record.

The Board of Building and Zoning Appeals may submit to the Planning and Zoning Commission, at any public hearing, recommendations for changes in zoning or building ordinances.

The Board of Building and Zoning Appeals does not have administrative authority to determine or grant changes to permitted uses in zoning districts that have not been approved by public vote as defined by Section 5.15 and 6.2 of the Charter of the City of Willoughby Hills.

5.33 Finality of Decisions. Decisions of the Board of Building and Zoning Appeals shall be final within the Municipality, except that an appeal therefrom may be taken to any court of record in accordance with the laws of the State of Ohio, by any proper and interested party including the Municipality.

#### **SECTION 5.4 RECREATION COMMISSION.**

5.41 Composition. Commencing on January 1, 1991, the Recreation Commission shall consist of no fewer than five (5) electors of the Municipality. The number of members at any given time shall be sufficient to carry on the work of the Commission as determined by the Mayor. The members of the Recreation Commission shall be appointed by the Mayor, ***subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council***, for terms of three (3) years, such terms to be considered as commencing on January 2 of the year of appointment unless such appointment is to fill an unexpired term left vacant, and such members shall serve without compensation. The terms of the electors appointed to the Recreation Commission prior to the effective date of this section shall remain in effect.

In the event of the death, resignation or removal of any of the Commission members the Mayor may appoint a new member, ***subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council***, to fill the unexpired term left vacant.

A member of Council, by reason of his or her office shall not be disqualified to serve as a member of the Recreation Commission.

5.42 Duties and Responsibilities. The Recreation Commission shall have responsibility for developing, maintaining and overseeing the planned programs for public playground operation and other recreational activities in the Municipality.

#### **SECTION 5.5 CIVIL SERVICE COMMISSION.**

5.51 Composition. A Civil Service Commission, consisting of three (3) electors, shall be appointed by the Mayor, ***subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council***, for terms of six (6) years each.

Of the Commission members first appointed by the Mayor, one (1) shall be appointed for a term of six (6) years; one (1) shall be appointed for a term of four (4) years; and one (1) shall be appointed for a term of two (2) years. Thereafter, appointments shall be made at the termination of each member's term of office, and each appointment shall be for a term of six (6) years.

In the event of the death, resignation or removal of any of the Commission members, the Mayor shall, within thirty (30) days, appoint a new member, ***subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council***, to fill the unexpired term left vacant.

5.52 Duties and Responsibilities. The Civil Service Commission shall make rules for the appointment, promotion, certification of names of applicants from eligibility lists for original appointment, and promotion, transfer, lay-off, reinstatement, suspension and removal of persons in the classified service and for appeals from the action of appointing authority. Before any such rules or amendments thereof shall become effective, they shall be published in writing and an opportunity given for a public hearing thereon to be held after reasonable notice thereof has been given by the Commission. Neither the general laws of the State of Ohio nor any other provision of this Charter shall impair or limit the authority conferred in this section.

In addition to the foregoing, the Commission shall, prior to an employment offer by the appointing authority, review and confirm all credentials stated in the application provided by the candidate for employment by the Municipality, including, without limitation: (i) reviewing and confirming that the employment and educational history of any candidate is correct as stated in such candidate's employment application, and (ii) that such candidate has obtained and is maintaining in full force any license, certification or other qualification required by the Municipality for employment by the Municipality in the position sought by such candidate.

The Commission shall report its proceedings to the Mayor or Council upon request and shall make a report to the Mayor at the beginning of each fiscal year.

## **SECTION 5.8 RECORDS COMMISSION.**

5.81 Composition. Commencing on January 1, 2016, a Records Commission for the Municipality, as required by Chapter 149 of the Ohio Revised Code, shall consist of: the Mayor (or his representative) as Chairperson, the Finance Director, the Law Director, and an additional member appointed by the Mayor, *subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council*, who shall serve a term of six (6) years. The additional member of the Commission shall be an elector.

5.82 Duties and Responsibilities. The functions of the Records Commission shall be governed by Chapter 149 of the Ohio Revised Code as may be amended from time to time. The Commission shall provide rules and schedules for record retention and disposal. All record retention schedules and disposals are subject to approval by the Records Commission, the Ohio Historical Society and the Auditor of State.

Further, if this amendment is adopted, existing **Sections 5.1, 5.3, 5.4, 5.5 and 5.8** of the Charter shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 4.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 3 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #2  
A majority affirmative vote is necessary for passage.**

*Shall Article V of the Charter of Willoughby Hills be amended to clarify its meaning and require a fair and consistent appointment and confirmation process, with appointment by the Mayor and confirmation by Council, for the selection of City Board and Commission members consistent with the separation of powers under the Charter?”*

**SECTION 5.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 of the following proposal to amend the Charter of the City:

That existing **ARTICLE IX – PERSONNEL, Sub-Section 9.21 – OFFICERS** of the Charter be amended to read and provide as follows:

9.21 For All Personnel. *No officer or employee or member of their immediate family 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 an officer or employee’s lawful compensation and reimbursable expenses. No member of the immediate family of any officer of the Municipality may be employed by the Municipality in any noncivil service employment or appointed an officer. No member of the immediate family of any employee or officer may be appointed an officer. Nothing in this Sub-Section shall be construed to prohibit immediate family members of employees or officers from running for or accepting elective public office or shall be construed to terminate an officer or employee whose immediate family member is elected an officer. Immediate family shall be defined as parents, grandparents, children of any age, grandchildren, spouse, or siblings (regardless of where these family members reside). A violation of the above is an independent and sufficient ground for removal under Section 9.3.* 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.

Unless otherwise provided by this Charter, the laws of the State of Ohio, including those pertaining to conflicts of interest, criminal misbehavior, ethics (including nepotism and acceptance of gratuities), financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office, shall apply to all officers and employees under this Charter.

Any officer or employee of this Municipality 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.

Further, if this amendment is adopted, existing **Sub-Section 9.21** of the Charter shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 6.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 5 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #3  
A majority affirmative vote is necessary for passage.**

*Shall Article IX of the Charter of the City of Willoughby Hills be amended to restore the Charter’s standards for the conduct of City officials and to prohibit City officials from hiring and appointing their immediate family members?”*

**SECTION 7.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 of the following proposal to amend the Charter of the City:

That existing **ARTICLE IX – PERSONNEL, Section 9.3** of the Charter be amended to read and provide as follows:

**SECTION 9.3 REMOVAL FROM OFFICE.**

9.31 Removal by the Mayor. The Mayor *has the authority to and* shall remove promptly any employee *the Mayor appointed without confirmation by Council* 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.

9.32 Removal by Council. Council shall be the judge of the election, *appointment* and qualification of its own members, *the Mayor* and all employees and officers. It may punish, suspend or remove from office any member of Council, *the Mayor* or any employee or officer 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
- (3) The conviction (or a plea of guilty or no contest), while in office, of a crime; (a) involving moral turpitude, (b) which violates law 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 or her oath; or
- (7) Absence without justifiable excuse from three (3) consecutive regular meetings of Council;

Provided that *a decision to punish, suspend or remove shall require the vote of at least five (5) members of Council at a regular or special meeting of Council called in compliance with the Sunshine Laws of the State of Ohio.*

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.

Further, if this amendment is adopted, existing **Section 9.3** of the Charter shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 8.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 7 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #4**  
**A majority affirmative vote is necessary for passage.**

*Shall Article IX of the Charter of Willoughby Hills be amended to clarify its meaning and provide for a uniform procedure to protect the residents and taxpayers of Willoughby Hills by allowing for the removal of any officer or employee of the City who engages in serious misconduct, which procedure provides enumerated grounds for such removal, a specific procedure for any such removal and guarantees each and every accused employee or officer the same due process rights?”*

**SECTION 9.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 of the following proposal to amend the Charter of the City:

That existing **ARTICLE II – THE MAYOR, Sub-Section 2.24** of the Charter be amended to read and provide as follows:

2.24 Annual Budget. Not less than *sixty (60)* days prior to the time fixed by general law for the certifying of the budget of the Municipality to the County Budget Commission or similar officials, the Mayor shall submit to the Council an annual budget covering the estimated needs of the Municipality for the next succeeding fiscal year which shall be compiled from information which shall be furnished by each office, department and agency in such form and detail and at such time as the Mayor shall require.

Such annual budget shall set forth specifically such items as may be required by general law or by ordinance of Council and the Council shall thereupon adopt such budget by ordinance, with or without amendment, and submit same to the County Budget Commission or similar officials.

Further, if this amendment is adopted, existing **Sub-Section 2.24** of the Charter shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 10.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 9 shall read and provide as follows:



**“PROPOSED CHARTER AMENDMENT - #5**  
**A majority affirmative vote is necessary for passage.**

***Shall Article II of the Charter of Willoughby Hills be amended to require submission of the annual budget for the City not less than sixty (60) days prior to the time fixed by general law for certifying of the budget to ensure a thorough review of such budget by the residents and taxpayers of Willoughby Hills?”***

**SECTION 11.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 of the following proposal to amend the Charter of the City:

That existing **ARTICLE III – THE COUNCIL, Sub-Section 3.25** of the Charter be amended to read and provide as follows:

3.25 The Clerk and Other Employees. The Council shall appoint a Clerk of Council and such other employees of the Council *or the City* as it deems necessary, ***including but not limited to acting department heads, acting Fire Chiefs, acting Police Chiefs as well as attorneys to advise Council or represent the City or prosecute on behalf of the City. Provided, however, that Council may only appoint an acting department head, acting Fire Chief or acting Police Chief if the office of such department head or Chief is vacant, and the appointment of such acting department head or Chief expires on the confirmation of a permanent department head or Chief.***

The Clerk shall be an elector unless Council shall waive this requirement for good and sufficient reason. He shall give notice of and attend all meetings of Council in which he shall enter the votes, by roll call, of each councilman upon any ordinance, resolution or motion. ***He*** shall authenticate all records, documents and instruments of the Municipality on which authentication is properly required and perform all other duties prescribed for him by Council.

A vacancy in the office of Clerk shall be filled by appointment of the Council within thirty (30) days. If the vacancy is not so filled, the Mayor shall fill it by appointment immediately.

Further, if this amendment is adopted, existing **Sub-Section 3.25** of the Charter shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 12.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 11 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #6**  
**A majority affirmative vote is necessary for passage.**

***Shall Article III of the Charter of Willoughby Hills be amended to clarify its meaning and ensure there is a legal mechanism for the City to fill critical employment vacancies in the service of the health, safety and welfare of the residents and taxpayers of Willoughby Hills?”***

**SECTION 13.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 of the following proposal to amend the Charter of the City:

That existing **ARTICLE X – MISCELLANEOUS PROVISIONS, Section 10.4** of the Charter be amended to read and provide as follows:

**SECTION 10.4 CHARTER AMENDMENTS.**

The electors shall have the power to propose, by petition, amendments to this Charter. Such petitions shall comply with the general laws of Ohio *except where they conflict with this Charter. In addition, the required percentage of electors signing such petition shall be at least twenty-five percent (25%), which is the same required percentage for recall election petitions. For example, if there are 4,000 electors, i.e., residents of Willoughby Hills who are validly registered to vote in Willoughby Hills, the required percentage equals 1,000 signatures for recall election petitions or charter amendment petitions regardless of how many electors voted in the last election.* The Council shall submit to the Board of Elections the following amendments: (1) any amendment proposed by a petition certified to the Council, (2) any amendment proposed by a Charter Review Commission, or (3) any amendment proposed by a vote of 2/3 of the members of the Council. Amendments proposed by the Charter Review Commission shall be submitted only at the next general election.

If conflicting amendments are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail.

Further, if this amendment is adopted, existing **Section 10.4** of the Charter shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 14.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 13 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #7**  
**A majority affirmative vote is necessary for passage.**

*Shall Article X of the Charter of Willoughby Hills be amended to clarify its meaning and provide a consistent standard for placing questions on the ballot by explicitly applying the same signature requirement of twenty-five percent (25%) of electors, which is currently used for recall election petitions, to charter amendment petitions?”*

**SECTION 15.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 of the following proposal to amend the Charter of the City:

That existing **ARTICLE X – MISCELLANEOUS PROVISIONS**, be amended by the addition of **Section 10.5** to read and provide as follows:

**SECTION 10.5 PROHIBITION ON COSTLY SPECIAL ELECTIONS.**

*Wherever the Charter refers to a special election, whether permitted or required, that reference shall be deemed to mean the vote takes place at the next primary or general election, unless a special election is certified to be necessary as a matter of exigency and emergency by the Mayor with an affirmative vote of four (4) or more members of Council.*

Further, a majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 16.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 15 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #8**  
**A majority affirmative vote is necessary for passage.**

*Shall Article X of the Charter of Willoughby Hills be amended to add Section 10.5 – PROHIBITION ON COSTLY SPECIAL ELECTIONS to end the practice of holding special elections paid for by City taxpayers for City specific issues unless the Mayor and Council come together and certify a special election is necessary?”*

**SECTION 17.** That this Council hereby submits to the electors of the City of Willoughby Hills, at an election to be held at the usual places of voting in said City on Tuesday, November 6, 2018 of the following proposal to amend the Charter of the City:

That existing **ARTICLE X – MISCELLANEOUS PROVISIONS**, be amended by the addition of **Section 10.6** to read and provide as follows:

**SECTION 10.6 TERM IN OFFICE OF DEPARTMENT HEADS.**

*Department heads must be accountable to the residents, which means they must be accountable to the Mayor and Council elected by residents. This Section prohibits indefinite terms for department heads and instead requires reappointment and confirmation of department heads at least once every four years. Department heads, who are appointed by the Mayor and confirmed by Council, shall serve a term which begins on the date of their confirmation and ends on the date of the last day of the four-year Mayoral term in which they are appointed. For example, if a department head is appointed on August 9, 2018 by a Mayor whose term is scheduled to begin on January 1, 2016 and end on December 31, 2019, and confirmed by Council on August 20, 2018, then the term of the department head is August 20, 2018 to December 31, 2019 unless such department head is removed, resigns or otherwise leaves office. Department heads are eligible for reappointment and confirmation at the end of their term, and this Section is intended to require a performance review and vetting of department heads by the Mayor and Council with each new Mayoral term.*

Further, a majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

**SECTION 18.** That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 17 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #9**  
**A majority affirmative vote is necessary for passage.**

*Shall Article X of the Charter of Willoughby Hills be amended to add Section 10.6 – TERM IN OFFICE OF DEPARTMENT HEADS to require reappointment and confirmation of City department heads at least once every four years to guarantee a periodic performance review and vetting of City executives to ensure they continue to perform their jobs adequately and remain accountable to the residents and taxpayers of Willoughby Hills?”*

**SECTION 19.** That if such amendments are approved by a majority of the electors voting thereon at such election, shall become effective from and after November 6, 2018.

**SECTION 20.** That the Clerk of this Council is hereby directed to cause copies of said proposed Charter amendments to be mailed on or before the scheduled distribution of any form of absentee ballot by the Board of Elections for any election to each elector of the City whose name appears on the registration book of the last regular or general election held in the City; provided, however, that in lieu of such mailing and to the extent provided by law, the Clerk of Council is hereby authorized to cause a copy of the proposed Charter amendments to be published in such manner as may be authorized by law.

**SECTION 21.** That the Clerk of this Council be and hereby is authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Lake County.

**SECTION 22.** That the Board of Elections is hereby requested to cause appropriate notice of such election to be duly given in accordance with the law.

**SECTION 23.** That there is hereby appropriated from the General Fund of the City an amount sufficient to pay the costs of carrying out the directions of this Ordinance including the cost of printing or otherwise preparing, and mailing or publishing said copies of said proposed Charter amendment and of publishing notice of such election.

**SECTION 24.** That all the actions of this Council concerning and relating to the passage of this legislation were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 25.** That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills and further provides for the usual daily operation of a municipal department; to wit: this Ordinance must be immediately effective in order to permit necessary arrangements to be made in sufficient time for said election; wherefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED: August 16, 2018

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

Submitted to the Mayor for his approval  
on this 16 day of August, 2018

Approved by the Mayor

ATTEST:

Victoria Ann Savage, CMK  
Victoria Ann Savage, CMK  
Clerk of Council

Robert M. Weger  
Robert M. Weger  
Mayor