

City of Willoughby Hills

ORDINANCE NO. 2015-37

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS TWELVE (12) PROPOSED AMENDMENTS TO THE CHARTER AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Charter of the City, the duly appointed and acting Charter Review Commission of the City has met for the purpose of reviewing the Charter of the City and has recommended several changes to the Charter; and

WHEREAS, pursuant to the Charter of the City and the Constitution of the State of Ohio, the Council hereby submits without alteration to the electors of the City of Willoughby Hills of the proposed Charter amendment hereinafter set forth at an election to be held on November 3, 2015, which election is not less than sixty (60) nor more than one hundred twenty (120) days from the date of passage of this Ordinance.

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 3, 2015 the following proposal to amend the Charter of the City:

That existing **ARTICLE V – BOARDS AND COMMISSIONS, Section 5.5 – CIVIL SERVICE COMMISSION, Sub-Section 5.52 – Duties and Responsibilities** of the Charter be amended to read and provide as follows:

“ARTICLE V BOARDS AND COMMISSIONS

SECTION 5.5. CIVIL SERVICE COMMISSION.

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.”

Further, if this amendment is adopted, existing *Sub-Section 5.52 – Duties and Responsibilities of Section 5.5 – CIVIL SERVICE COMMISSION of ARTICLE V – BOARDS AND COMMISSIONS* 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 V, Sub-Section 5.52 – Duties and Responsibilities of Section 5.5 – CIVIL SERVICE COMMISSION of the Charter of Willoughby Hills be amended so as to require that the Civil Service Commission of the City review and confirm the academic and employment histories and the required professional licenses, certifications and other required qualifications of all full-time and part-time applicants for employment by the City prior to an employment offer being made by the Appointing Authority for the City?”

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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE V – BOARDS AND COMMISSIONS, Section 5.6 – CHARTER REVIEW COMMISSION, Sub-Section 5.61 – Composition** of the Charter be amended to read and provide as follows:

“ARTICLE V
BOARDS AND COMMISSIONS

SECTION 5.6 CHARTER REVIEW COMMISSION.

5.61 Composition. In January, 1975, and *at least* once every eight (8) years thereafter, there shall be a Charter Review Commission which shall consist of nine (9) electors appointed by the Mayor with the approval of a majority of Council, five (5) of whom shall not have held elected public office *within the City of Willoughby Hills* during the five (5) years preceding their appointment. The Commission shall serve until the next succeeding November general election.”

Further, if this amendment is adopted, existing *Sub-Section 5.61 – Composition of Section 5.6 – CHARTER REVIEW COMMISSION of ARTICLE V – BOARDS AND COMMISSIONS* 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, Sub-Section 5.61 – Composition of the Charter of Willoughby Hills be amended so as to provide clarification of appointment date of members of the Charter Review Commission and to further define “elected public office” of the Charter Review Commission appointees to only include only prior elected public offices within the City?”

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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE V – BOARDS AND COMMISSIONS, Section 5.6 – CHARTER REVIEW COMMISSION, Sub-Section 5.62 – Duties and Responsibilities** of the Charter be amended to read and provide as follows:

**“ARTICLE V
BOARDS AND COMMISSIONS**

SECTION 5.6 CHARTER REVIEW COMMISSION.

5.62 Duties and Responsibilities. The Commission shall be responsible for reviewing the Charter and to that end shall have power and be required to:

Consider the recommendation of any office, department or agency of the Municipality for changes in the Charter;

Hold public hearings to consider the recommendations of any elector for changes in the Charter;

Make such investigations as it deems necessary on the basis of these recommendations or its own determinations;

Draft and submit to Council *not later than August 1*, following its appointment, such amendments to the Charter as are desirable in the judgment of the Commission;

Upon receipt of such amendments, Council shall forthwith submit them without alteration to the electors at the next succeeding November election in the manner prescribed in the Constitution of the State of Ohio.”

Further, if this amendment is adopted, existing *Sub-Section 5.62 – Duties and Responsibilities of Section 5.6 – CHARTER REVIEW COMMISSION of ARTICLE V – BOARDS AND COMMISSIONS* 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 V, Sub-Section 5.62 – Duties and Responsibilities of the Charter of Willoughby Hills be amended to provide that the date for recommended Charter amendments to be presented to the Council by the Charter Review Commission shall be not later than August 1 of the year of the appointment of such Charter Review Commission?”

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 3, 2015 of the following proposal to amend the Charter of the City:

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

**“ARTICLE X
MISCELLANEOUS PROVISIONS**

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.

*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– CHARTER AMENDMENTS** 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 X, Section 10.4 – Charter Amendments of the Charter of Willoughby Hills be amended to clarify that only amendments proposed by Council require a vote of two-thirds of the members of Council and that such two-thirds requirement does not apply to amendments proposed by a Charter Review Commission?”

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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE V – BOARDS AND COMMISSIONS**, be amended by the addition of **Section 5.8 – RECORDS COMMISSION, Sub-Section 5.81 – Composition** and **Sub-Section 5.82 – Duties and Responsibilities** to read and provide as follows:

“ARTICLE V
BOARDS AND COMMISSIONS

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 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, 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 V, Section 5.8 – Records Commission, Sub-Section 5.81 – Composition and Sub-Section 5.82 – Duties and Responsibilities of the Charter of Willoughby Hills be added to the Charter of the City to provide for the recognition and continued existence of a Records Commission in the City, such Records Commission to provide rules and schedules for the retention and disposal of records of the City as required by Ohio law?”

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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE VII – FISCAL MATTERS, Section 7.2 – VOTER APPROVAL OF TAX LEVIES** of the Charter be amended to read and provide as follows:

“ARTICLE VII
FISCAL MATTERS

SECTION 7.2 VOTER APPROVAL OF TAX LEVIES.

At least *ninety (90)* days prior to any election, whether general, primary or special, the Council may declare by ordinance adopted by an affirmative vote of the majority of its members and certified to the Board of Elections, that the amount of taxes will be insufficient for the necessary requirements of the Municipality, and that it is necessary to levy a tax in excess of such limitation for any Municipal purpose specified in such ordinance.

Such ordinance shall specify the election at which the levy shall be submitted and shall contain the ballot title. Such ordinance shall be confined to a single purpose, specify the exact amount of additional levy required, the purpose thereof and the number of years, not to exceed five (5) years, it shall be in effect, which may or may not include a levy on the duplicate for the current year, but no extra levy for any purpose shall be resubmitted to the electorate more than once in any calendar year.

Approval by a majority of those voting thereon in any general or primary election or approval by fifty-five percent (55%) of those voting in any special election shall be sufficient for its passage. If passed, the Council may immediately make such levy, or such part thereof as it finds necessary.”

Further, if this amendment is adopted, existing *Section 7.2 – VOTER APPROVAL OF TAX LEVIES of ARTICLE VII – FISCAL MATTERS*, 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 VII, Section 7.2 – Voter Approval of Tax Levies of the Charter of the City of Willoughby Hills be amended to advance the period for Council to declare by ordinance that the amount of taxes will be insufficient for the City’s necessary requirements and it is necessary to levy a tax from 60 days to 90 days to take into account additional time necessary for the Board of Elections to distribute absentee ballots?”

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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE VIII – THE ELECTORATE, Section 8.3 – PROCEDURES, Subsection 8.33 – Official Notice** of the Charter be amended to read and provide as follows:

**“ARTICLE VIII
THE ELECTORATE**

SECTION 8.3 PROCEDURES.

8.33 Official Notice. *On or before the scheduled distribution of any form of absentee ballot by the Board of Elections for any election* at which an initiated or referred ordinance, recall of an elected official, or Charter amendment is to be submitted, the Clerk of Council shall have printed and mailed to each elector an official notice containing a full text of any such ordinances with their respective ballot titles, or the ballot title for a recall election; provided, however, that notice of Charter amendments may be given by newspaper advertising in accordance with the general laws of the State. The validity of the election result on such ordinances or recall shall not be questioned because of errors or irregularities in such mailing or newspaper advertising.”

Further, if this amendment is adopted, existing *Sub-Section 8.33 – Official Notice of Section 8.3 – PROCEDURES of ARTICLE VIII – THE ELECTORATE* 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 VIII, Sub-Section 8.33 – Official Notice of the Charter of the City of Willoughby Hills be amended to change the date by which the Clerk is required to provide official notices of the text of certain ballot issues to a date that coincides with the date that the Board of Elections distributes absentee ballots?”

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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE IX – PERSONNEL, Section 9.1 – OFFICERS** of the Charter be amended to read and provide as follows:

**“ARTICLE IX
PERSONNEL**

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, or Commissions and the Department heads of the Municipality.”

Further, if this amendment is adopted, existing *Section 9.1 – OFFICERS of ARTICLE IX – PERSONNEL* shall be repealed. 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 IX, Section 9.1 – Officers of the Charter of the City of Willoughby Hills be amended to delete references to City “Bureaus” and “Agencies” as there are no Bureaus or Agencies in the City?”

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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE IX – PERSONNEL, Section 9.2 – GENERAL QUALIFICATIONS, Sub-Section 9.21 – For All Personnel** of the Charter be amended to read and provide as follows:

“ARTICLE IX
PERSONNEL

SECTION 9.2 GENERAL QUALIFICATIONS.

9.21 For All Personnel. 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 – For All Personnel of Section 9.2 – GENERAL QUALIFICATIONS of ARTICLE IX – PERSONNEL* shall be repealed. 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 IX, Sub-Section 9.21 – For All Personnel and the first sentence of Section 9.22 – For Officers of the Charter of the City of Willoughby Hills be amended to make the Charter’s standards for the conduct of City Officers and employees consistent with the standards of conduct required by Ohio law?”

SECTION 19. 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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE IX – PERSONNEL, Section 9.2 – GENERAL QUALIFICATIONS, Sub-Section 9.22 – For Officers** of the Charter be amended to read and provide as follows:

**“ARTICLE IX
PERSONNEL**

SECTION 9.2 GENERAL QUALIFICATIONS.

9.22 For Officers. 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 *Constitutions* of the United States and of the State of Ohio and the Charter and ordinances of *the City of Willoughby Hills*, and faithfully, honestly and impartially discharge the duties of the office.”

Further, if this amendment is adopted, existing *Sub-Section 9.22 – For Officer of Section 9.2 – GENERAL QUALIFICATIONS of ARTICLE IX – PERSONNEL* shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

SECTION 20. That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 19 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #10
A majority affirmative vote is necessary for passage.**

Shall Sub-Section 9.22 – For Officers of the Charter of the City of Willoughby Hills be amended to clarify the elements of the Oath of Office for City Officers as set forth in Sub-Section 9.22 includes the Constitutions of the United States and Ohio and the ordinances of the City?”

SECTION 21. 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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE IX – PERSONNEL, Section 9.3 – REMOVAL FROM OFFICE, Sub-Section 9.31 – Removal by the Mayor and Sub-Section 9.34 – Removal by Council of Mayoral Appointees** of the Charter be amended to read and provide as follows:

**“ARTICLE IX
PERSONNEL**

SECTION 9.3 REMOVAL FROM OFFICE.

9.31 Removal by the Mayor. The Mayor shall remove *promptly* any such officer or employee for violation of any of the requirements stated in Section 9.2, for gross misconduct, malfeasance or nonfeasance 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.

9.34 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 *promptly* 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 created.”

Further, if this amendment is adopted, existing *Sub-Section 9.31 – Removal by the Mayor and Sub-Section 9.34 – Removal by Council of Mayoral Appointees of Section 9.3 – REMOVAL FROM OFFICE of ARTICLE IX – PERSONNEL* shall be repealed. Sub-Section 9.33 – Finality of Removals shall not be affected hereby, and shall remain as currently enacted. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

SECTION 22. That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 21 shall read and provide as follows:

**“PROPOSED CHARTER AMENDMENT - #11
A majority affirmative vote is necessary for passage.**

Shall Article IX, Sub-Section 9.31 – Removal by the Mayor and Sub-Section 9.34 – Removal by Council of Mayoral Appointees of the Charter of the City of Willoughby Hills to be amended to provide that the Mayor shall be required to take prompt, rather than immediate action if removing a City officer or employee for the grounds stated in Section 9.31 to allow the Mayor the necessary time to investigate the alleged violation?”

SECTION 23. 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 3, 2015 of the following proposal to amend the Charter of the City:

That existing **ARTICLE IX – PERSONNEL, Section 9.3 – REMOVAL FROM OFFICE, Sub-Section 9.32 – Removal by Council** of the Charter be amended to read and provide as follows:

**“ARTICLE IX
PERSONNEL**

SECTION 9.3 REMOVAL FROM OFFICE.

9.32 Removal by Council. *Council shall be the judge of the election and qualification of its own members and those employees and officers to whom it may appoint a 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*
- (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 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, employee or officer 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, employee or officer 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 or officer, shall state the facts which support the grounds specified in the complaint and shall require the concurrence of a 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.”

Further, if this amendment is adopted, existing **Sub-Section 9.32 – Removal by Council of Section 9.3 – REMOVAL FROM OFFICE of ARTICLE IX – PERSONNEL** shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

SECTION 24. That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 23 shall read and provide as follows:

“PROPOSED CHARTER AMENDMENT - #12
A majority affirmative vote is necessary for passage.

Shall Article IX, Sub-Section 9.32 of the Charter of Willoughby Hills be amended to provide a procedure for the removal by Council of a member of Council or a City employee or officer for whom Council may appoint a successor, which procedure provides enumerated grounds for such removal, a specific procedure for any such removal and due process rights for the accused Council member, officer or employee?”

SECTION 25. That if such amendments are approved by a majority of the electors voting thereon at such election, shall become effective from and after January 1, 2016.

SECTION 26. That the Clerk of this Council is hereby directed to cause copies of said proposed Charter amendments to be mailed at least thirty (30) days prior to said 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; provide, 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 27. 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 28. 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 29. 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 30. 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 31. 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 25, 2015

Raymond C. Somich
Raymond C. Somich
President of Council

Submitted to the Mayor for his approval
on this 25 day of August, 2015

Approved by the Mayor

August 25, 2015
Robert M. Weger
Robert M. Weger
Mayor

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council