

**2021 Willoughby Hills Charter Review Commission
Proposed Charter Amendments**

PROPOSED AMENDMENT #1:	
ARTICLE I THE MUNICIPALITY : SECTION 1.5 INDEMNIFICATION	
<p>Intent: The 2021 Charter Review Commission proposes an amendment so that the public officials, employees, volunteers, agents and representatives of the city, while acting for the city should be protected by an Indemnification clause. Indemnification is currently provided in Ordinance 2020-66. However, when it is placed in the charter, Council will not be able to revoke it without a vote of the people.</p>	
EXISTING LANGUAGE	PROPOSED LANGUAGE
<p>Currently, there is no SECTION 1.5 in the Charter.</p>	<p>1.5 INDEMNIFICATION: (a) Any public official, employee, volunteer, agent or representative (“Member”) of the Municipality, while acting for the Municipality shall not thereby incur personal civil liability and such persons are hereby relieved from all personal civil liability, for any loss, damage, expense and cost including court costs and reasonable and necessary attorney fees, arising from, growing out of, by reason of, or in any way connected with any acts or omissions of such Members in the performance of their official duties. Further, all such indemnification shall extend to all Members in their official duties, which may be professional in nature. (b) Exclusions: In no event shall protection be offered through this Charter by the Municipality to: 1) Any dishonest, fraudulent, willful, intentional or malicious act or course of conduct of a Member, as deemed as such in a court of law; 2) Any act or course of conduct of a Member which is not performed on behalf of the Municipality; 3) Any act or course of conduct which is outside the scope of a Member’s service or employment with the Municipality; 4) Any criminal prosecution brought against a Member by or on behalf of the Municipality if the individual is ultimately found guilty in a court of law; and/or 5) Any Member found guilty in a court of law. (c) The indemnification provided herein shall pertain to any civil action arising under federal, state or local law.</p>

PROPOSED AMENDMENT #2

ARTICLE II THE MAYOR : Section 2.2 Duties and Responsibilities.

Intent: The Charter Review Commission proposes an amendment to clarify that the Mayor’s ability to control the employment status should be limited to those positions under his supervision. The current language does not provide the clarity that is necessary to prevent him or her from hiring, supervising, and firing any and all positions of employment in the city of Willoughby Hills. Thus, this change provides further clarification that the Mayor is the administrator of all city employees, but he is not the administrator of Council.

EXISTING LANGUAGE	PROPOSED LANGUAGE
<p>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 (unless the Mayor is appointing himself as the head of such Department as provided below where such confirmation shall not be applicable). The Mayor shall have the authority to hire, supervise and fire all other employees.</p> <p>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 (other than the Mayor when the Mayor holds such position as provided below) 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 without Council confirmation: Department of Public Safety and Department of Public Service. Council shall provide additional compensation to the Mayor for such service. (Amended 11-4-08)</p>	<p>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 (unless the Mayor is appointing himself as the head of such Department as provided below where such confirmation shall not be applicable). The Mayor shall have the sole authority to hire, supervise and fire all other employees to whom he may appoint a successor unless otherwise provided by this Charter.</p> <p>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 (other than the Mayor when the Mayor holds such position as provided below) 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 without Council confirmation: Department of Public Safety and Department of Public Service. Council shall provide additional compensation to the Mayor for such service.</p>

PROPOSED AMENDMENT #3

ARTICLE II THE MAYOR : 2.24 Annual Budget.

Intent: The Charter Review Commission proposes an amendment to increase the number of days from 30 to 60 for the Mayor to submit the budget to council prior to the deadline for the certifying of the budget. This would allow for more in depth discussion by council and public input in three consecutive regular council meetings.

EXISTING LANGUAGE	PROPOSED LANGUAGE
<p>2.24 Annual Budget. Not less than thirty (30) 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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>

PROPOSED AMENDMENT #4

ARTICLE III THE COUNCIL : SECTION 3.2 ORGANIZATION.

Intent: The Charter Review Commission proposes an amendment to ensure that if a Council member loses an election, resigns, or is removed from Council, the Council member would not be able to be appointed for a different vacant Council seat for at least 180 days from their last day in office.

<p>3.24 Vacancies in the Council. Any vacancy in the Council shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy is not so filled within thirty (30) days, the Mayor shall fill it by appointment immediately. The appointee shall hold office for the unexpired term of the councilman he replaces. Any appointee must meet all of the qualifications for the office as described in Section 3.14.</p> <p>A vacancy in the office of President of Council shall immediately be filled by the Vice President who shall thereupon become President, to serve for the balance of the unexpired term.</p> <p>A vacancy in the office of Vice President shall be filled by the Council which shall immediately elect one of its remaining members as Vice President to serve the balance of the unexpired term. (Amended 11-2-82.)</p>	<p>3.24 Vacancies in the Council. Any vacancy in the Council shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy is not so filled within thirty (30) days, the Mayor shall fill it by appointment immediately. The appointee shall hold office for the unexpired term of the councilman he replaces. Any appointee must meet all of the qualifications for the office as described in Section 3.14.</p> <p>No past or present Council member serving within one hundred eighty (180) days of any vacancy shall be appointed to a vacant seat.</p> <p>A vacancy in the office of President of Council shall immediately be filled by the Vice President who shall thereupon become President, to serve for the balance of the unexpired term.</p> <p>A vacancy in the office of Vice President shall be filled by the Council which shall immediately elect one of its remaining members as Vice President to serve the balance of the unexpired term.</p>
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PROPOSED AMENDMENT #5

SECTION 5.5 CIVIL SERVICE COMMISSION : 5.52 Duties and Responsibilities.

Intent: The 2021 Charter Review Commission proposes an amendment that the Civil Service Commission be required to review and confirm only the credentials of the “classified” employee candidates. This is in accordance with Ohio Revised Code 124.40 where the State of Ohio defines the Civil Service commission as responsible for specific tasks related to the “classified” positions. Our “classified” positions include the full-time members of the police and fire departments, except for the Police and Fire Chiefs. Everyone else is “unclassified”. The Mayor is authorized to hire employees which includes ensuring that “unclassified” employees’ credentials are properly reviewed and confirmed.

EXISTING LANGUAGE	PROPOSED LANGUAGE
<p>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.</p> <p>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.</p> <p>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. (Amended 11-8-88; 11-3-15)</p>	<p>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.</p> <p>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 classified 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.</p> <p>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.</p>

PROPOSED AMENDMENT #6

ARTICLE VIII THE ELECTORATE : SECTION 8.2 POWERS OF THE ELECTORATE.

Intent: The Charter Review Commission proposes an amendment to increase the number of valid signatures on a petition for a mayoral candidate to appear on the ballot, and to clarify the election used to determine the number of signatures needed.

EXISTING LANGUAGE	PROPOSED LANGUAGE
<p>8.21 Nominations. There shall be no primary elections for nomination to Municipal office. Nominations for Municipal elective officers shall be made by individual petition only as prescribed in Section 8.32, and shall be filed with the Board of Elections of Lake County in accordance with rules and deadlines set by the Board of Elections. The required percentage shall be at least one percent (1%), but not less than twenty-five (25) signatures.</p>	<p>8.21 Nominations. There shall be no primary elections for nomination to Municipal office. Nominations for Municipal elective officers shall be made by individual petition only as prescribed in Section 8.32, and shall be filed with the Board of Elections of Lake County in accordance with rules and deadlines set by the Board of Elections. The required percentage shall be at least one percent (1%) for Council Member candidates and at least four percent (4%) for Mayoral candidates of the number of electors voting in the last general Municipal election.</p>

PROPOSED AMENDMENT #7

ARTICLE VIII THE ELECTORATE : SECTION 8.2 POWERS OF THE ELECTORATE.

Intent: The Charter Review Commission proposes an amendment to decrease the number of signatures needed to recall an elected official. Also, this proposed amendment clarifies the election used to determine the number of signatures needed.

EXISTING LANGUAGE	PROPOSED LANGUAGE
<p>8.23 Recall. Any person holding elective office in the City who is guilty of malfeasance, misfeasance or nonfeasance in office, may be removed from office by recall. After an elective officer of the City has served six (6) months of his term, a petition demanding his removal may be filed with the Clerk; such petition shall state facts, in not more than two hundred words, which allege said officer to be guilty of malfeasance, misfeasance or nonfeasance in office. Such petition shall comply with the provisions of Section 8.32 and the required percentage of electors signing such petition shall be at least twenty-five percent (25%). If the Clerk shall find the petition and the allegations contained therein legally sufficient, he shall promptly certify his findings to the Council, deliver a copy of each certification to the officer whose removal is sought, and make a record of the delivery. (Amended 11-2-82)</p> <p>If such officer shall not resign within five (5) days after the date of delivery, Council shall forthwith call an election as prescribed in Section 8.31, and the Clerk shall comply with the provisions of Section 8.33. At such recall election, this question shall be placed on the ballot: "Shall (officer's name) be allowed to continue as (name of office)?", with provision on the ballot for voting affirmatively or negatively on such question.</p> <p>If the majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office.</p> <p>If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided for in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy thereby created.</p>	<p>8.23 Recall. Any person holding elective office in the City who is guilty of malfeasance, misfeasance or nonfeasance in office, may be removed from office by recall. After an elective officer of the City has served six (6) months of his term, a petition demanding his removal may be filed with the Clerk; such petition shall state facts, in not more than two hundred words, which allege said officer to be guilty of malfeasance, misfeasance or nonfeasance in office. Such petition shall comply with the provisions of Section 8.32 and the required percentage of electors signing such petition shall be at least twenty percent (20%) of the number of electors voting in the last general Municipal election. If the Clerk shall find the petition and the allegations contained therein legally sufficient, he shall promptly certify his findings to the Council, deliver a copy of each certification to the officer whose removal is sought, and make a record of the delivery.</p> <p>If such officer shall not resign within five (5) days after the date of delivery, Council shall forthwith call an election as prescribed in Section 8.31, and the Clerk shall comply with the provisions of Section 8.33. At such recall election, this question shall be placed on the ballot: "Shall (officer's name) be allowed to continue as (name of office)?", with provision on the ballot for voting affirmatively or negatively on such question.</p> <p>If the majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office.</p> <p>If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided for in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy thereby created.</p>

PROPOSED AMENDMENT #8

ARTICLE VIII THE ELECTORATE : SECTION 8.3 PROCEDURES.

Intent: The proposed language conforms to a federal law, the Uniformed and Overseas Citizens Absentee Voting Act, which requires absentee ballots to be sent 46 days prior to an election. Currently, the Mayoral runoff election must be held 42 days following the election, which is 4 days short of this requirement. The Charter Review Commission proposes an amendment for the elimination of a post-election runoff for mayoral candidates. Consequently, the candidate with the most votes will be elected which is how we vote for Council members.

EXISTING LANGUAGE	PROPOSED LANGUAGE
<p>8.31 Elections. General municipal elections shall be held on the first Tuesday after the first Monday of November in the odd-numbered years. The ballot, or ballot labels on voting machines, used in the elections of officers of the Municipality, shall be without party mark or designation. The names of all candidates for any Municipal office shall be placed upon the same ballot, or the same voting machine, and shall be rotated in the manner provided by the laws of the State of Ohio.</p> <p>If no mayoral candidate receives a majority of the votes cast for Mayor, a runoff election between the leading two candidates for Mayor must be held on the sixth Tuesday immediately following the general municipal election.</p> <p>In the event no candidate is issued a certificate of election by the Board of Elections before the commencement of the new Mayoral term on January 1 of the year immediately following the runoff election, then, immediately following the organizational meeting of Council as described in Section 3.23, the President of Council shall temporarily assume the office of Mayor with all the powers, duties and responsibilities of the office until a Mayor-elect is issued a certificate of election by the Board of Elections, at which time the Mayor-elect shall assume the office of Mayor and serve the remainder of the term of four (4) years as defined in Section 2.12.</p> <p>Whenever it becomes the duty of Council to call an election on initiated or referred ordinances or on a question of recall, such election shall take place within sixty (60) to ninety (90) days of the filing of the initial petition at a primary or general election if one occurs during that period or, if not, at a special election, except that no special election may be called within thirty (30) days of a primary or general election. (Amended 11-6-90)</p>	<p>8.31 Elections. General municipal elections shall be held on the first Tuesday after the first Monday of November in the odd-numbered years. The ballot, or ballot labels on voting machines, used in the elections of officers of the Municipality, shall be without party mark or designation. The names of all candidates for any Municipal office shall be placed upon the same ballot, or the same voting machine, and shall be rotated in the manner provided by the laws of the State of Ohio.</p> <p>If no mayoral candidate receives a majority of the votes cast for Mayor, a runoff election between the leading two candidates for Mayor must be held on the sixth Tuesday immediately following the general municipal election.</p> <p>In the event no candidate is issued a certificate of election by the Board of Elections before the commencement of the new Mayoral term on January 1 of the year immediately following the runoff election, then, immediately following the organizational meeting of Council as described in Section 3.23, the President of Council shall temporarily assume the office of Mayor with all the powers, duties and responsibilities of the office until a Mayor-elect is issued a certificate of election by the Board of Elections, at which time the Mayor-elect shall assume the office of Mayor and serve the remainder of the term of four (4) years as defined in Section 2.12.</p> <p>Whenever it becomes the duty of Council to call an election on initiated or referred ordinances or on a question of recall, such election shall take place within sixty (60) to ninety (90) days of the filing of the initial petition at a primary or general election if one occurs during that period or, if not, at a special election, except that no special election may be called within thirty (30) days of a primary or general election.</p>

PROPOSED AMENDMENT #9

ARTICLE IX PERSONNEL : SECTION 9.3 REMOVAL FROM OFFICE

Intent: The Charter Review Commission proposes an amendment to clarify that the Mayor is the administrator of all city employees, but he is not the administrator of Council.

EXISTING LANGUAGE	PROPOSED LANGUAGE
<p>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 non-feasance in office, or upon conviction while in office of a felony or other crime involving moral turpitude.</p> <p>The Mayor may authorize the head of a department to make such removals in his department. (Amended 11-4-08)</p>	<p>9.31 Removal by the Mayor. The Mayor shall remove promptly any such officer or employee to whom he may appoint a successor, unless otherwise provided by this Charter, 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.</p> <p>The Mayor may authorize the head of a department to make such removals in his department.</p>

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