

**PROPOSED
AMENDMENTS
TO THE
CHARTER**



**CITY OF
WESTLAKE, OHIO**

TO BE SUBMITTED AT ELECTION TO BE HELD

TUESDAY, NOVEMBER 3, 2020

Dear Voter:

Our City Charter requires that a Charter Review Committee meet every ten (10) years to study Westlake's Charter and make recommendations to Council of suggested changes.

After months of study, the nine (9) citizens who comprise the Charter Review Committee submitted various recommendations to City Council in January of 2020. After review of the recommendations of the Charter Review Committee and other provisions of the Charter, Council is submitting eleven (11) Charter amendments for your consideration on November 3, 2020. The full text of these amendments is enclosed in this publication as issues 56 through 66.

Although certain issues addressed by the amendments are relatively straight forward, some address highly technical or complex legal details. In order to put the proposed Charter amendments in a more understandable perspective, the following is a synopsis.

Issue 56: Article XI, Section 8 currently provides that references to male gender shall also include and be read as female. The proposed amendment will act to replace all male pronouns and terminology throughout the Charter with gender neutral pronouns and terminology. Article XI, Section 8 will then be repealed as no longer necessary.

Issue 57: Article II, Section 2 currently provides that the Mayor appoints all department heads and the Mayor's office staff as well as exercises control over and is responsible to the electors of the City for the operation of all departments and divisions. The proposed amendment would clarify that this is not the case for the elected Director of Law and also provides that the Mayor shall supervise all departments and divisions, except the Department of Law and Council.

Issue 58: Article II, Section 6(b) currently provides for the appointment of an Acting Mayor and special election should the office become vacant. The proposed amendment provides for the salary of the Acting Mayor, provides for a special election only if the office becomes vacant with twelve (12) months or more remaining in the term, provides for a run-off election if no one candidate gets greater than forty percent (40%) of the vote, and reduces the number of nominating petition signatures needed from five hundred (500) to two hundred fifty (250) qualified electors.

Issue 59: Article III, Section 8 currently provides that Council meet the first and third Thursdays of each month at 8:00 p.m. local time. The proposed amendment provides that the meeting time shall be set at a time as determined by the Council President.

Issue 60: Article III, Section 13 currently provides a notice requirement for public hearings as to the enactment of zoning ordinances, maps and regulations once a week for two (2) consecutive weeks in a newspaper of general circulation. The proposed amendment will allow electronic means of publishing notices of public hearings on changes to the zoning maps, ordinances or regulations in addition to publication by newspaper or by posting at public buildings.

Issue 61: Article IV, Section 1(a) currently provides a list of departments within the City and includes the Departments of Law, Finance and Public Service. The proposed amendment adds the Departments of Engineering, Buildings, Structures and Inspections and Purchasing, which departments are currently established by Charter provision.

Issue 62: Article IV, Subsections 1(b), 2(c) and (d), Sections 10 and 11 currently establish and/or address the Board of Zoning Appeals and the Board of Building Appeals. The proposed amendments act to merge the Board of Building Appeals into the Board of Zoning Appeals, to provide that the term for the newly merged Board of Building and Zoning Appeals and various commissions within the City shall be four (4) years and that the appointments to the merged Board and various Commissions shall continue until the expiration of the term or until the appointment of a successor, whichever occurs later. In addition, the proposed amendment would repeal the provision establishing the Board of Building Appeals as no longer necessary.

Issue 63: Article IV, Section 4 currently provides for the establishment of the Department of Law and elected Director of Law, the appointment by the Mayor of an acting Director of Law, and a special election should the office become vacant. The proposed amendment clarifies that the Director of Law shall have been engaged in the active practice of law in Ohio for a period of six (6) continuous years immediately preceding their election, provides for the salary of the Acting Director of Law as set by Council, and provides additional detail for the special election, including a requirement that nominating petitions for a candidate at the special election shall be signed by not less than two hundred fifty (250) qualified electors.

Issue 64: The proposed renewal of Charter Article VI, Section 4, if approved by the voters, will permit the City to continue to levy a tax each year, for a period of five (5) years, in an amount not to exceed nine-tenths of one mill (0.9 mill) for each dollar of assessed valuation for the purpose of providing

funds to pay salaries and other expenses of the Police and Fire Departments. This is a renewal only and not the imposition of a new tax.

Issue 65: Article VII, Section 3 currently provides that a petition for the offices of Mayor, President of Council and Director of Law shall be signed by not less than five hundred (500) qualified electors. The proposed amendment would reduce this number to two hundred fifty (250).

Issue 66: Article X, Section 1 currently provides for the establishment of a nine (9) member Charter Review Committee every ten (10) years. The proposed amendment would provide for two (2) additional appointments so that the six (6) Ward Councilpersons, the Director of Law and the Council President would each appoint one (1) of its members and the Mayor would appoint three (3) of its members. An eighteen (18) month residency would be required for each appointee. In addition, the Charter Review Committee would be named the Charter Review Commission.

Very truly yours,

Michael F. Killeen
President of Council

**A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR
PASSAGE OF THE FOLLOWING PROPOSED
AMENDMENTS:**

ISSUE NO. 56

THE BALLOT SHALL READ AS FOLLOWS:

Shall the Charter of the City of Westlake be amended to replace all male pronouns and terminology with gender neutral pronouns and terminology; and to repeal Article XI, Section 8, "REFERENCES TO GENDER," as no longer necessary?

YES NO

ARTICLE XI, SECTION 8, NOW READS:

**ARTICLE XI
GENERAL PROVISIONS**

SECTION 8. REFERENCES TO GENDER.

All references in this Charter to the male gender shall also include and be read as the female gender when and where appropriate.

(Added Nov. 4, 1980.)

ARTICLE XI, SECTION 8, IS PROPOSED TO BE REPEALED

ISSUE NO. 57

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article II, Section 2 of the Charter of the City of Westlake be amended to provide that the Mayor appoints his office staff and department heads, except the elected Director of Law; and to provide that the Mayor supervises and is responsible to the electors of the City for the operation of all departments and divisions, except the Department of Law and Council?

YES NO

ARTICLE II, SECTION 2, NOW READS:

**ARTICLE II
THE MAYOR**

SECTION 2. POWERS.

The chief executive authority of the Municipality shall be vested in the Mayor. As administrator of the City government, the Mayor shall appoint all department heads and the Mayor's office staff. The Mayor shall exercise control over and be responsible to the electors of the City for the operation of all departments and divisions.

The Mayor shall be chief conservator of the peace within the Municipality and shall serve as its Director of Public Safety. The Mayor shall see that all laws, ordinances and resolutions are faithfully obeyed and enforced. The Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee to the extent and under the circumstances permitted by this Charter or the laws of the State of Ohio, where it is beyond the scope of this Charter to provide. (Amended 11-7-00.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE II
THE MAYOR**

SECTION 2. POWERS.

The chief executive authority of the Municipality shall be vested in the Mayor. As administrator of the City government, the Mayor shall appoint their office staff and all department heads, except the Director of Law. The Mayor shall supervise and be responsible to the electors of the City for the operation of all departments and divisions, except the Department of Law and Council.

The Mayor shall be chief conservator of the peace within the Municipality and shall serve as its Director of Public Safety. The Mayor shall see that all laws, ordinances and resolutions are faithfully

obeyed and enforced. The Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee to the extent and under the circumstances permitted by this Charter or the laws of the State of Ohio, where it is beyond the scope of this Charter to provide.

ISSUE NO. 58

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article II, Section 6 of the Charter of the City of Westlake be amended to provide that the salary of Acting Mayor shall be established by Council for the position of Mayor; provide for a special election only if the office becomes vacant with twelve (12) or more months remaining in the Mayor's term; provide for a run-off election for Mayor if no one candidate gets greater than forty percent (40%) of the vote; and to reduce the number of signatures required on the nominating petition from five hundred (500) to two hundred fifty (250) qualified electors, to be filed with the Board of Elections no later than sixty (60) days prior to the day of the special election?

YES NO

ARTICLE II, SECTION 6, NOW READS:

ARTICLE II THE MAYOR

SECTION 6. VACANCY IN OFFICE OF MAYOR.

(a) Absence. When the Mayor is temporarily absent from the Municipality or is unable for any cause to perform his duties, the Mayor shall appoint from the department heads presently serving an individual to serve as Acting Mayor with the same rights, powers and duties as the Mayor during the term of his temporary absence. If the event that the Mayor is unable for any reason to make such appointment of an Acting Mayor, the President of Council or the individual acting in the capacity of President of City Council shall make such temporary appointment. (Amended 11-7-00.)

(b) Vacancy. In the event the office of Mayor shall become vacant for any reason, the President of Council shall become Acting Mayor for a period not to exceed six (6) months to permit a duly elected successor to be chosen. In the event the President of Council, for any reason, cannot assume the office of Acting Mayor, the Director of Law shall assume the office. In the event the Director of Law, for any reason, cannot assume the office of Acting Mayor, Council shall select from the remaining Directors one who need not be a resident of the City of Westlake, to act as Acting Mayor. During his term of service an Acting Mayor shall be paid the salary of the Acting Mayor and may retain his original elected or appointed position at no additional compensation. The Council shall, within fourteen (14) days after the vacancy occurs, provide for a special election, with no preliminary primary, to be held within one hundred twenty (120) days from the date of the vacancy to fill such vacancy.

The candidates for the special election shall be chosen in the following described manner:

- (1) Any candidate who files a nominating petition that is signed by not less than five hundred (500) qualified electors shall be a candidate at the special election.
- (2) Unless otherwise provided by the Constitution or the general laws of the State of Ohio, all candidates must file their nominating petitions not later than 4:00 p.m. of the 60th day before the day of the special election. The person receiving the largest number of votes in the special election shall become Mayor and take office upon certification by the Board of Elections, and he shall serve for the unexpired term of office. He may be a candidate to succeed himself. (Amended 11-2-10.)

PROPOSED TO BE AMENDED AS FOLLOWS:

ARTICLE II THE MAYOR

SECTION 6. VACANCY IN THE OFFICE OF MAYOR.

(a) Absence. When the Mayor is temporarily absent from the Municipality or is unable for any cause to perform their duties, the Mayor shall appoint from the department heads presently serving an individual to serve as Acting Mayor with the same rights, powers and duties as the Mayor during the term of their temporary absence. In the event that the Mayor is unable for any reason to make such appointment of an Acting Mayor, the President of Council or the individual acting in the capacity of President of City Council shall make such temporary appointment.

(b) Vacancy. In the event the office of Mayor shall become vacant for any reason, the President of Council shall become Acting Mayor. In the event the President of Council, for any reason, cannot assume the office of Acting Mayor, the Director of Law shall assume the office. In the event the Director of Law, for any reason, cannot assume the office of Acting Mayor, Council shall select from the remaining Directors one who need not be a resident of the City of Westlake, to serve as Acting Mayor. During their term of service, an Acting Mayor shall be paid the salary established by Council for the

position of Mayor and may retain their original elected or appointed position at no additional compensation. If less than twelve (12) months remain in the vacated Mayor's term, the Acting Mayor shall serve for the remainder of the unexpired term. If twelve (12) or more months remain in the vacated Mayor's term, the Council shall, within fourteen (14) days after the vacancy occurs, provide for a special election, with no preliminary primary, to be held within one hundred twenty (120) days from the date of the vacancy to fill such vacancy. The candidates for the special election shall be chosen in the following described manner:

- (1) Any candidate who files a nominating petition that is signed by not less than two hundred fifty (250) qualified electors shall be a candidate at the special election.
- (2) Unless otherwise provided by the Constitution or the general laws of the State of Ohio, all candidates must file their nominating petitions not later than 4:00 p.m. of the 60th day before the day of the special election. The person receiving the largest number of votes in the special election shall become Mayor and take office upon certification by the Board of Elections, and they shall serve for the unexpired term of office. They may be a candidate to succeed themselves.
- (3) If no one candidate in the special election receives greater than forty percent (40%) of the votes cast, Council shall, within thirty (30) days of the special election in (b)(2) herein, provide for a run-off election between the two candidates receiving the highest number of votes in the special election. The candidate receiving the highest number of votes cast in the run-off election shall be elected Mayor.

ISSUE NO. 59

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article III, Section 8 of the Charter of the City of Westlake be amended to provide that Regular Meetings of Council shall be set at a time as determined by the Council President?

YES NO

ARTICLE III, SECTION 8, NOW READS:

ARTICLE III THE COUNCIL

SECTION 8. MEETINGS.

(a) Regular Meetings. At eight o'clock p.m. local time (8:00 p.m.) on the second day of January following a regular municipal election, or if such day be a Sunday, on the day following, the Council shall convene and organize. Thereafter, the Council shall meet the first and third Thursdays of each calendar month at eight p.m. (8:00 p.m.) local time, unless the regular meeting shall fall on a legal holiday, then such regular meeting shall be held on the succeeding Tuesday. Council may recess during the month of July or August subject to call of the Mayor.

(Amended Nov. 7, 1972.)

(b) Public Meetings. All meetings of the Council or of its committees shall be open to the public.

(Amended Nov. 7, 1972.)

(c) Special Meetings. Special meetings may be called by the Mayor, President of Council or any three members of Council. There shall be given at least twenty-four (24) hours' notice in writing of such special meeting, served personally on each member of Council or at his usual place of residence. Such notice shall state the subject or subjects to be considered at the meeting and no other subject shall be considered.

(Amended Nov. 7, 1972.)

(d) Compel Attendance. The attendance at any special meeting of the Council shall be considered as a waiver of notice required by the preceding subsection and if all members of Council are present the meeting may proceed as a duly called special meeting.

(Amended Nov. 7, 1972.)

(e) Emergency Meetings. Emergency meetings may be called by the Mayor or President of Council by written notice served personally on each member of Council or left at his usual place of residence at any time up to the time of the meeting. Such notice shall state the subject or subjects to be considered at the meeting and no other subject shall be considered.

(Amended Nov. 7, 1972.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE III
THE COUNCIL**

SECTION 8. MEETINGS.

(a) Regular Meetings. At eight o'clock p.m. local time (8:00 p.m.) on the second day of January following a regular municipal election, or if such day be a Sunday, on the day following, the Council shall convene and organize. Thereafter, the Council shall meet the first and third Thursdays of each calendar month, at the time as determined by the President of Council, unless the regular meeting shall fall on a legal holiday, then such regular meeting shall be held on the succeeding Tuesday. Council may recess during the month of July or August subject to call of the Mayor.

(b) Public Meetings. All meetings of the Council or of its committees shall be open to the public.

(c) Special Meetings. Special meetings may be called by the Mayor, President of Council or any three members of Council. There shall be given at least twenty-four (24) hours' notice in writing of such special meeting, served personally on each member of Council or at their usual place of residence. Such notice shall state the subject or subjects to be considered at the meeting and no other subject shall be considered.

(d) Compel Attendance. The attendance at any special meeting of the Council shall be considered as a waiver of notice required by the preceding subsection and if all members of Council are present the meeting may proceed as a duly called special meeting.

(e) Emergency Meetings. Emergency meetings may be called by the Mayor or President of Council by written notice served personally on each member of Council or left at their usual place of residence at any time up to the time of the meeting. Such notice shall state the subject or subjects to be considered at the meeting and no other subject shall be considered.

ISSUE NO. 60

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article III, Section 13 of the Charter of the City of Westlake be amended to provide for electronic means of publishing notices of public hearings on changes to the zoning maps, ordinances or regulations in addition to publication by newspaper or posting at public buildings?

YES NO

ARTICLE III, SECTION 13, NOW READS:

**ARTICLE III
THE COUNCIL**

SECTION 13. ENACTMENT OF ZONING ORDINANCES.

The Council may provide by ordinance for the procedure for the passage and amendment of any zoning ordinance, the maps and regulations thereof, and the publication of notice and public hearing thereof, provided that the minimum notice of the time and place of such public hearing shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the City. In the event it is proposed to re-zone or re-district ten or fewer parcels of land, as listed on the tax duplicate, then, in addition to the newspaper notice hereinbefore provided, notice of the time and place of such public hearing shall be given by first class mail, postage prepaid, ten (10) days before such hearing, to the record title holders of the property within or immediately adjacent to, adjoining, abutting on or directly across the street from such parcel or parcels. Record title holder shall mean the title holder of such property as disclosed by the records of the Auditor of Cuyahoga County, thirty (30) days immediately prior to the date of such public hearing. If the mailing address of such record title holder cannot be reasonably ascertained then the aforesaid newspaper notice of such hearing shall be deemed adequate notice. Nothing herein provided shall be construed as limiting the power of the Council to increase such notice requirements. (Amended Nov. 2, 1965.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE III
THE COUNCIL**

SECTION 13. ENACTMENT OF ZONING ORDINANCES.

The Council may provide by ordinance for the procedure for the passage and amendment of any zoning ordinance, the maps and regulations thereof, and the publication of notice and public hearing thereof, provided that the minimum notice of the time and place of such public hearing shall be published in one of the following two ways:

- i. Published once a week for two (2) consecutive weeks in a newspaper of general circulation in the City; or
- ii. Published by posting in a conspicuous location at a public building such as a public library in the City or City Hall, or similar;

and additionally shall be published electronically:

- iii. on the City of Westlake internet web site; and
- iv. by way of electronic social media notification or similar electronic notification as may be more specifically determined by City Council.

In the event it is proposed to re-zone or re-district ten or fewer parcels of land, as listed on the tax duplicate, then, in addition to the newspaper notice hereinbefore provided, notice of the time and place of such public hearing shall be given by first class mail, postage prepaid, ten (10) days before such hearing, to the record title holders of the property within or immediately adjacent to, adjoining, abutting on or directly across the street from such parcel or parcels. Record title holder shall mean the title holder of such property as disclosed by the records of the Auditor of Cuyahoga County, thirty (30) days immediately prior to the date of such public hearing. If the mailing address of such record title holder cannot be reasonably ascertained then the aforesaid newspaper notice of such hearing shall be deemed adequate notice. Nothing herein provided shall be construed as limiting the power of the Council to increase such notice requirements.

ISSUE NO. 61

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article IV, Section 1(a) of the Charter of the City of Westlake be amended to add the Department of Engineering, Department of Buildings, Structures and Inspections, and Department of Purchasing as departments established in the Charter?

YES NO

ARTICLE IV, SECTION 1(a), NOW READS:

ARTICLE IV ADMINISTRATIVE OFFICES

SECTION 1. SPECIFIC PROVISIONS.

(a) Departments. A Department of Law, Department of Finance, and Department of Public Service are hereby established by this Charter and Council shall provide by ordinance for the organization thereof. Each department shall be headed by a director, except Police and Fire which shall be headed by chiefs. The Council may by ordinance provide for the establishment and organization of other departments or divisions thereof and may provide for the abolishment or combination of any department or division not established by this Charter.
(Amended 11-2-10.)

PROPOSED TO BE AMENDED AS FOLLOWS:

ARTICLE IV ADMINISTRATIVE OFFICES

SECTION 1. SPECIFIC PROVISIONS.

(a) Departments. A Department of Law, Department of Finance, Department of Public Service, Department of Engineering, Department of Buildings, Structures and Inspections, and Department of Purchasing are hereby established by this Charter and Council shall provide by ordinance for the organization thereof. Each department shall be headed by a director, except Police and Fire which shall be headed by chiefs. The Council may by ordinance provide for the establishment and organization of other departments or divisions thereof and may provide for the abolishment or combination of any department or division not established by this Charter.

ISSUE NO. 62

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article IV, Subsections 1(b), Article IV, Subsections 2(c) and (d), and Article IV, Section 10 of the Charter of the City of Westlake be amended to provide for the merger of the Board of Building Appeals into the Board of Zoning Appeals; provide that the term of the newly merged Board of Building and Zoning Appeals and various Commissions within the City shall be four (4) years; and to provide that the appointments to the Board and various Commissions shall continue until the expiration of the term or until the appointment of a successor, whichever occurs later; and to repeal Article IV, Section 11 "Board of Building Appeals" as no longer necessary?

YES NO

ARTICLE IV, SECTION 10, NOW READS:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 10. BOARD OF ZONING APPEALS.

(a) Membership. There shall be a Board of Zoning Appeals which shall consist of five (5) members, one of which shall be a member of the Planning Commission, appointed by the Mayor with the approval of a majority of members of Council. Members of this Board shall hold no other municipal office or appointment, except as a member of the Planning Commission.

(Amended Nov. 2, 1965.)

(b) Powers. It shall be the duty of the Board of Zoning Appeals to hear and decide applications for exceptions to and variances from the zoning ordinances of the Municipality and to hear and decide all appeals from orders, decisions and regulations of municipal administrative officials or agencies in regard to the zoning ordinances. The Board shall not permit any exception or variance from the zoning ordinances unless it finds that a practical difficulty or unnecessary hardship would exist as a result of the literal application of the zoning ordinances because of some peculiarity of the property in question as distinct from the other properties in the same district. In such cases the granting of the exception or variance must not be detrimental to the public welfare or injurious to the property in the immediate surrounding area, and must be in keeping with the general purpose, intent and objective of the municipal zoning ordinances.

(Amended Nov. 2, 1965.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 10. BOARD OF BUILDING AND ZONING APPEALS.

(a) Membership. Effective January 1, 2021, the Board of Zoning Appeals shall become the Board of Building and Zoning Appeals and shall consist of five (5) members, one of which shall be a member of the Planning Commission, appointed by the Mayor with the approval of a majority of members of Council. Members of this Board shall hold no other municipal office or appointment, except the one as a member of the Planning Commission. Effective January 1, 2021, the current Board of Zoning Appeals members shall continue to serve their terms in accordance with Article IV, Section 2(d). The current Board of Building Appeals members' terms shall expire effective December 31, 2020.

(b) Powers.
(1) It shall be the duty of the Board of Building and Zoning Appeals to hear and decide applications for exceptions to and variances from the zoning ordinances of the Municipality and to hear and decide all appeals from orders, decisions and regulations of municipal administrative officials or agencies in regard to the zoning ordinances. The Board shall not permit any exception or variance from the zoning ordinances unless it finds that a practical difficulty or unnecessary hardship would exist as a result of the literal application of the zoning ordinances because of some peculiarity of the property in question as distinct from the other properties in the same district. In such cases the granting of the exception or variance must not be detrimental to the public welfare or injurious to the property in the immediate surrounding area, and must be in keeping with the general purpose, intent and objective of the municipal zoning ordinances.

(2) The Board shall also hear and decide appeals from any order, decision or determination of any administrative official or agency of the Municipality relating to the interpretation or application of the Building Code or such other related ordinances as may be determined by Council.

ARTICLE IV, SUBSECTION 1(b), NOW READS:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 1. SPECIFIC PROVISIONS.

(b) Boards and Commissions. A Board of Zoning Appeals, Planning Commission, Civil Service Commission and Board of Building Appeals are hereby established by this Charter. In addition to the boards and commissions so established by this Charter, Council may by ordinance provide for the establishment of additional boards and commissions and prescribe their powers and duties. Such additional boards and commissions may be abolished by Council.
(Amended Nov. 2, 1965.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 1. SPECIFIC PROVISIONS.

(b) Boards and Commissions. A Board of Building and Zoning Appeals, Planning Commission, and Civil Service Commission are hereby established by this Charter. In addition to the boards and commissions so established by this Charter, Council may by ordinance provide for the establishment of additional boards and commissions and prescribe their powers and duties. Such additional boards and commissions may be abolished by Council.

ARTICLE IV, SUBSECTIONS 2(c) and (d), NOW READ:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 2. GENERAL PROVISIONS.

(c) Board and Commission Appointees. Except as otherwise provided by this Charter, the Mayor shall appoint, dismiss, or suspend any members of the various boards and commissions subject to the confirmation of a majority of the members of Council. Such appointees shall be qualified electors of the City and shall reside in the City during their term of office. They shall serve without compensation unless otherwise provided by ordinance.
(Amended Nov. 7, 1972.)

(d) Continuation in Office. On January 1, 1966, the Board of Building and Zoning Appeals shall become the Board of Zoning Appeals. Each present member of the Board of Building and Zoning Appeals, Planning Commission, and Civil Service Commission shall continue to serve until the expiration of his present term or until the appointment of his successor has been confirmed by Council.

The terms of the members first appointed to the Board of Building Appeals shall commence January 1, 1966, and, except as provided in subsection (f) hereof, each member subsequently appointed to said Board and each member appointed to any other board or commission established by this Charter shall be appointed for a term of four years, which term shall commence upon the expiration of the term of his immediate predecessor on such board or commission.
(Amended Nov. 7, 1972.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 2. GENERAL PROVISIONS.

(c) Board and Commission Appointees. Except as otherwise provided by this Charter, the Mayor shall appoint, dismiss, or suspend any members of the board and various commissions subject to the confirmation of a majority of the members of Council. Each member appointed to a board or commission shall be appointed for a term of four (4) years. Such appointees shall be qualified electors of the City and shall reside in the City during their term of office. They shall serve without compensation unless otherwise provided by ordinance.

(d) Continuation in Office. On January 1, 2021, the Board of Building Appeals and the Board of Zoning Appeals shall become the Board of Building and Zoning Appeals. Effective January 1, 2021, each present member of the Board of Zoning Appeals, now known as the Board of Building and Zoning Appeals, Planning Commission, and Civil Service Commission shall continue to serve until the expiration of their present term or until the appointment of their successor has been made by the Mayor and confirmed by Council, whichever occurs later. Thereafter, each member of the Board of Building and Zoning Appeals, Planning Commission, and Civil Service Commission shall continue to serve until expiration of their term, or until the appointment of a successor has been made by the Mayor and confirmed by Council, whichever occurs later.

ARTICLE IV, SECTION 11, NOW READS:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 11. BOARD OF BUILDING APPEALS.

(a) Membership. There shall be a Board of Building Appeals which shall consist of not less than five (5) or more than nine (9) members appointed by the Mayor, subject to the approval by a majority of the members of City Council. The members shall be of such experience and occupation as determined by the Mayor and approved by Council.
(Amended 11-7-00.)

(b) Powers. The Board shall hear and decide appeals from any order, decision or determination of any administrative official or agency of the Municipality relating to the interpretation or application of the Building Code or such other related ordinances as may be determined by Council. The Board shall have no jurisdiction or authority with respect to the zoning ordinances of the Municipality but shall otherwise have such additional powers and duties as Council may provide by ordinance.
(Amended Nov. 2, 1965.)

ARTICLE IV, SECTION 11, IS PROPOSED TO BE REPEALED

ISSUE NO. 63

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article IV, Section 4 of the Charter of the City of Westlake be amended to provide that the Director of Law shall have been engaged in the practice of law in Ohio for a period of six (6) continuous years immediately preceding their election; to provide that the salary of Acting Director of Law shall be established by Council for the position of Acting Director of Law; to provide for a special election, with no preliminary primary, to be held one hundred twenty days from the date of the vacancy to fill such vacancy; and to provide that candidates seeking to fill the vacancy are required to file nominating petitions to be signed by not less than two hundred fifty (250) qualified electors no later than 4:00 p.m. of the 60th day prior to the day of the special election?

YES NO

ARTICLE IV, SECTION 4, NOW READS:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 4. DEPARTMENT OF LAW.

The Department of Law shall be headed by the Director of Law and commencing with the regular municipal election in the year 2005, and every fourth (4th) year thereafter, he shall be elected for a term of four (4) years. The Director of Law's term shall commence and he shall assume office on the first day of January following his election and shall serve out his term or until his successor is elected and qualified, whichever occurs last. During his term of office he shall continue to be a resident and qualified elector of the municipality. The Director of Law shall appoint all assistant directors of law and office staff; assistant directors of law shall be subject to confirmation by a majority of the members of Council. The Director of Law shall be a qualified elector at the time of his election, shall have been a resident of the City for at least eighteen (18) months immediately preceding his election, an attorney at law duly admitted to the practice of law before the courts of the State of Ohio, and been engaged in the active practice of law in Ohio for a period of six (6) years next preceding his election. The annual salary for the Director of Law for the term commencing January 1, 2014 and each succeeding term thereafter shall be fixed by Council at least forty-five (45) days prior to the time a person is required to file nominating petitions for the office of Director of Law for that particular term. The annual salary may be increased but shall not be decreased during the term it was set.

He shall serve the Mayor, the various administrative departments, boards, and officers of the Municipality and the Council, as attorney and legal counsel, and shall represent the Municipality in all proceedings in courts of law and before any administrative body. He or his designee shall attend all Council meetings and Committee meetings of Council. He shall perform all other duties now or hereafter imposed by law upon directors of law of cities unless otherwise provided by ordinance of Council. He shall act as the Prosecuting Attorney of the City.

Council may, by a two-thirds (2/3) vote of the members of Council after public hearing, expel or remove the Director of Law from office for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of his oath of office; for conviction while in office of a crime involving moral turpitude; or for mental or physical disability rendering it impossible for him to perform the duties of the Director of Law. Prior to any such action by Council, the Director of Law shall be notified in writing of the charge against him at least ten (10) days in advance of the hearing upon such

charge, and he and his counsel shall be given an opportunity to be heard, present evidence or examine any witness appearing in support of such charge.

In the event the office of Director of Law shall become vacant, for any reason, the Mayor shall appoint an Acting Director of Law subject to confirmation of Council. The Acting Director of Law shall be an attorney-at-law licensed to practice before the Courts of the State of Ohio but need not be resident of the municipality. The Council shall, within fourteen (14) days after the vacancy occurs, provide for a special election, with no preliminary primary, to be held one hundred twenty (120) days from the date of the vacancy to fill such vacancy. (Amended 11-2-10.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE IV
ADMINISTRATIVE OFFICES**

SECTION 4. DEPARTMENT OF LAW.

The Department of Law shall be headed by the Director of Law and commencing with the regular municipal election in the year 2005, and every fourth (4th) year thereafter, the Director of Law shall be elected for a term of four (4) years. The Director of Law's term shall commence and they shall assume office on the first day of January following their election and shall serve out their term or until their successor is elected and qualified, whichever occurs last. During the Director of Law's term of office they shall continue to be a resident and qualified elector of the municipality. The Director of Law shall appoint all assistant directors of law and office staff; assistant directors of law shall be subject to confirmation by a majority of the members of Council. The Director of Law shall be a qualified elector at the time of their election, shall have been a resident of the City for at least eighteen (18) months immediately preceding their election, an attorney at law duly admitted to the practice of law before the courts of the State of Ohio, and been engaged in the active practice of law in Ohio for a period of six (6) continuous years immediately preceding their election. The annual salary for the Director of Law for the term commencing January 1, 2014 and each succeeding term thereafter shall be fixed by Council at least forty-five (45) days prior to the time a person is required to file nominating petitions for the office of Director of Law for that particular term. The annual salary may be increased but shall not be decreased during the term it was set.

The Director of Law shall serve the Mayor, the various administrative departments, boards, and officers of the Municipality and the Council, as attorney and legal counsel, and shall represent the Municipality in all proceedings in courts of law and before any administrative body. The Director of Law or their designee shall attend all Council meetings and Committee meetings of Council. The Director of Law shall perform all other duties now or hereafter imposed by law upon directors of law of cities unless otherwise provided by ordinance of Council. The Director of Law shall act as the Prosecuting Attorney of the City.

Council may, by a two-thirds (2/3) vote of the members of Council after public hearing, expel or remove the Director of Law from office for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of their oath of office; for conviction while in office of a crime involving moral turpitude; or for mental or physical disability rendering it impossible for them to perform the duties of the Director of Law. Prior to any such action by Council, the Director of Law shall be notified in writing of the charge against them at least ten (10) days in advance of the hearing upon such charge, and they and their counsel shall be given an opportunity to be heard, present evidence or examine any witness appearing in support of such charge.

In the event the office of Director of Law shall become vacant, for any reason, the Mayor shall appoint an Acting Director of Law subject to confirmation of Council. During their term of service, an Acting Director of Law shall be paid the salary established by Council for the position of Acting Director of Law. The Acting Director of Law shall be an attorney-at-law licensed to practice before the Courts of the State of Ohio but need not be resident of the municipality. The Council shall, within fourteen (14) days after the vacancy occurs, provide for a special election, with no preliminary primary, to be held one hundred twenty (120) days from the date of the vacancy to fill such vacancy. The candidates for the special election shall be chosen in the following described manner:

- (1) Any candidate who files a nominating petition that is signed by not less than two hundred fifty (250) qualified electors shall be a candidate at the special election.
- (2) Unless otherwise provided by the Constitution or the general laws of the State of Ohio, all candidates must file their nominating petitions not later than 4:00 p.m. of the 60th day before the day of the special election. The person receiving the largest number of votes in the special election shall become Director of Law and take office upon certification by the Board of Elections, and they shall serve for the unexpired term of office. They may be a candidate to succeed themselves.

ISSUE NO. 64

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article VI, Section 4 of the Charter of the City of Westlake be amended to renew the existing 0.9 mill tax levy for the purpose of providing funds to pay for the salaries and other expenses of the Police and Fire Departments, for five years, to be renewed only upon approval by the electors?

YES NO

ARTICLE VI, SECTION 4, NOW READS:

**ARTICLE VI
TAXATION**

SECTION 4. LEVY OF TAXES FOR POLICE AND FIRE.

Commencing with the tax list and duplicate for the year 2016 and for a period of five years thereafter, the taxing authority of the City may levy in each year a tax in an amount not to exceed in each such year (nine-tenths of one mill) 0.9 mill for each dollar of assessed valuation upon all property in the City assessed and listed for taxation according to value for the purpose of providing funds to pay for the salaries and other expenses of the Police and Fire Departments. This amount of taxes in each year so levied pursuant to this section shall not be subject to the limitations on the rate of taxation provided in this Charter and shall be in addition to any taxes levied by Council pursuant to any provision of this Charter or the general laws of the State of Ohio. This tax may be renewed only upon approval by the affirmative vote of a majority of the electors voting thereon. (Amended 11-3-15.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE VI
TAXATION**

SECTION 4. LEVY OF TAXES FOR POLICE AND FIRE.

Commencing with the tax list and duplicate for the year 2021 and for a period of five years thereafter, the taxing authority of the City may levy in each year a tax in an amount not to exceed in each such year (nine-tenths of one mill) 0.9 mill for each dollar of assessed valuation upon all property in the City assessed and listed for taxation according to value for the purpose of providing funds to pay for the salaries and other expenses of the Police and Fire Departments. This amount of taxes in each year so levied pursuant to this section shall not be subject to the limitations on the rate of taxation provided in this Charter and shall be in addition to any taxes levied by Council pursuant to any provision of this Charter or the general laws of the State of Ohio. This tax may be renewed only upon approval by the affirmative vote of a majority of the electors voting thereon.

ISSUE NO. 65

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article VII, Section 3 of the Charter of the City of Westlake be amended to reduce the number of signatures needed for nominating petitions for the office of Mayor, Council President and Director of Law from five hundred (500) to two hundred fifty (250) qualified electors?

YES NO

ARTICLE VII, SECTION 3, NOW READS:

**ARTICLE VII
NOMINATIONS AND ELECTIONS**

SECTION 3. DECLARATION OF CANDIDACY.

Any persons desiring to become a candidate for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the 90th day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominees. The petition for offices of Mayor, President of Council and Director of Law shall be signed by not less than five hundred (500) qualified electors. The petition for office of Ward Councilman shall be signed by not less than one hundred (100) qualified electors of the ward in which election is sought. Petitions shall be circulated by a qualified elector of the City of Westlake. (Amended 11-3-15.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE VII
NOMINATIONS AND ELECTIONS**

SECTION 3. DECLARATION OF CANDIDACY.

Any persons desiring to become a candidate for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the 90th day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominees. The petition for offices of Mayor, President of Council and Director of Law shall be signed by not less than two hundred fifty (250) qualified electors. The petition for office of Ward Council Member shall be signed by not less than one hundred (100) qualified electors of the ward in which election is sought. Petitions shall be circulated by a qualified elector of the City of Westlake.

ISSUE NO. 66

THE BALLOT SHALL READ AS FOLLOWS:

Shall Article X, Section 1 of the Charter of the City of Westlake be amended to provide for an increase in the number of members on the Charter Review Commission from nine (9) to eleven (11), to consist of: six (6) members to be appointed, one from each ward by the ward Council Member, who shall reside in their ward; one (1) member appointed by the Council President; one (1) member to be appointed by the Director of Law; and three (3) members appointed by the Mayor; and to provide for an eighteen (18) month residency requirement; and to change the name of the Charter Review Committee to the Charter Review Commission?

YES NO

ARTICLE X, SECTION 1, NOW READS:

**ARTICLE X
CHARTER REVIEW COMMITTEE**

SECTION 1. REVIEW.

At the second meeting of Council in January 1, 1979, and each ten (10) years thereafter, a Charter Review Committee of nine (9) members shall be appointed.

The Committee shall consist of six (6) members to be appointed, one from each ward by the ward Councilman, who shall reside within his ward, and three members to be appointed by the Mayor, for a total of nine (9) members. The Chairman shall be selected by the Committee from its members by majority vote.

The Committee shall review the Charter and submit all recommended changes or alteration to Council for its consideration for submission to the electorate by the first meeting in February of the following year. Council shall review the recommendations of the Charter Review Committee and approve or disapprove each individual recommendation. Council thereafter shall submit to the electors the recommended changes or alterations it has approved, pursuant to Article XVIII, Section 9, of the Constitution of the State of Ohio.

The members shall serve without compensation unless otherwise provided by ordinance. The Council shall provide appropriations for a clerk, and sufficient funds to operate the Committee. (Amended Nov. 4, 1980.)

PROPOSED TO BE AMENDED AS FOLLOWS:

**ARTICLE X
CHARTER REVIEW COMMISSION**

SECTION 1. REVIEW.

At the second meeting of Council in January 1, 1979, and each ten (10) years thereafter, a Charter Review Commission of eleven (11) members shall be appointed.

The Commission shall consist of six (6) members to be appointed, one from each ward by the ward Council Member, who shall reside within their ward, one member appointed by Council President, one member appointed by the Director of Law and three members appointed by the Mayor, for a total of eleven (11) members. Commission Members must be a resident of the City of Westlake for at least eighteen (18) months prior to appointment. The Chairperson shall be selected by the Commission from its members by majority vote.

The Commission shall review the Charter and submit all recommended changes or alterations to Council for its consideration for submission to the electorate by the first meeting in February of the following year. Council shall review the recommendations of the Charter Review Commission and

approve or disapprove each individual recommendation. Council thereafter shall submit to the electors the recommended changes or alterations it has approved, pursuant to Article XVIII, Section 9, of the Constitution of the State of Ohio.

The members shall serve without compensation unless otherwise provided by ordinance. The Council shall provide appropriations for a clerk, and sufficient funds to operate the Commission.
