

PROPOSED CHARTER AMENDMENTS

Dear Resident,

As November approaches, Westlake voters should be well-informed about several upcoming ballot issues proposing amendments to our Westlake City Charter. These ballot issues will include language approved by City Council, based on recommendations from the 2019-20 Charter Review Committee. After meeting 10 times in 11 months, the Committee provided report to Council with detailed explanations for its recommendations. Below is a list of the ballot issues and actions taken by the Mayor and Council with respect to each issue. Most of the ballot issues apply to specific sections or subsections of the Charter. Where applicable, **redlined** versions of certain sections have been included below showing revisions approved by Council side-by-side with revisions recommended by the Committee to highlight similarities and differences. Newly approved language which the Mayor opposes and which caused him to veto a particular amendment is **highlighted**. NOTE: Some text not subject to change or needed for context has been omitted below and replaced by dots (...) to save space.

Issue 56 – Proposed Amendment To Eliminate References To Gender Throughout The Charter

Ballot language as approved by City Council on July 16 (7-0 vote) via Ordinance 2020-91: *“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,’ a as no longer necessary?”*

Action taken by the Mayor and City Council: No objections or further actions beyond initial approval.

Issue 57 – Proposed Amendment Pertaining To Certain Powers Of The Mayor

Ballot language as approved by City Council (7-0 vote) on July 16 via Ordinance 2020-82: *“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?”*

Revisions recommended by the Charter Review Committee: The chief executive authority of the Municipality shall be vested in the Mayor. As administrator of the City government, the Mayor shall appoint his/her office staff and all department heads, except the Director of Law and the Mayer’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.

Revisions approved by City Council: 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 and the Mayor’s office staff. The Mayor shall exercise control over 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.

Action taken by the Mayor: **Vetoed** on July 21 for reasons listed in a memo available via the “Mayor’s Office” section on the city’s website.

Action taken by City Council: Voted 5-2 to override the Mayor’s veto during a Special Meeting on Aug. 19 for reasons detailed in the meeting minutes, which can be read via the “City Council” section on the city’s website.

Issue 58 – Proposed Amendment Pertaining To Vacancies In The Mayor’s Office

Ballot language as approved by City Council (5-2) on July 16 via Ordinance 2020-83: “*Shall Article II, Section 6 of the City Charter be amended to provide that the salary of Acting Mayor shall be the salary set by Council for Mayor, provide for a special election if the office becomes vacant with twelve (12) or more months remaining in the Mayor’s term, provide for a run-off election for Acting Mayor if no one candidate gets greater than forty percent (40%) of the vote and reduce the number of nominating petition signatures needed from five hundred (500) to two hundred fifty (250) qualified electors?*”

Revisions recommended by the Charter Review Committee: (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 actserve as Acting Mayor. During his/her term of service an Acting Mayor shall be paid the salary established by Council for the position of ~~the~~ Acting Mayor and may retain his/her: 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~~two hundred ~~fifty~~ (~~500~~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

Revisions approved by City Council: (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, Council shall select from the remaining Directors to actserve as Acting Mayor. During ~~his~~their term of service, an Acting Mayor shall be paid the salary established by Council for the position of Acting Mayor and may retain ~~his~~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 ~~five~~ two hundred ~~fifty~~ (~~500~~250) qualified electors shall be a candidate at the special election.
- (2) The person receiving the largest number of votes shall take office, and ~~he~~they shall serve for the unexpired term of office.

their nominating petitions not later than 4:00 p.m. of the 60th day before the day of the special election. The take office upon certification by the Board of Elections, and he/she shall serve for the unexpired term of office. He/She may be a candidate to succeed himself/herself.

~~He~~They may be a candidate to succeed ~~himself~~ themselves.

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.

Action taken by the Mayor: Vetoed on July 21 for reasons listed in a memo available via the “Mayor’s Office” section on the city’s website.

Action taken by City Council: Voted 5-2 to override the Mayor’s veto during a Special Meeting on Aug. 19 for reasons discussed in the meeting minutes, which can be read via the “City Council” section on the city’s website.

Issue 59 – Proposed Amendment Pertaining To City Council Meeting Start Times

Ballot language as approved by City Council (5-2) on July 16 via Ordinance 2020-84: “*Shall Article III, Section 8 of the City Charter be amended to provide that Council meetings shall be set at a time as determined by the Council President?*”

Revisions recommended by the Charter Review Committee: (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~~ the time as determined at the discretion 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.

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Action taken by the Mayor: Vetoed on July 21 for reasons listed in a memo available via the “Mayor’s Office” section on the city’s website.

Action taken by City Council: Voted 6-1 to override the Mayor’s veto during a Special Meeting on Aug. 19 for reasons discussed in the meeting minutes, which can be read via the “City Council” section on the city’s website.

Issue 60 – Proposed Amendment Pertaining To The Electronic Publication Of Public Records

Ballot language as approved by City Council (7-0) via Ordinance 2020-86: *“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?”*

Revisions recommended by the Charter Review Committee: (a) Departments. A Department of Law, Department of Finance, ~~and~~ Department of Public Service, Department of Engineering, Department of Buildings, Structures and Inspections, Department of Purchasing, Department of Recreation, and Department of Community Services 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.

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Action taken by the Mayor and City Council: No objections or further actions beyond initial approval.

Issue 61 – Proposed Amendment For Electronic Publication Of Public Records

Ballot language as approved by City Council (7-0) on July 16 via Ordinance 2020-85: *“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?”*

Revisions recommended by the Charter Review Committee: 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 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

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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.

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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.

Action taken by the Mayor and City Council: No objections or further actions beyond initial approval.

Issue 62 – Proposed Amendment To Combine Two Boards And Adjust Term Parameters

Ballot language as unanimously approved by City Council (5-2) on July 16 via Ordinance 2020-88: “Shall Article IV, Subsections 1 (b), Article IV, Subsections 2(c) and (d), and Article IV, Section 11 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?”

Revisions recommended by the Charter Review Committee:

(a) Membership. Effective January 1, 2021, ~~There shall be a the~~ Board of Zoning Appeals ~~which shall become the Board of Building and Zoning Appeals and~~ shall consist of five (5) members ... 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

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(a) Membership. Effective January 1, 2021, ~~There shall be a the~~ Board of Zoning Appeals ~~which shall become the Board of Building and Zoning Appeals and~~ shall consist of five (5) members ... 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) (“whichever occurs later”). 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 of orders,

hear and decide all appeals of orders, decisions and regulations

(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.

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(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.

Action taken by the Mayor: Vetoed on July 21 for reasons listed in a memo available via the “Mayor’s Office” section on the city’s website.

Action taken by City Council: Voted 6-1 to override the Mayor’s veto during a Special Meeting on Aug. 19 for reasons discussed in the meeting minutes, which can be read via the “City Council” section on the city’s website.

Issue 63 – Proposed Amendment Pertaining To The Director Of Law

Ballot language as approved by City Council (7-0) via Ordinance 2020-87: *“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?”*

Revisions recommended by the Charter Review Committee:

.... The Director of Law shall be a qualified elector at the time of his/her election and been engaged in the active practice of law in Ohio for a period of six (6) continuous years ~~next immediately~~ preceding his/her election. 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 his/her 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 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.

Revisions approved by City Council: The Director of Law shall be a qualified elector at the time of ~~his~~their election and been engaged in the active practice of law in Ohio for a period of six (6) continuous years ~~next immediately~~ preceding ~~his~~their election. 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 ~~his~~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 candidates for the special election shall be chosen in the following described manner:

(2) 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 he/she shall serve for the unexpired term of office. He/She may be a candidate to succeed himself/herself.

(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.

Action taken by the Mayor: Vetoed on July 21 for reasons listed in a memo available via the “Mayor’s Office” section on the city’s website.

Action taken by City Council: Voted 7-0 to override the Mayor’s veto during a Special Meeting on Aug. 19 for reasons discussed in the meeting minutes, which can be read via the “City Council” section on the city’s website.

Issue 64 – Proposed Amendment To Renew The Existing Police and Fire Levy

Ballot language as approved on June 18 by City Council (7-0) via 2020-61: *“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?”*

Action taken by the Mayor and City Council: No objections or further actions beyond initial approval.

Issue 65 – Proposed Amendment

Ballot language as approved by City Council (7-0) via Ordinance 2020-89: *“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?”*

Revisions recommended by the Charter Review Committee: 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

Revisions approved by City Council: 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,

offices of Mayor, President of Council and Director of Law shall be signed by not less than ~~five-two~~ hundred ~~fifty~~ (500-250) qualified electors. The petition for office of Ward Councilman/Councilwoman 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.

President of Council and Director of Law shall be signed by not less than ~~five-two~~ hundred fifty (500-250) qualified electors. The petition for office of Ward Councilman-~~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.

Action taken by the Mayor and City Council: No objections or further actions beyond initial approval.

Issue 66 – Proposed Amendment to Article X, Section 1

Ballot language as approved by City Council (7-0) via Ordinance 2020-90: *“Shall Article X, Section 1 of the City Charter be amended to provide for an increase in the number of members on the Charter Review Committee from nine (9) to eleven (11), one (1) to be appointed by the Council President and one (1) to be appointed by the Director of Law, to include an eighteen (18) month residency requirement for members, and to change the Committee’s name to the Charter Review Commission?”*

Revisions recommended by the Charter Review Committee: At the second meeting of Council in January 1, 1979, and each ten (10) years thereafter, a Charter Review ~~Committee~~ Commission of nine (9) members shall be appointed. The ~~Committee~~ Commission shall consist of six (6) members to be appointed, one from each ward by the ward Councilman/Councilwoman, who shall reside within his/her 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~~ Commission from its members by majority vote.....

Revisions approved by City Council: At the second meeting of Council in January 1, 1979, and each ten (10) years thereafter, a Charter Review Committee Commission of nine (9) eleven (11) members shall be appointed. The Committee Commission shall consist of six (6) members to be appointed, one from each ward by the ward Councilman 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 nine (9) eleven (11) members. Committee Commission Members must be a resident of the City of Westlake for at least eighteen (18) months prior to appointment. The Chairman shall be selected by the Committee Commission from its members by majority vote.

Action taken by the Mayor: Vetoed on July 21 for reasons listed in a memo available via the “Mayor’s Office” section on the city’s website.

Action taken by City Council: Voted 5-2 to override the Mayor’s vetoes during a Special Meeting on Aug. 19 for reasons detailed in the meeting minutes available via the “City Council” section on the city’s website.