

**PROPOSED  
AMENDMENT  
TO THE  
CHARTER**



**CITY OF  
WESTLAKE, OHIO**

**TO BE SUBMITTED AT ELECTION TO BE HELD**

**TUESDAY, NOVEMBER 7, 2017**

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

**ISSUE NO. 54**

**THE BALLOT WILL READ AS FOLLOWS:**

Shall Article IV, Sections IV-2a and IV-4 and Article VII Section VII-3 of the Charter of the City of Westlake be amended to provide that the Mayor shall appoint the Director of Law without confirmation of Council, and to no longer provide for the election of the Director of Law, effective December 31, 2017?

YES                       NO

**ARTICLE IV, SECTION 2(a), NOW READS:**

**ARTICLE IV  
ADMINISTRATIVE OFFICES**

**SECTION 2.                      GENERAL PROVISIONS.**

(a) Department Heads. All department heads except the Chiefs of Police and Fire, whose appointments shall be governed by applicable civil service laws, rules, and regulations, and the Director of Law, who shall be elected, shall be appointed by the Mayor subject to the confirmation by a majority of the members of Council. Dismissal of any department head by the Mayor, with the exception of the Director of Law who shall be elected, shall require the approval of a majority of the members of Council. The appointment or dismissal of the Police or Fire Chief shall be governed by applicable civil service laws, rules, and regulations. All department heads shall perform such duties consistent with their office as shall be required by this Charter, by ordinance, or as directed by the Mayor. (Amended Nov. 2, 2004.)

**PROPOSED TO BE AMENDED AS FOLLOWS:**

**ARTICLE IV  
ADMINISTRATIVE OFFICES**

**SECTION 2.                      GENERAL PROVISIONS.**

(a) Department Heads. All department heads except the Chiefs of Police and Fire, whose appointments shall be governed by applicable civil service laws, rules, and regulations, and the Director of

Law, ~~who shall be elected~~ **whose appointment shall be governed by Section IV-4**, shall be appointed by the Mayor subject to the confirmation by a majority of the members of Council. Dismissal of any department head by the Mayor, ~~with the exception of the Director of Law who shall be elected~~, shall require the approval of a majority of the members of Council. The appointment or dismissal of the Police or Fire Chief shall be governed by applicable civil service laws, rules, and regulations. All department heads shall perform such duties consistent with their office as shall be required by this Charter, by ordinance, or as directed by the Mayor.

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**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, 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.~~

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**The Department of Law shall be headed by the Director of Law who shall be an attorney of law duly admitted to the practice of law before the courts of the State of Ohio. He/she shall be appointed by the Mayor without confirmation. He/she shall serve the Mayor, the various administrative departments, boards and officers of the Municipality and the Council, as attorney of law and before any administrative body. He/she shall perform all other duties now or**

*hereafter imposed by law upon solicitors of cities unless otherwise provided by ordinance of Council.*

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**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.**

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