

ORDINANCE NO. 2018-7

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF
WAITE HILL A PROPOSED AMENDMENT TO THE WAITE
HILL VILLAGE CHARTER THAT HAS BEEN
RECOMMENDED BY THE WAITE HILL VILLAGE CHARTER
REVIEW COMMISSION AND DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Article XIV, Section 14.1 of the Charter of Waite Hill Village this Council appointed a Charter Review Commission; and

WHEREAS, the Charter Review Commission identified language in the Charter that should be amended to require the Mayor to give notice and an opportunity to be heard to an employee of the Village before the employee is suspended, demoted, transferred or discharged, in accordance with the requirements of the United States Constitution; and

WHEREAS, this Council has received and considered the proposed Charter Amendment that has been transmitted by the Charter Review Commission, and is required to submit the amendment to the voters, pursuant to Article XIV, Section 14.2; and

WHEREAS, pursuant to the Waite Hill Charter and the Constitution of the State of Ohio, particularly Section 9 of Article XVIII of the Ohio Constitution, this Council has determined to authorize and direct the submission to the electorate of the Village at the general election to be held on November 6, 2018, which election is not less than sixty (60) nor more than one hundred twenty (120) days after the passage of this Ordinance, the proposed amendments to the Charter set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WAITE HILL,
LAKE COUNTY, STATE OF OHIO, AT LEAST TWO-THIRDS (2/3) OF THE
MEMBERS OF COUNCIL CONCURRING:**

SECTION 1. That this Council hereby authorizes and directs the submission to the electors of Waite Hill Village, at an election to be held at the usual places of voting in said Village, on Tuesday, November 6, 2018, of the following proposal to amend the Charter of the Village:

SECTION 2.2 POWERS AND DUTIES.

(a) Executive Powers. The Mayor shall be the chief executive officer of the municipality. He shall:

- (1) Supervise the administration of the municipality's affairs;
- (2) Appoint such committees as he deems necessary, subject to confirmation by a majority vote of the members of Council, and exercise control over all committees and departments of the municipality, except Council and committees thereof;
- (3) Be the chief conservator of the peace within the municipality and shall cause all laws and ordinances to be enforced therein;
- (4) See that all terms and conditions imposed in favor of the municipality or its inhabitants in any franchise or contract to which the municipality is a party are faithfully kept and performed.

(5) Recommend to Council such measures as he deems necessary or appropriate for the welfare of the municipality and shall keep Council advised of the conditions and future of the municipality;

(6) Act as the official and ceremonial head of the municipal government and shall preside over the meetings of Council;

(7) Execute on behalf of the municipality, together with the Clerk-Treasurer, all contracts, conveyances, evidences of indebtedness and all other instruments to which the municipality is a party;

(8) Have custody of the seal of the municipality and may affix it to all of the aforesaid documents, but the absence of the seal shall not affect the validity of any such instrument;

(9) Perform such other duties as are conferred or required by this Charter, or by any ordinance or resolution of the Council, or by the general laws of the State of Ohio not inconsistent therewith; and

(10) Have the power to appoint and promote, subject to such confirmation as may be required by this Charter or by ordinance of Council, any officer or employee of the municipality, except those required by this Charter to be elected. The Mayor shall have the power to discipline, suspend, transfer, reduce in rank or discharge from employment any such officer or employee, in the manner provided below.

(i) With respect to Village Police officers, the Chief of Police shall have the power to reprimand an officer or suspend an officer for up to three days for any violation of the Police Department's Standards of Conduct but shall immediately report to the Mayor the basis of any such suspension. The Mayor shall not be required to investigate the cause for such suspension, but may consider modifying the suspension, or imposing such additional discipline as he may deem necessary, pursuant to part (ii) hereof. The Chief of Police shall advise such officer of the basis of the suspension and give the officer the opportunity to be heard prior to the imposition of such suspension.

(ii) Except as provided in Section 2.2 (a)(10)(i) hereof, or as otherwise provided in this Charter, with respect to all non-elected officers and employees of the municipality, the Mayor shall have the exclusive power to discipline, suspend, transfer, reduce in rank, or discharge from employment any such officer or employee. The Mayor shall provide such officer or employee with notice of the charges against him and provide said officer or employee with an opportunity to be heard in response to the charges against him prior to being disciplined ~~discharged~~. If such officer or employee is to be discharged, said officer or employee may request, in writing to be heard by Council. Such written request must be submitted to the Clerk of Council within ten (10) days after the Mayor's decision to discharge said employee, and Council shall hear such matter at the next regular Council meeting occurring not less than ten (10) days after the filing of the request for hearing. The officer or employee shall be discharged if a majority of the members of Council vote to uphold the Mayor's decision to discharge said officer or employee. If a majority of the members of Council do not vote to uphold the Mayor's decision to discharge said officer or employee, the Mayor may then impose other discipline upon the employee. The employee shall be entitled to the assistance of counsel at any of the hearings provided for by this section.

(b) Judicial Powers. The Mayor shall have all the judicial powers granted from time to time by the general laws of the State of Ohio to mayors of municipalities of the class of this municipality.

(c) Legislative Powers. The Mayor shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council but shall have no vote therein. Every ordinance or resolution adopted by Council shall be signed by the President of Council or other presiding officer and attested by the Clerk-Treasurer.

(d) Veto Powers. Every ordinance or resolution adopted by Council shall be presented promptly to the Mayor. If the Mayor approves such ordinance or resolution, he shall sign it indicating his approval and return it to the Clerk-Treasurer within ten (10) days after its adoption by Council. If he does not approve it, he shall return it to the Clerk-Treasurer within said ten (10) days with his written objections, which shall be entered in full upon the journal of Council. If the Mayor does not sign or so return an ordinance or resolution within said ten-day period, it shall take effect in the same manner as if he had signed it. The Mayor may approve or veto the whole or any item of an ordinance or resolution appropriating money; but otherwise, his approval or veto shall be addressed to the entire ordinance or resolution. When the Mayor has vetoed an ordinance or resolution, or a part or item thereof as herein provided, the Council shall, not later than its next regular meeting, proceed to reconsider it; and if, upon reconsideration, the ordinance or resolution or part or Item thereof vetoed by the Mayor be approved by the affirmative vote of at least two-thirds (2/3) of the members of Council, it shall then take effect without the signature of the Mayor, in the same manner as if he had signed it. In all such cases, the votes shall be taken by roll call and entered upon the journal of Council.

“PROPOSED CHARTER AMENDMENT
A majority affirmative vote is necessary for passage

Shall Article II, Section 2.2 of the Charter of Waite Hill, Ohio be amended to require the Mayor to provide notice and an opportunity to be heard to an employee prior to the imposition of discipline on the employee if the discipline is a suspension, transfer, reduction in rank, or discharge from employment?”

Said ballot shall provide appropriate means for each elector to indicate his/her affirmative or negative vote on the question.

SECTION 2. That if the amendment submitted pursuant to this ordinance is approved by a majority of the electors voting thereon at such election, the amendment shall become effective from and after January 1, 2019.

SECTION 3. That the Clerk of Council is hereby authorized and directed to cause copies of said proposed charter amendment to be mailed at least thirty (30) days prior to said election to each elector of this Village whose name appears upon the registration book of the last regular or general elections held in the Village; provided, however, that in lieu of such mailing and to the extent provided by law, the Clerk of Council is hereby authorized to cause a copy of the proposed charter amendments to be published in such manner as may be authorized by law.

SECTION 4. That the Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Lake County within seven days after the passage of this ordinance.

SECTION 5. That the Board of Elections of Lake County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

SECTION 6. That there is hereby appropriated from the General Fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the costs of printing or otherwise preparing and mailing or publishing said copies of said proposed charter amendments and/or of publishing notice of such election.

SECTION 7. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of Waite Hill Village.

SECTION 8. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this Village and its inhabitants and for the further reason that this Ordinance must be immediately effective to permit necessary arrangements to be made in sufficient time for said election in November of 2018; wherefore, this Ordinance shall be in full force and effect from and immediately after the passage and approval by the Mayor.

PASSED: _____, 2018

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2018

Approved by the Mayor

ATTEST: _____, 2018

Clerk-Treasurer

Mayor