

CHARTER
OF THE
VILLAGE OF WOODMERE, OHIO
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EDITOR'S NOTE: The Woodmere Charter was approved by the voters at a general election on February 8, 1983.

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CHARTER OF THE
VILLAGE OF WOODMERE, OHIO

Article I

Name and Boundaries

The Village of Woodmere, hereinafter sometimes referred to as “the Village” or “Woodmere”, is a municipal corporation in the County of Cuyahoga, State of Ohio shall continue to be a body politic and incorporated under the name of the Village of Woodmere with the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the Laws of Ohio, except that no territory shall be detached from or annexed to the Village, nor shall the Village be annexed to, or merged with, any other body politic, nor shall the corporate existence of the Village be terminated without the assent of a majority of the electors of the Village voting on such proposal, or the assent of the Council given in such manner as to be subject to review by a vote of the electors of the Village.

Article II

Powers

The Village of Woodmere shall have all powers, general or special, governmental or proprietary, including, without limitation, all powers of local self-government and municipal home rule which may now or hereafter lawfully be possessed or exercised by any city under the Constitution and laws of the State of Ohio or the Constitution and laws of the United

States. No enumeration herein of specific powers shall be held to be exclusive. No law of the State of Ohio or of the United States shall be imposed upon the Village of Woodmere except where mandated by law, unless the Village of Woodmere adopts or approves such State or Federal law by this Charter or by legislative act.

This Charter and Village of Woodmere Ordinances, rules and regulations shall be construed broadly in favor of the home rule power of the Village of Woodmere where possible.

The powers of the Village of Woodmere shall be exercised in the manner prescribed in this Charter or, where not prescribed herein, in such manner as Council may prescribe.

None of the powers herein shall be withdrawn from the exclusive control of the City, nor shall the corporate existence of the Village of Woodmere terminate or merge, nor shall any territory be detached from or annexed to the Village of Woodmere, without the approval of Council and Mayor and a majority of the electors of the Village of Woodmere voting upon such proposition, as permitted by the general law of Ohio.

Article III

Council

SECTION III-1. Composition and Term.

Council shall be elected on June 7, 1983. Council shall consist of seven (7) members to be elected at large for a term commencing on the first day of August next after their election.

Of the seven (7) persons elected in June 1983, the four (4) receiving the highest number of votes shall serve for four (4) years and the three (3) receiving the next highest number of votes shall serve for two (2) years.

Thereafter, three (3) members shall be elected at the regular Municipal election in 1985 and every fourth (4th) year thereafter. Four (4) shall be elected at the regular Municipal election in 1987 and every fourth (4th) year thereafter.

Commencing January 1, 2024, no Councilperson shall be eligible to hold the office of Councilperson in the Village for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days. Any previous consecutive terms of office held by the Councilperson who is in office commencing January 1, 2024, shall be counted towards this term limit.

The Councilperson can hold office again after one four-year absence from office at which time the fourteen year cycle may start again.

SECTION III-2. Qualifications.

Each member of Council shall have been a resident and qualified elector of the Municipality for at least two (2) continuous years before the day of his or her election or appointment, and shall continue to be a resident of the Municipality throughout his or her term.

A member of Council shall not hold any other elected public office, or be employed by or hold any other public office in this Municipality except that of a notary public, a member of the State Militia or Reserve Corps of the United States, unless otherwise provided by this Charter. Any member of Council who shall cease to possess any of the qualifications enumerated herein shall forfeit his or her office, but failure to maintain such qualifications

shall not render void or ineffective any action of Council in which such member has participated.

Family members are prohibited from concurrently serving on Woodmere Village Council. Or as Mayor if a family member is on Council. Further, the Administration is prohibited from hiring or appointing family members. "Family members" include the following relatives, regardless of where they reside: (1) spouse; (2) children (whether dependent or not); (3) siblings; (4) grandparents; (5) parents; (6) brothers and sisters and (7) grandchildren. It also includes any other person related by blood or by marriage and living in the same household.

No member of Council shall be allowed to vote on any contract, job, work or service for which moneys of the Municipality are or will be expended in which he or she or a family member (as defined in the previous paragraph) has a vested interest.

Once elected or appointed, no member of council, the Mayor, Clerk of Council nor committee appointee shall take office until such time as they satisfactorily complete the Ohio Auditor of State Certified Public Records Training, for each term of office before being sworn in to office or within 3 months. Once elected or appointed each member of Council, the Mayor, clerk of council and committee appointees shall be in compliance with the requirements of the Ohio Ethics Commission under ORC Chapter 102 for each term of office before being sworn into office or within 3 months of taking office. Once elected or appointed each member of Council, the Mayor, clerk of council and committee appointees shall take an Ohio Auditor of State course on Roberts Rules of Order for each term of office before being sworn into office or within 3 months of taking office. Such certification of the completion shall be monitored by the Clerk of Council.

SECTION III-3. Organization.

In January of each year, Council shall meet in the Council Chamber and organize. At such organizational meeting, or as soon as practicable thereafter, the Council shall elect one Councilperson as the President of Council and one Councilperson as a member of the Planning and Zoning Commission, each to serve for the balance of that year and until his or her successor shall have been elected unless he or she shall cease in the meantime to be a Councilperson. The Council President may serve for no more than two consecutive terms (of one year each).

SECTION III-4. Powers of the Council.

All the legislative powers of the Village of Woodmere, and all such other powers as may be granted by this Charter, together with all such powers as are not or may hereafter be granted by the Laws of Ohio to Boards of control, municipal tax commissions, Boards of health or any other municipal commission, Board or body now or hereafter created, shall be vested in the Council except as otherwise provided in this Charter.

SECTION III-5. Council Meetings.

The Council shall hold at least one regular meeting in each calendar month. A majority of the members of the Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action taken, by the affirmative votes of four members of the Council unless a larger number be required by the provisions of this Charter or by the Laws of Ohio. The Clerk of Council shall keep a record of its proceedings in which the yea and nay vote of each Councilperson voting on an ordinance or resolution shall be entered. All meetings of the Council shall be open to the public and its official records shall be available for public inspection at all reasonable times. Council may adjourn to an Executive Session for the purposes permitted by the Ohio Revised Code, and specifically, Ohio Revised Code Section 121.22, upon Council announcing the reason why it is adjourning to Executive Session.

SECTION III-6. General Ordinances.

The Council shall by ordinance make provision for:

- (a) The time and place of regular meetings of the Council;
- (b) The method of calling special meetings of the Council;
- (c) The form and method of enactment of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title, and provided further that no ordinance or resolution of a general or permanent nature granting a franchise, creating a right, involving the expenditure of money or the levying of a tax (other than a resolution providing for an election on the question of issuing bonds or levying a tax) or for the purchase, lease, sale or transfer of property shall be passed unless it has been read in full or by title and intent on three (3) different days, unless the requirement for such three readings is dispensed with by the affirmative vote of five (5) members of Council in accordance with Section 6 hereof;
- (d) The method of giving public notice of the enactment of its ordinances and adoption of its resolutions, and of any other of its acts or proceedings which it deems proper to publish;
- (e) The procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements, and the levying or assessments therefor, in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;
- (f) The advertising and awarding of contracts;
- (g) Such other general regulations as the Council may deem necessary, including regulations as to the custody and use by the Clerk of Council of an official seal.

(Amended March 2, 2004.)

SECTION III-7. Effective Date of Ordinances and Resolutions.

Each ordinance providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety,

shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after vetoed by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative votes of at least five members of the Council for its enactment. No action of the Council in authorizing any change in the boundaries of the Village or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the Village or its inhabitants of the product or service of any utility, whether municipally owned or not, shall be taken as an emergency measure.

SECTION III-8. Vacancies in Council.

Whenever the office of a Councilperson shall become vacant, the Clerk of Council shall post the vacancy in accordance with Section (Notice) for 14 calendar days and take applications for interest to fill the vacancy for 30 days from time of posting. The remaining councilmembers shall interview all candidates in executive session who have timely submitted a statement of interest and are eligible under Section III-2 and then the vacancy shall be filled by a majority vote of all the remaining members of the Council at a special open meeting of council to be convened within 14 calendar days; If there is more than one vacancy the Council shall add one new member at a time at the special meeting utilizing the process herein; and if the vacancy shall not be so filled within forty days, the Mayor shall fill it by appointment. Each Councilperson so elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until the beginning of the term of a successor elected for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired terms at the next Municipal election if (a) such election shall occur more than two years prior to the expiration of the unexpired term; and (b) the vacancy shall have occurred more than one hundred twenty days prior to such election.

A majority of Council may remove a member of Council for gross misconduct, malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated by a court of competent jurisdiction to be legally incompetent, or for a violation of the oath of office; provided, that such removal shall not take place without an affirmative vote of five (5) members of Council nor until the councilmember shall have been notified in writing by certified mail of the charge(s) at least twenty (20) days in advance of a public hearing.

The Councilmember and his or her counsel shall be given an opportunity at such hearing to be heard, to present evidence and to examine any witnesses appearing in support of the charge(s).

SECTION III-9. Council Salaries.

Effective January 1, 2014, Council member's monthly salaries must at least equal the monthly earnable salary amount established by the Ohio Public Employees Retirement System for elected officials to receive full-time service credit for pension purposes.

(Enacted November 5, 2013)

SECTION III-10 Absences

Absence of a Councilmember from three (3) consecutive Regular Council meetings, or a total of six (6) Regular Council meetings in a Councilmember's term, without such absence being authorized or approved by an affirmative vote of Council, shall operate to vacate such office forthwith and without further proceedings.

Article IV The Mayor

SECTION IV-1. Term.

The Mayor shall be elected on June 7, 1983 for a term of two (2) years commencing on the first day of August, next following such election and shall serve until December 31, 1985.

The Mayor shall be elected at the regular Municipal election in 1985 and every fourth year thereafter.

Commencing January 1, 2026, no Mayor shall be eligible to hold the office of Mayor in the Village for more than three (3) consecutive four (4) year elective terms or fourteen (14) consecutive years whether elected or appointed. "Consecutive" shall include time out of office for less than sixty (60) days. Any previous consecutive terms of office held by the Mayor who is in office commencing January 1, 2026 shall be counted towards this term limit.

The Mayor can hold office again after one four-year absence from office at which time the fourteen year cycle may start again.

SECTION IV-2. Qualifications.

The Mayor shall have been a resident and a qualified elector of the Municipality for at least two (2) continuous years immediately preceding his or her election and shall continue to be a resident and qualified elector of the Municipality throughout the term of office. The Mayor shall not hold any other elected public office, but may hold other public employment outside the Municipality unless otherwise prohibited by this Charter.

If the Mayor shall cease to possess any of the qualifications herein enumerated, the office shall be forfeited, but failure to maintain said qualifications shall not render void or ineffective any action in which the Mayor had participated when he or she were qualified to serve.

SECTION IV-3. Judicial Powers.

The Mayor shall have all the judicial powers granted to Mayors by the Laws of Ohio.

SECTION IV-4. Legislative Powers.

The Mayor shall attend all Council meetings, shall have the right to recommend and introduce legislation, and to take part in the discussion of all matters coming before Council but shall not have the right to vote.

SECTION IV-5. Executive Powers.

(A) The Mayor shall be the chief executive officer of the Municipality. He or she shall make all official appointments within 30 days as required by the Charter, otherwise these appointments shall be made by Council. Except as otherwise provided in this Charter, the Mayor shall:

- (1) Supervise the administration of the Municipality's affairs;
- (2) Except for committees of Council, appoint such committees and their chairpersons as necessary, subject to confirmation by Council, and exercise control over all such committees and all departments of the Municipality;
- (3) Be the chief conservator of the peace within the Municipality and 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 are deemed necessary or appropriate for the welfare of the Municipality and keep Council advised of the condition and future of the Municipality;
- (6) Act as the official and ceremonial head of the Municipality;
- (7) Execute on behalf of the Municipality, together with the Clerk of Council as the case may be, 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 affix it to all official documents, but the absence of the seal shall not affect the validity of any such instrument; and
- (9) Perform such other duties as are conferred or required by this Charter, or by any ordinance or resolution of Council, or by the general laws of the State of Ohio not inconsistent herewith. The Mayor shall be recognized as the official and ceremonial head of the Municipal government by the Governor of Ohio for military purposes, and by the courts for the purpose of serving civil process.

(Amended March 2, 2004.)

(B) Except as provided in Article V of this Charter and subject to such confirmation as may be required herein or by the ordinance of Council, the Mayor shall have the power to appoint and promote any officer or employee of the Municipality, subject to the approval of Council, except those required by this Charter to be elected. A vote of five (5) members of Council shall be necessary to reverse the Mayor's action.

(C) The Mayor shall have the right to discipline and terminate the employment of any officer or employee referred to in Section IV-5(B) in the following manner:

- (1) With respect to the Police Chief, police officers and patrol members, to discharge from employment, suspend, transfer, reduce in rank or otherwise discipline.

With respect to all other non-elected officers and employees the Mayor has the power to appoint, discipline, suspend, transfer, reduce in rank or discharge from employment.

Said action shall be final unless the person so disciplined requests a review of the action in writing to the Council President within ten (10) days of the effective date of the Mayor's action.

The request for review shall contain in addition all points on which the employee relies in support of his or her claim and shall be placed on the agenda for the meeting of Council next following the expiration of such ten-day period which may be attended by the person requesting the review. A vote of five (5) members of Council shall be necessary to reverse the Mayor's action.

(D) Except as otherwise specifically provided in subparagraph (C)(1) all actions taken pursuant to Section 5(C) shall be final and conclusive, and no right of appeal shall be available.

SECTION IV-6. Veto Powers.

Every ordinance or resolution adopted by Council shall, before it goes into effect, be presented promptly to the Mayor. If the Mayor approves such ordinance or resolution he or she shall sign it indicating approval and return it to the Clerk within ten (10) days after its adoption by Council. If the Mayor does not approve it, the ordinance shall be returned to the Clerk within ten (10) days with written objections, which shall be entered in full upon the official journal of Council. If the Mayor does not sign or so return an ordinance or resolution within the ten-day period, it shall take effect in the same manner as if it had been signed. The Mayor may approve or veto the whole or any item of an ordinance or resolution appropriating money; but otherwise, the 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, Council shall, not later than its next regular meeting, proceed to reconsider it; and if upon reconsideration, the ordinance or resolution or the part of item thereof vetoed by the Mayor is approved by the affirmative vote of at least five (5) members of Council, it shall then take effect without the signature of the Mayor, in the same manner as if it had been signed. In all such cases, the votes shall be taken by roll call and entered upon the official journal of Council.

SECTION IV-7. Absence.

When the Mayor, for any reason is temporarily inaccessible and unable to perform his or her duties, the President of Council shall become the acting Mayor, and while so acting shall have and exercise all of the powers of the Mayor, with the exception of the veto power, but the Council President shall thereby temporarily cease to be President of Council. The Council must elect a temporary acting President of Council during that absence at the next Council meeting.

SECTION IV-8. Vacancy.

In the event that Council determines that the Mayor is unable to perform his or her duties because of death, prolonged illness, physical or mental disability or absence from the Municipality for a period in excess of ninety (90) days, Council must, upon the affirmative vote of five (5) members thereof, after a public hearing is held, declare the office of the Mayor vacant. In that event, the President of Council shall thereupon become Mayor and

his or her Council office shall become vacant. The Council President shall serve as Mayor until the successor is duly elected as hereinafter provided.

In case the office of the Mayor shall be vacant, a successor for the unexpired terms shall be elected as Mayor at the next general or primary election, whichever is sooner, provided said general or primary election occurs not less than ninety (90) days from the date on which said vacancy occurs. In the event said primary or general election is scheduled to occur less than ninety (90) days from date of said vacancy, the Council President shall serve until the next following general or primary election.

SECTION IV-9. Removal

Council may remove the Mayor for gross misconduct, malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated by a court of competent jurisdiction to be legally incompetent, or for a violation of the oath of office; provided, that such removal shall not take place without an affirmative vote of five (5) members of Council nor until the Mayor shall have been notified in writing by certified mail of the charge(s) at least twenty (20) days in advance of a public hearing.

The Mayor and his or her counsel shall be given an opportunity at such hearing to be heard, to present evidence and to examine any witnesses appearing in support of the charge(s).

Article V

Administrative Departments, Boards and Commissions

SECTION V-1. General Provision.

The Municipality shall have an Architectural Review Board, a Clerk, a Treasurer, a Law Director, and the following departments and commissions: Police, Fire, Building, Planning and Zoning. Council shall provide by ordinance for the organization and duties thereof not provided for by this Charter.

Council may by ordinance establish new administrative offices, departments, boards and commissions or divisions thereof. The Mayor shall have the power to appoint all officers and employees of said offices, departments, boards and commission or divisions thereof subject to confirmation by a vote of four (4) members of Council; provided, however, that, subject to any contract rights of such officers and employees, Council may combine or abolish such offices, departments, boards and commissions or divisions thereof as it may deem necessary or desirable and may authorize one person to be the head of two or more departments, boards or commissions or divisions thereof.

SECTION V-2. Architectural Review Board.

(A) The Architectural Review Board shall consist of three (3) architects having the qualifications set forth in division (B). Each architect member shall, after the initial appointments, be appointed for a term of 3 years with alternate and successive annual expiration dates. Appointments of architect members shall be made by the Mayor.

Two alternate members shall be appointed having the same qualifications as the members. Each alternate shall be appointed for a term of 3 years. Appointment of alternate members shall be made by the Mayor.

(B) Each architect member of the Architectural Review Board shall be a registered architect duly registered and authorized to practice architecture in and under the laws of the State of Ohio, and shall have been actively engaged in the general practice of architecture as a registered architect in such State for a period of not less than 5 years prior to his or her appointment to the Board.

(C) Any member of the Board shall be subject to removal from such membership for good cause shown in the manner provided by the statutes of the State of Ohio.

(D) Each architect member of the Board shall receive a fee as set by Council per meeting.

(E) No member of the Board shall participate in the review of any work in which he or she has any direct or indirect financial interest, or of any work for any person by whom he or she is employed. If such an occasion should arise, the member so restrained shall forfeit his fee for that meeting and yield his or her place to an alternate member.

(F) In the case of the absence of any architect member from any meeting for any reason, the Mayor shall designate one or more of the alternate members to serve in the place of the absent member, so that the number of architect members present at any meeting shall not be less than 2 nor more than 3. The alternate member so serving shall receive the fee of the member instead of the member in whose place he or she serves. The absent member will not be paid.

(G) The purposes of the Board are to protect the value, appearance and use of property on which buildings are constructed or altered, to maintain a high character of community development, to protect the public health, safety, convenience, and welfare and to protect real estate within the City from impairment or destruction of value. These purposes shall be accomplished by the Board by regulating, according to accepted and recognized architectural principles, the design, use of materials, finished grade lines, dimensions, orientation and location of all main and accessory buildings to be erected, moved, altered, remodeled, or repaired, subject to the provisions of the Zoning and Building Codes and other applicable sections of this Code. In reviewing, regulating, and approving building plans, the Board shall consider and take cognizance of the development of adjacent, contiguous and neighboring buildings and properties for the purpose of achieving safe, harmonious, and integrated development of related properties.

(H) The Board shall have meetings at the request of the Planning and Zoning Commission and shall hold all meetings in the Village Hall or virtually with proper notice.

(I) One member of the Board shall act as secretary and shall keep or cause to be kept in the Village Hall a complete record of all meetings of the Board and a detailed record of all transactions handled by the Board, and shall prepare and file with the Mayor and Council on or before May 1 of each year a complete report of the business handled by the Board during the preceding year.

SECTION V-3. Clerk of Council.

(A) Council shall appoint and employ a Clerk of Council and such persons as it deems necessary for the proper discharge of its duties. The Clerk and such necessary persons shall serve at the pleasure of Council.

(B) Duties. The Clerk of Council shall post appropriate notice of meetings in accordance with Ohio Sunshine laws and attend all meetings of Council and keep a record of its proceedings and of all rules, by-laws, resolutions and ordinances passed or adopted which shall be subject to the inspection of all interested persons. The Clerk of Council shall perform all other duties prescribed by Council. During the absence or disability of the Clerk of Council, the Council shall appoint a clerk pro tempore to perform all duties of the office.

(Amended November 2, 2021.)

SECTION V-3.1. Treasurer.

(A) Appointment. **The Treasurer shall be nominated by the mayor and approved by a majority of Council** and may be removed by affirmative vote of five (5) members of Council and with the consent of the Mayor.

(B) Duties. The Treasurer shall keep the books of the Municipality, exhibit accurate statements of all moneys received and expended, of all property owned by the Municipality and the income derived therefrom, and of all taxes and assessments.

The Treasurer shall keep an accurate account of all moneys, taxes and assessments due to and all receipts and disbursements made by the Municipality and of all appropriations made by Council, and shall receive all moneys due or belonging to the Municipality. The Treasurer shall disburse the Municipality's funds on the order of any person authorized by ordinance or resolution of Council to issue orders therefor and subject to any further conditions which Council may, by ordinance or resolution, prescribe. The Treasurer shall present the Village accounts to Council no less than quarterly and shall perform all other duties required by this Charter, by ordinance or resolution of Council, and the laws of Ohio.

(Enacted May 4, 1993.)

SECTION V-4. Law Director.

The Law Director shall be nominated by the Mayor and approved annually by a majority of Council and may be removed by affirmative vote of five (5) members of Council and with the consent of the Mayor at any time during that period; provided that such removal shall not impair any contract rights which the Law Director may possess. No person shall be eligible to be appointed Law Director who is not an attorney at law, admitted to practice before the Supreme Court of Ohio, and has at least two years of experience in municipal law.

The Law Director shall prepare all contracts, bonds, ordinances and other instruments in which the Municipality is concerned; advise Council and any officer of the Municipality concerning the law in any matter before Council or said official; defend or prosecute any action on behalf of or taken against the Municipality when so requested by Council and perform all other duties required by this Charter or by ordinance or resolution of Council.

SECTION V-5. Police Department.

The Police Department of the Municipality shall be administered by a Police Chief appointed by the Mayor subject to confirmation by a vote of four (4) members of Council. The Police Department shall preserve the peace, protect persons and property and obey and enforce all ordinances of Council, and all criminal laws of the State of Ohio and of the United States and perform such other duties as are provided by ordinance or resolution of Council. Political activity by members of the Police Department shall be governed by the Ohio Revised Code.

SECTION V-6. Fire Department.

The Fire Department shall be administered by a Fire Chief appointed by the Mayor subject to confirmation by a vote of four (4) members of Council. The Fire Department shall protect the lives and property of the people in case of fire, and perform such other duties as are provided by ordinance or resolution of Council.

SECTION V-7. Building Department.

The Building Department shall be administered by a Building Inspector appointed by the Mayor subject to confirmation by a vote of four (4) members of Council. The Building Department shall be responsible for enforcing all applicable building and zoning codes in the Municipality and perform such other duties as are provided by ordinance or resolution of Council.

SECTION V-8. Planning and Zoning Commission.

(A) Composition, Term and Removal.

The Planning and Zoning Commission shall consist of the Mayor, one member of Council appointed annually by Council, and three (3) electors of the Municipality, not holding other Municipal office or appointment in this Municipality (except as provided in Section 2, dealing with the qualifications for Council). The three initial elector members shall be appointed by Council; of the three (3) appointed, two shall serve terms of three (3) years and one shall serve a term of one (1) year. The term of the initial appointees shall begin January, 1984. Thereafter and upon completion of the initial terms, all appointments shall be made by the Mayor upon application with approval from a majority vote of Council and shall be for three (3) years. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment. Council may at any time with the consent of the Mayor remove any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity or incompetency. The term of office of the present members of the Planning and Zoning Commission heretofore established by ordinance of Council shall terminate upon the election, appointment and qualification of the members of the Commission provided for in this Charter.

(B) Officer, Rules, Quorum and Compensation.

The Commission shall elect a chairperson from among its members. The Commission shall appoint a secretary to the Commission, who need not be a member and who may hold other Municipal office or appointment. The Commission may appoint such other officers as it shall deem necessary, shall make its own rules and regulations and shall keep an official

record of its proceedings. The officers of the Commission shall be elected by the Commission at or prior to its first meeting each year. The Commission shall meet upon call of the chairperson or any three (3) members. A majority of the members of the Commission shall constitute a quorum for the transaction of business and the affirmative vote of three members of the Commission shall be necessary for any official action. Members of the Commission shall serve without compensation unless otherwise provided by ordinance of Council.

(C) Powers and Duties.

The Commission shall have such powers and duties as may be prescribed by the ordinances of Council or the general laws of the State of Ohio not inconsistent therewith.

V-9 ADDITIONAL PROCEDURE FOR THE REZONING OF LAND.

The rezoning of land from U1 single family residential classification to another classification shall require the following additional procedure:

A) Any application for Rezoning of land shall be submitted to the Planning and Zoning Commission for report and recommendation as provided by ordinance.

B) Upon receipt of the report and recommendation of the Planning and Zoning Commission, Council shall place the legislation on for first reading and shall set a date for public hearing with at least twenty (20) days' notice of the time and place of said public hearing to be advertised in a newspaper of general circulation in the Municipality, with notice to each household on their mailbox and in a public area of apartment buildings in the Village, and in any other traditional manner Council deems appropriate, with a summary of the text of the ordinance.

(C) After the public hearing, Council shall consider the report and recommendation of the Planning and Zoning Commission together with information received during the public hearing and shall consider any amendments to the proposed ordinance.

(D) At any time after the public hearing, Council shall then consider the ordinance or resolution on second reading and shall either adopt or not adopt the legislation.

(E) If the legislation is adopted, submission to the electorate in accordance with section V-10 shall follow. If the legislation is not adopted, then it does not need to go to the electorate for a vote.

SECTION V-10. SUBMISSION TO ELECTORATE FOR RECLASSIFICATION FROM U-1 SINGLE FAMILY RESIDENTIAL.

After adoption by Council and approval by the Mayor, or upon adoption of Council overriding the veto of the Mayor, of any ordinance reclassifying land in Woodmere Village from U-1 Single Family Residential zoning to any other zoning classification, in accordance with V-9 of this Article, Council shall thereupon certify such ordinance or resolution to the Board of Elections to have the matter set for a special election not less than 60 days and not more than 75 days from the Council certification. No such ordinance shall become effective

until approved by a majority of the electors voting thereon, in this municipality and certification of those results by the Board of Elections.

Article VI

Salaries and Bonds

The Council shall fix the salary or compensation of each officer, employee and member of any board or commission of the Village. Any such person may be required by the Council, from time to time, to furnish a bond or bonds for the faithful performance of his duties; such bond shall be paid by the Village. The compensation of the Mayor and of each member of the Council shall be fixed at least thirty days before the time for filing nominating petitions for the terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect of any such terms or any part thereof. The compensation of each other officer, employee and member of a board or commission of the Village shall be fixed by the Council and, subject to the power of the Council to provide otherwise by ordinance or resolution, may be changed at any time in its discretion. The Council may authorize the payment or reimbursement of expenses incurred by any officer or employee of the Village, or by any member of any board or commission of the Village, in trips taken in the interest of the Village.

ARTICLE VI-2 -

Salaries and Compensation of Sworn Full Time Police Officers

In providing for the wages, terms and conditions of employment for all full-time sworn police officers, Council and the Mayor shall adhere to the provisions set forth in Chapter 4117 of the Ohio Revised Code regarding Collective Bargaining. The Village hereby waives any exemptions granted to municipalities of its type in Chapter 4117 of the Ohio Revised Code.

Notwithstanding any provisions of the Ohio Revised Code to the contrary, Woodmere Village agrees to abide by all provisions contained in Chapter 4117 of the Ohio Revised Code and permit said employees:

- (a) The right to form, join or participate in any employee organization of their choosing;
- (b) To bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and to enter into collective bargaining agreements; and
- (c) To engage in other lawful concerted activities for the purposes of collective bargaining.

(Initiative Charter Amendment passed November 4, 2008.)

Article VII

Nominations and Elections

SECTION VII-1. Procedures.

Nominations for elective offices of the Village shall be made only by petition, signed by registered electors of the Village not less in number than 10% of the number voting at the

last preceding general election, and shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition. No primary election shall be held for the selection of any candidate for any elective office of this Village; and no nomination for any such office shall be of any effect unless made as required by Section 1. The ballot used in the election of officers of the Village shall be without party mark or designation. The names of all candidates for any Village office shall be placed upon the same ballot and shall be rotated in the manner provided by the Laws of Ohio. Except as otherwise provided in this Charter, the Laws of Ohio shall govern the nomination and election of the elective officers of this Village.

SECTION VII-2. Vacancies in Elective Offices.

The office of an elected officer of the Village shall become vacant upon death, resignation, or recall pursuant to Section 2 of Article VIII hereof, and may be declared vacant by resolution of the Council if the officer **(Not He):**

- (a) shall not be a registered elector of the Village;
- (b) shall not reside in the Village, or shall not have resided in the Village continuously for a period of at least two years preceding his election;
- (c) shall have any material financial interest in any contract to which the Village is a party.

Article VIII

Initiative, Referendum and Recall

SECTION VIII-1. Initiative and Referendum.

Ordinances and other measures may be proposed by initiative petition and adopted by election, and ordinances and other measures adopted by the Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution or the Laws of Ohio.

SECTION VIII-2. Recall.

The electors shall have the power to remove from office by a recall election any elected officer of the Village. If an elected officer shall have served three months of his or her term, a petition demanding removal may be filed with the Clerk of the Council or if unavailable to the Law Director of the Village, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not less than two hundred words and not more than one thousand words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals 25% of the electors voting at the last preceding general election. Within ten days after the day on which such petition shall have been filed, the Clerk or Law Director shall determine whether or not it meets the requirements hereof. If the Clerk or Law Director shall find the petition insufficient, he or she shall promptly certify the particulars in which the petition is defective, deliver a copy of his or her certificate to the person who filed the

petition, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk or Law Director shall find the petition sufficient, the Clerk or Law Director shall within 1 business day so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five business days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than seventy-five days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be removed as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively such officer shall remain in office. If a majority of the votes cast shall be voted affirmatively, such officer shall be considered removed upon the certification of the election results, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to any office and shall not be eligible to run for election to any office for a period of four years from the date of the certification of the recall.

Article IX Finances

SECTION IX-1. Contracts and Fiscal Matters.

The Laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of the municipality shall be applicable to this Village except as modified by, or necessarily inconsistent with, the provisions of this Charter.

SECTION IX-2. General.

The Laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debt, bonds and other fiscal matters of municipalities shall be applicable to the Municipality; provided that Council may, by ordinance, provide for different rules or procedures for determining the fiscal affairs of the Municipality. Said rules or procedures shall apply except, when by the Constitution of the State of Ohio, the general laws must govern.

SECTION IX-3. Limitations on Rate of Taxation.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by the Constitution and the general laws of the State of Ohio and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitation without a vote of the people.

SECTION IX-4. Additional Fire Department Levy.

Commencing with the tax list and duplicate for the year 1992, there shall be levied in each year, without a vote of the people, a tax in an amount not to exceed in each such year one

(1) mill per dollar of assessed valuation upon all property in the Municipality assessed and listed for taxation according to value for the purpose of providing funds to pay costs to upgrade the Fire Department by providing additional firefighters and equipment and establishing an emergency medical technician program. The 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.
(Enacted November 3, 1992)

Article X Franchises

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation to construct or operate a public utility on, across, over or above any public street or real estate within the Village for a period not in excess of twenty-five years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established herein for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public grounds as shall, in the opinion of the Council, be necessary in the public interest.

Article XI XI – 1 Amendments to Charter

The Council may, by the affirmative vote of at least five of its members, submit any proposed amendment to the Charter to the electors; and, upon receipt of a petition signed by not less than 10% of the registered electors of the Village that voted in the last general election, setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the Laws of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that, if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

Article XI-2

CHARTER REVIEW COMMISSION

(A) Commencing on or about January 1st of 2027 and then five (5) years thereafter, a Charter Review Commission composed of seven (7) Commissioners who are and continue

to be electors of the Village, shall be established to review this Charter. The Council shall appoint five (5) Commissioners and the Mayor shall appoint two (2) Commissioners. In making appointments, Council and the Mayor shall make a good faith effort to ensure that the Charter Review Commission is reflective of the Village in terms of diversity. No Commissioner may hold any other office or employment with the Village. Members shall serve until the Commission's recommendations have been submitted to Council not later than six (6) months after the first official meeting.

(B) The Charter Review Commission shall, in public meetings, review in a comprehensive and thorough manner the Village's Charter. In the six (6) months following the establishment of each Charter Review Commission, the Commission shall recommend to Council and the Mayor such amendments, including alterations, additions, or deletions, if any, to this Charter as in its judgment are conducive to the public interest. The Charter Review Commission shall invite and consider proposed amendments and revisions from the Village Administration, Council and Residents. In presenting its recommendations, the Commission shall reserve sufficient time for Council and the public to review the proposed amendments and for Council to make appropriate alterations, additions, or deletions prior to formal Council action on them. Any proposed amendment that Council approves by a two-thirds vote shall be timely submitted to the County Board of Elections for presentation to the electors of the Village at the November General Election of 2027, and then each five (5) years thereafter, in a manner otherwise in accordance with the provisions of this Charter and the Constitution of Ohio.

(C). Citizen Notification.

Not less than thirty (30) days prior to such election the Clerk of Council shall notify residents in a newspaper of general circulation in the Village, plus the notice as required by the ordinances of the Village. If such proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter.

Article XII
Miscellaneous

SECTION XII-1. Effective Date of the Charter.

For the purpose of nominating and electing officers of the Village and fixing the compensation of those to be elected in 1983, this Charter shall be in effect from and after the date of its approval by the electors of the Village; and for all other purposes the Charter shall be in effect on and after the first day of January, next after their appointment.

SECTION XII-2. Effect of Partial Invalidity.

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part, except to the extent that such other part is dependent for its operation upon the part declared invalid.

SECTION XII-3. Effect of Existing Laws and Rights.

This Charter shall not affect any vested rights or accrued liabilities of the Village of Woodmere, nor any right or liability in any pending suit or prosecution either on behalf or against the Municipality, nor any contract entered into by the Municipality, nor any franchise granted by the Municipality, nor any prior or pending proceeding for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the Municipality in effect at the end of December 31, 1983, shall continue in effect until lawfully amended or repealed.

SECTION XII-4. Interpretation of the Charter.

The Article and Section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.