

ORDINANCE 11-047, AN ORDINANCE ACCEPTING THE REPORT OF THE CHARTER REVIEW COMMISSION SUBMITTING THE AMENDMENTS OF THE CHARTER OF THE VILLAGE OF WEST JEFFERSON TO A VOTE OF THE QUALIFIED ELECTORS OF SAID VILLAGE AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2011 AT THE REGULAR PLACES OF VOTING IN SAID VILLAGE BETWEEN THE HOURS OF 6:30 A.M. AND 7:30 P.M., DIRECTING THE CLERK TO PUBLISH THE FULL TEXT OF THE PROPOSED CHARTER AMENDMENTS ONCE A WEEK FOR TWO (2) CONSECUTIVE WEEKS IN THE MADISON PRESS AND CERTIFYING A COPY OF THIS ORDINANCE TO THE BOARD OF ELECTIONS OF MADISON COUNTY PURSUANT TO ARTICLE XVIII OF THE OHIO CONSTITUTION AND DECLARING AN EMERGENCY.

WHEREAS, the duly appointed Charter Review Commission has filed its recommendations with the Council of the Village of West Jefferson, Ohio on June 20, 2011; and
WHEREAS, the Council of the Village of West Jefferson intends to accept the recommendations of said Commission; and

WHEREAS, Article XVIII of the Ohio Constitution requires that said Amendments be submitted to the Electors of the Village of West Jefferson at the next general Election.

IT IS NOW THEREFORE ORDAINED by the Council of the Village of West Jefferson, all members elected thereto, concurring as follows:

SECTION 1. The question of the Amendment to Article III, Section 3.04, Article III, Section 3.06, Article III, Section 3.08, Article IV, Section 4.03, Article IV, Section 4.07, Article IX, Section 9.02, Article XIII, Section 13.03 and Section 13.04 of the Charter of the Village of West Jefferson shall be submitted to a vote of the qualified Electors of said Village at the general Election to be held on November 8, 2011 at the regular place of voting in said Village between the hours of 6:30 a.m. and 7:30 p.m.

SECTION 2. The Charter as amended shall read as follows: (See the Report of the Recommendations attached hereto). The Final Ordinance shall have all provisions of the Charter as amended copied in this Section.

ARTICLE III, Section 3.04 – Executive and Administrative Powers.

The executive and administrative powers of the Municipality shall be vested in the Mayor, Directors of Departments and other Administrative Officers and Boards provided for in the Charter or by Ordinance. The Mayor shall be recognized as the Chief Executive and the Official and Ceremonial Head. The Mayor shall function as the Chief Conservator of the Peace, to see that all Laws, Resolutions and Ordinances are enforced and, as the Judge, to hear and determine misdemeanor cases arising under the Municipal Ordinances as provided by State Legislative Act. The Mayor should attend all meetings of Council or submit a Mayor's Report. The Mayor has the right to participate in Council discussion, but not to vote.

The Mayor shall appoint and shall have the power to remove the following, subject to the procedure in the current employees handbook:

- (a) Director of Public Service.
- (b) Director of Public Safety.

- (c) Director of Finance.
- (d) Director of Development.
- (e) Members of the Planning and Zoning Commission as provided in this Charter.
- (f) Members of the Civil Service Commission as provided in this Charter.
- (g) Any other officers as otherwise provided in this Charter or whose positions may be created by Council and for whose appointment the Mayor shall be responsible.

He or she shall appoint or delegate to the heads of departments, appointments of municipal employees, subject to the provisions of this Charter and the Civil Service Law applicable to Civil Service at that time. (This provision relates to the powers of the Mayor of the Village of West Jefferson and requires the application of current Civil Service Law at the time of said appointment).

ARTICLE III, Section 3.06 – Acting Mayor.

President of Council, Vice President of Council, or any member of Council designated by the majority of Council, in that order, shall become the Acting Mayor with all the powers of Mayor in the event the Mayor, or on acting in that capacity for him or her, is (a) absent from the Municipality or inaccessible, or (b) is unable or unwilling for any cause or reason, to perform the duties of Mayor, for a period of forty-eight (48) hours or longer. This provision shall take effect upon (a) the Mayor, or one acting in that capacity for him or her, providing written notice of such absence or inaccessibility or unwillingness to the Clerk of Council, or (b) the vote of a majority of Council at a public meeting stating the reasons for invoking this provision.

ARTICLE III, Section 3.08 – Estimate of Expenditures.

The fiscal year of the Municipality shall begin on January 1. On or before November 1st of each year, the Mayor shall submit to the Council an estimate of the expenditures and the revenues of the Municipal Departments for the following year. This shall be known as the appropriations budget. The estimate shall be compiled from the detailed information obtained from the several departments in a uniform manner as determined by the Mayor. The estimate of expenditures shall include:

- (a) A detailed estimate of the expense of conducting each department as submitted by the department head.
- (b) Expenditures for the corresponding items for the last two (2) fiscal years.
- (c) Expenditures for corresponding items for the current fiscal year, including expenditures due to transfers between appropriations, plus an estimate of expenditures necessary to complete the current fiscal year.
- (d) Increase or decrease of requests compared with the corresponding appropriations for the current year.

ARTICLE IV, Section 4.03 – Qualifications.

Each Council member elected at large, for one (1) year prior to the date of his or her election and during his or her term of office, shall be a continuous qualified elector of this Municipality. Each member of Council elected from a Ward, for one (1) year prior to the date of his or her election and during his or her term of Office, shall be a continuous qualified Elector of the Ward from which he or she seeks election or is elected.

A Council member shall hold no other elected public office, any other compensated office or employment with the Municipality, or other public office or public employment which could be in conflict with the office of a Council member, except as provided in Section 3.06 and 4.17 of this Charter. He or she shall not have, directly or indirectly, any interest in the profits or

emoluments of any contract, work or service with or for the Municipality as provided by general law.

ARTICLE IV, Section 4.07 – Vacancies.

Vacancies in Council shall be filled for the unexpired term by an appointment made by a majority vote of all remaining members of Council. Such appointment shall be made within thirty (30) days after the next regular meeting following receipt of official notification of such vacancy. If Council fails to fill the vacancy within said thirty (30) day period, the Mayor shall make the appointment. Persons appointed to fill vacancies must meet the qualification requirements of Section 4.03.

If the vacancy occurs in a position to be filled at the next election following occurrence of the vacancy, the appointed member of Council shall serve until the beginning of the terms of the persons elected in that election.

If the vacancy occurs in a position not to be filled at the next general election, that position will be placed on the ballot at the next general election whereby Councilpersons are elected, either for a specific Ward or At Large. The appointed member of Council shall serve until the elected Councilperson has been certified as the elected successor by the Board of Elections of Madison County, Ohio. Said elected Councilperson shall then take office for the balance of the unexpired term.

ARTICLE IX, Section 9.02 – Planning and Zoning Commission – Organization.

The Mayor shall establish the date, time and place for the first meeting each year, at which the Planning and Zoning Commission shall organize under a Chairman and Vice Chairman. The Mayor shall preside at this meeting until the Chairman is elected. The Planning and Zoning Commission shall establish its own rules of operation, and a record of its resolutions, findings and determinations shall be maintained and a copy of proceedings and minutes kept in the office of the Clerk of Council. Meetings shall be opened to the public, and a record shall be kept showing the vote of each member on each question. Also, any member of the Planning and Zoning Commission that has been absent from four (4) consecutive scheduled meetings of the Planning and Zoning Commission or a total of six (6) scheduled meetings of the Planning and Zoning Commission, during any twelve (12) month period, whether excused or not, is removed from membership on said Planning and Zoning Commission.

ARTICLE XIII, Section 13.03 – Removal by Recall: Procedure.

Any elective Officer of this Municipal Corporation may be removed from office by the qualified voters of such Municipal Corporation. The procedure to effect such removal shall be:

(A) A Petition by qualified electors equal in number to at least ten (10) percent of the total votes cast at the most recent regular municipal election shall be filed with the Board of Elections. Such petition shall contain a general statement in not more than two hundred (200) words of the grounds upon which the removal of such person is sought. The form sufficiency and regularity of any such petition shall be determined as provided in the general election laws.

(B) If the petition is sufficient, and the Clerk of Council has delivered said petition to the person whose removal is sought, and if the person does not resign within five (5) days after the sufficiency of the petition has been determined, the Council shall thereupon order and fix a day for holding an election to determine the question of the removal of the said Officer. Such election shall be held not less than forty-five (45) days nor more than ninety (90) days from the time of the finding of the sufficiency of such petition. The election authorities shall publish notice and make all arrangements for holding such election, which shall be conducted and the

result thereof returned and declared in all respects as are the results of regular municipal elections.

(C) The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question:

“Shall (name of person) be removed from the office of (name of Office) by recall?”

Immediately following each such question, there shall be printed on the ballots, the two (2) propositions in the order set forth:

“For the recall of (name of person).”

“Against the recall of (name of person).”

Immediately to the left of the proposition shall be placed a square in which the electors may vote for either of such propositions.

In any such election, if a majority of the votes cast on the question of removal are affirmative, the person whose removal is sought shall be removed from office upon the announcement of the official canvass of that election. The successor shall hold office until the next general election. The procedure for selecting a successor of any person so removed shall be governed by Vacancy provisions of this Charter.

The Officer removed by such recall election shall not be eligible for appointment to any vacancy created thereby.

SECTION 3. The Clerk of Council is directed to publish the full text of the proposed Charter Amendment as set forth herein, once a week for not less than two (2) consecutive weeks in the Madison Press with the first publication being at least 15 days prior to the Election in accordance with Section 9 of Article XIII of the Ohio Constitution and R.C. 731.211.

SECTION 4. The Treasurer of the Village of West Jefferson shall pay the costs of publication from the General Fund.

SECTION 5. The Clerk of the Village of West Jefferson is directed to certify a copy of this Ordinance to the Board of Elections upon its passage.

SECTION 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the Village of West Jefferson for the reason that it is necessary for prompt action to require the Election as referred to in this Ordinance and to permit the Election Authorities to take all actions necessary to provide for such Election. Wherefore, this Ordinance shall take effect and be in full force and effect from and after its passage by the Council of said Village of West Jefferson.