

BERNIE HOVEY

Mayor

SEAN M. HOUSLEY, CPA

Clerk-Treasurer

MARK W. LIPAN

Service Director

JAMIE NORRIS

Chief of Police

ROBERT W. HEYDORN

Solicitor



VILLAGE OF
SILVER LAKE

Established 1918

SILVER LAKE VILLAGE HALL

2961 Kent Road
Silver Lake, Ohio 44224-3098

Phone 330-923-5233

POLICE

Non-Emergency 330-929-8771

Phone 330-928-7573

Fax 330-923-6965

www.villageofsilverlake.com

Monday, August 16, 2021

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

7:00 p.m.

1. Roll call of Council.
2. Approval of the minutes.
 - Approval of the minutes of the August 2, 2021, Regular Council Meeting.
3. Ordinances and Resolutions:

FIRST READING: None.

SECOND READING:

ORDINANCE NO.: 32-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE NUMBER OF COUNCILMEMBERS REQUIRED TO OVERRIDE A MAYORAL VETO OF LEGISLATION PASSED BY COUNCIL BE INCREASED FROM FIVE (5) TO SIX (6), AMENDING SECTION 3.05, AND DECLARING AN EMERGENCY. (*Personnel & Public Affairs*)

ORDINANCE NO.: 33-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT COUNCILMEMBERS MUST RESIDE IN THE VILLAGE FOR TWO (2) YEARS PRIOR TO THE DATE OF HIS/HER ELECTION, AMENDING SECTION 4.04, AND DECLARING AN EMERGENCY. (*Personnel & Public Affairs*)

ORDINANCE NO.: 36-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE TREASURER BE APPOINTED BY THE MAYOR AND CONFIRMED BY COUNCIL, AND THAT THE TREASURER PERFORM THE DUTIES PRESCRIBED BY THE CHARTER UNDER SUPERVISION OF THE MAYOR, AMENDING SECTIONS 3.04 AND 5.02, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

ORDINANCE NO.: 37-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE DIRECTOR OF PUBLIC SAFETY SHALL MAKE AND PUBLISH WRITTEN RULES FOR THE GOVERNMENT OF THE POLICE DEPARTMENT, AMENDING SECTION 7.04, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

ORDINANCE NO.: 45-2021 AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT MAYORS MUST RESIDE IN THE VILLAGE FOR FOUR (4) YEARS PRIOR TO THE DATE OF HIS/HER ELECTION, AMENDING SECTION 3.02, AND DECLARING AN EMERGENCY. *(Personnel & Public Affairs)*

THIRD READING: None.

4. Comments from the audience *(3-minute maximum per person)*.
5. Committee Hearings to discuss pending legislation.
 - A) Planning, Zoning & Insurance.
 - B) Finance & Appropriations.
 - C) Public Improvements.
 - D) Personnel & Public Affairs.
6. Reports of Council's Standing Committees.
7. Mayor's Report.
8. Reports of Village Officials.
9. Miscellaneous Business.
10. The next regular meeting of Council will be on **Tuesday, September 7, 2021, at 7:00 p.m.**
 - Note: There will be a Committee of the Whole Meeting on **Tuesday, August 31, 2021, at 6:30 p.m.**

ORDINANCE NO.: 32-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE NUMBER OF COUNCILMEMBERS REQUIRED TO OVERRIDE A MAYORAL VETO OF LEGISLATION PASSED BY COUNCIL BE INCREASED FROM FIVE (5) TO SIX (6), AMENDING SECTION 3.05, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 32-2021, to provide that the number of Councilmembers required to override a Mayoral veto of legislation passed by Council be increased from five (5) to six (6)?

Section 4: That the Clerk of Council is further directed to mail, not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 32-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE III
MAYOR**

SECTION 3.05. VETO POWER.

Each resolution or ordinance adopted by Council shall be attested by the Clerk of Council who shall promptly present it to the Mayor for his approval or disapproval.

The Mayor may approve or disapprove the whole, or any part of, any resolution or ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire resolution or ordinance.

If the Mayor approves such legislation, he shall sign it and file it with the Clerk of Council. If the Mayor disapproves such legislation, or any item of such legislation appropriating money, he shall file it, together with his objections, in writing, with the Clerk of Council. His objections shall be entered in full on the journal of Council.

Unless the resolution or ordinance is filed with the Clerk of Council with the Mayor's written notice of disapproval within seven (7) days after presentation to the Mayor, it shall take effect as though the Mayor had signed it.

Upon the Mayor's disapproval, as provided herein, the Council may, but not later than its next regular meeting, reconsider the legislation, and if, upon such reconsideration, the legislation is approved by six (6) or more members of Council, it shall take effect notwithstanding the disapproval of the Mayor.

Handout for Discussion
(Ordinance 32 – 2021)

SECTION 3.05. VETO POWER.

Each resolution or ordinance adopted by Council shall be attested by the Clerk of Council who shall promptly present it to the Mayor for his approval or disapproval.

The Mayor may approve or disapprove the whole, or any part of, any resolution or ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire resolution or ordinance.

If the Mayor approves such legislation, he shall sign it and file it with the Clerk of Council. If the Mayor disapproves such legislation, or any item of such legislation appropriating money, he shall file it, together with his objections, in writing, with the Clerk of Council. His objections shall be entered in full on the journal of Council.

Unless the resolution or ordinance is filed with the Clerk of Council with the Mayor's written notice of disapproval within seven (7) days after presentation to the Mayor, it shall take effect as though the Mayor had signed it.

Upon the Mayor's disapproval, as provided herein, the Council may, but not later than its next regular meeting, reconsider the legislation, and if, upon such reconsideration, the legislation is approved by five (~~5~~) (6) or more members of Council, it shall take effect notwithstanding the disapproval of the Mayor.

Source: Charter Review Commission Report:

Rationale: Currently five members of Council can override the Mayor's veto. Since most legislation is passed with at least five votes, overriding the Mayor's veto can be done by the same members who passed the legislation. To make overriding the veto only possible by six votes, the Mayor's veto takes on the significance it should have.

ORDINANCE NO.: 33-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT COUNCILMEMBERS MUST RESIDE IN THE VILLAGE FOR TWO (2) YEARS PRIOR TO THE DATE OF HIS/HER ELECTION, AMENDING SECTION 4.04, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 33-2021, to change the residency requirement for Councilmembers from one (1) year to two (2) years having resided in the Village of Silver Lake, Ohio?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 33-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE IV
COUNCIL**

SECTION 4.04. QUALIFICATIONS.

Each councilmember elected shall have been for at least two (2) years prior to the date of his/her election, and during his/her term of office, shall be a qualified elector of the Village or territory annexed thereto.

Each councilmember elected to represent a district shall be a qualified elector of the district in which he/she lives, or territory annexed thereto.

A councilmember shall hold no other elective public office, or shall not be otherwise employed by, nor shall he/she hold any other office in this Village. A councilmember shall be administered the oath of office prior to the first day of January of the year following his/her election.

Handout for Discussion
(Ordinance 33 – 2021)

SECTION 4.04. QUALIFICATIONS.

Each councilmember elected ~~at large~~ shall have been for at least ~~one year~~ *two (2) years* prior to the date of his/her election, and during his/her term of office, shall be a qualified elector of the Village or territory annexed thereto.

Each councilmember elected to represent a district ~~shall have been for at least one year two (2) years prior to the date of his/her election, and during his/her term of office,~~ shall be a qualified elector of the district in which he/she lives, or territory annexed thereto.

A councilmember shall hold no other elective public office, or shall not be otherwise employed by, nor shall he/she hold any other office in this Village. A councilmember shall be administered the oath of office prior to the first day of January of the year following his/her election.

Source: Charter Review Commission Report

Rationale: Raising the residency requirement for a Councilmember to two years (from one year) should improve the familiarity of a Councilmember with his/her constituency, the needs of the Village, and community values.

Amended to reflect changes requested during 7-13-21 Committee of the Whole Meeting.
Amended to reflect changes requested during 8-10-21 Committee of the Whole Meeting.

ORDINANCE NO.: 36-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE TREASURER BE APPOINTED BY THE MAYOR AND CONFIRMED BY COUNCIL, AND THAT THE TREASURER PERFORM THE DUTIES PRESCRIBED BY THE CHARTER UNDER SUPERVISION OF THE MAYOR, AMENDING SECTIONS 3.04 AND 5.02, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 36-2021, to provide that the Treasurer be appointed by the Mayor and confirmed by Council, and that the Treasurer perform the duties prescribed by the Charter under supervision of the Mayor?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 36-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE III
MAYOR**

SECTION 3.04. EXECUTIVE AND ADMINSTRATIVE POWERS.

The Mayor shall be the chief executive officer of the Village. He shall supervise the administration of all the affairs of the Village and the conduct and administration of all departments and divisions thereof except Council, Clerk of Council, and Solicitor.

The Mayor shall be the chief conservator of the peace within the Village. He shall see that all laws, regulations and ordinances are enforced therein.

The Mayor shall execute on behalf of the Village all authorized contracts, conveyances, evidences of indebtedness and all other instruments to which the Village is a party, and shall, where required, attach thereto the official seal of his offices.

The Mayor shall keep the Council advised of the condition and needs of the Village, and he shall recommend to Council such measures as he may deem necessary or expedient for the welfare of the Village.

The Mayor shall be the official and ceremonial head of the Village.

**ARTICLE V
FINANCES**

SECTION 5.02. TREASURER.

The Treasurer shall be the fiscal and accounting officer of the Village and shall be appointed by the Mayor and confirmed by Council. The Treasurer may be a non-resident of the Village. The duties of the Treasurer shall include:

- a. Preparing an annual budget and financial reports;
- b. Receiving, collecting and depositing all monies due the Village, and signing all checks and vouchers for their disbursement. Money received for the Village by officers, employees, and boards and commissions should be reported and turned over to the Treasurer daily or at such intervals as he may deem expedient;
- c. Act as the custodian of official bonds and all instruments for the payment of money to the Village;

ORDINANCE NO.: 36-2021

- d. Auditing of bills, invoices, payrolls, or other claims against the Village, and determining the regularity and correctness of such items before submission to the Council;
- e. Performing all other financial duties imposed on him by the Mayor and Council, or by the Constitution or laws of the State of Ohio.

In the same manner, a Deputy Treasurer may be appointed to perform all duties of the Treasurer during his absence or disability.

Handout for Discussion
Ordinance 36-2021

Suggested Charter Changes: #3, 8-10-21
Source: Mayor, Solicitor & CT

**ARTICLE V
FINANCES DEPARTMENT OF FINANCE**

SECTION 3.04. EXECUTIVE AND ADMINISTRATIVE POWERS.

The Mayor shall be the chief executive officer of the Village. ~~He shall supervise the administration of all the affairs of the Village and the conduct and administration of all departments and divisions thereof except Council, Clerk of Council and Solicitor.~~ *and thereby conduct the administration of the Department of Public Service, the Department of Public Safety, and the Village Hall office staff.*

The Mayor shall be the chief conservator of the peace within the Village. He shall see that all laws, regulations and ordinances are enforced therein.

The Mayor shall execute on behalf of the Village all authorized contracts, conveyances, evidences of indebtedness and all other instruments to which the Village is a party, and shall, where required, attach thereto the official seal of his offices.

The Mayor shall keep the Council advised of the condition and needs of the Village, and he shall recommend to Council such measures as he may deem necessary or expedient for the welfare of the Village.

The Mayor shall be the official and ceremonial head of the Village.

SECTION 5.02. TREASURER.

The Treasurer shall be the fiscal and accounting officer of the Village. ~~He shall be appointed by Council, removable only by Council, may be a nonresident of the Village, and shall be responsible to the Council for carrying out his duties, which include~~ *and head of the Department of Finance. He/she shall be appointed jointly by the Mayor and the Chairman of the Finance Committee of Council, and confirmed by Council. The Treasurer may be a non-resident of the Village. The duties of the Treasurer shall include:*

- a) Preparing an annual budget and financial reports;
- b) Receiving, collecting and depositing all moneys due the Village, and signing all checks and vouchers for their disbursement. Money received for the Village by officers, employees, boards and commissions should be reported and turned over to the Treasurer daily or at such intervals as he/she may deem expedient;

- c) Act as custodian of official bonds and all instruments for the payment of money to the Village.
- d) Auditing of bills, invoices, payrolls, or other claims against the Village, and determining the regularity and correctness of such items before submission to Council;
- e) Performing all other duties imposed on him/her by any measure of Council, or by the Constitution or laws of the State of Ohio.

~~Council may appoint a Deputy Treasurer.~~ ***A Deputy Treasurer may be appointed jointly by the Mayor and the Chairman of the Finance Committee of Council, and confirmed by Council,*** to perform all duties of the Treasurer during his/her absence or disability.

ORDINANCE NO.: 37-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT THE DIRECTOR OF PUBLIC SAFETY SHALL MAKE AND PUBLISH WRITTEN RULES FOR THE GOVERNMENT OF THE POLICE DEPARTMENT, AMENDING SECTION 7.04, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 37-2021, to provide that rules for the government of the Police Department be made and published by the Director of Public Safety as a function of the executive branch of government?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 37-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE VII
DEPARTMENT OF PUBLIC SAFETY**

SECTION 7.04. RULES FOR GOVERNMENT OF POLICE.

The Director of Public Safety shall make and publish written rules for the government of the Police Department and the conduct and discipline of the members thereof.

Handout for Discussion
(Ordinance 37 – 2021)

SECTION 7.04. RULES FOR GOVERNMENT OF POLICE.

The Director of Public Safety shall make and publish ~~with the approval of Council,~~ written rules for the government of the Police Department and the conduct and discipline of members thereof.

Source: Charter Review Commission Report

Rationale: A continuance of the rationale for changes to §5.02 can be carried forward to this section. In a Mayor-Council form of government, Council passes laws of a general nature with a focus on fiscal measures. That is the traditional separation of powers doctrine. The Charter Review Commission recommends that in §7.04, the language "with the approval of Council" be deleted, leaving the Department of Public Safety in charge of making and publishing rules for the internal affairs of the Police Department, including the conduct and discipline of the Department. In a Mayor-Council form of government, the administration of the Police Department is exclusively an executive function. The legislative function deals with the "power of the purse strings", i.e., control of the finances of each department, which control is substantial. In addition, who better to set the standards for the regulation of and the conduct and discipline of the police officers than those trained in police conduct and discipline?

ORDINANCE NO.: 45-2021

**VILLAGE OF SILVER LAKE
INTRODUCED BY: Administration**

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS TO PLACE UPON THE BALLOT AT THE GENERAL ELECTION TO BE HELD NOVEMBER 2, 2021, AN AMENDMENT TO THE CHARTER OF THE VILLAGE OF SILVER LAKE, OHIO, TO PROVIDE THAT MAYORS MUST RESIDE IN THE VILLAGE FOR FOUR (4) YEARS PRIOR TO THE DATE OF HIS/HER ELECTION, AMENDING SECTION 3.02, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1: That the Summit County Board of Elections be and it is hereby requested and directed to place upon the ballot at the General Election to be held on November 2, 2021, the question of whether the Charter of the Village of Silver Lake shall be amended as fully set forth in the attached Exhibit "A."

Section 2: That the Clerk of Council be and is hereby directed to file this Ordinance with the Board of Elections in a timely manner to assure its inclusion on the general election ballot.

Section 3: That it is the desire of this Council that the ballots presented to the electors of the Village of Silver Lake, Ohio, shall be substantially in the following form:

Shall the Charter of the Village of Silver Lake, Ohio, be amended as proposed in Ordinance 45-2021, to change the residency requirement for Mayors from two (2) years to four (4) years having resided in the Village of Silver Lake, Ohio?

Section 4: That the Clerk of Council is further directed to mail not less than thirty (30) days prior to the election, a copy of the amendment(s) proposed herein to each elector whose name appears upon the registration books of the last regular Village or general election.

Section 5: **WHEREFORE**, this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Silver Lake and the inhabitants thereof, for the reason that it is immediately necessary to file the Ordinance with the Board of Elections to meet time requirements for inclusion on the general election ballot, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 45-2021

PASSED:

William M. Church, President of Council

APPROVED:

Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley, CPA, Clerk-Treasurer

Silver Lake, Ohio _____
I, hereby certify that Resolution or Ordinance
No. _____ was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
_____.

Clerk of Council

EXHIBIT A

**ARTICLE III
MAYOR**

SECTION 3.02. QUALIFICATIONS.

The Mayor shall have been for the past four (4) years prior to the date of his/her election, and during his/her term of office, shall be a bona fide resident and qualified elector of this Village.

The Mayor shall hold no other elective public office. He/She shall not be otherwise employed by, nor shall he/she hold any other office in this Village, except as otherwise provided by this Charter.

The Mayor shall be administered the oath of office prior to the first day of January following his/her election.

Handout for Discussion
(Ordinance 45 – 2021)

SECTION 3.02. QUALIFICATIONS.

The Mayor shall have been for the past ~~two~~ **four (4)** years prior to the date of his/her election, and during his/her term of office, shall be a bona fide resident and qualified elector of this Village.

The Mayor shall hold no other elective public office. He/She shall not be otherwise employed by, nor shall he/she hold any other office in this Village, except as otherwise provided by this Charter.

The Mayor shall be administered the oath of office prior to the first day of January following his/her election.

(Amended by voters November 2, 1999)

Source: Council

Rationale: Raising the residency requirement for a Mayor to four years (from two years) should improve the familiarity of a Mayor with his/her constituency, the needs of the Village, and community values.