

**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](http://www.villageofsilverlake.com)

**Monday, August 23, 2021.**

**NOTE:** Village Hall is currently open. All meetings are in-person only, unless otherwise noted.

**COMMITTEE OF THE WHOLE MEETING**

**THE COMMITTEE OF THE  
WHOLE MEETING HAS BEEN  
CANCELLED, FOR LACK OF  
QUORUM.**

**BERNIE HOVEY**

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**Monday, August 23, 2021.**

**NOTE:** Village Hall is currently open. All meetings are in-person only, unless otherwise noted.

**COMMITTEE OF THE WHOLE MEETING**

**7:00 p.m.**

1. Approval of the Minutes:
  - Approval of the August 10, 2021, Committee of the Whole Meeting Minutes.
2. Discussion Regarding:
  - Ordinances 36-2021 and 37-2021.
3. Miscellaneous Business.
4. Adjournment.
5. The next meeting of the Committee of the Whole will be on **Tuesday, August 31, 2021, at 6:30 p.m.**

**Original Legislation Based on Charter Review  
Commission's Report  
(Ordinance 36-2021)**

**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 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.

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)

**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, ~~Treasurer~~ 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.

**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, and shall be responsible to the Council for carrying out his duties, which include.~~ ***and shall be appointed by the Mayor and confirmed by Council. The Treasurer*** may be a nonresident of the Village, ~~and shall be responsible to the Council for carrying out his duties, which include.~~ ***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 may deem expedient;
- c) Act as the 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 of all other financial duties imposed on him by any measure of Council, or by the Constitution or laws of the State of Ohio.

Council may appoint a Deputy Treasurer to perform all duties of the Treasurer during his absence or disability.



**Source:** Charter Review Commission Report

**Rationale:** Currently the Treasurer is appointed and removed from office solely by Council, and excluded from supervision by the Mayor. See §3.04. In 1999, the Village almost completed a transition to a Mayor-Council form of government, wherein Council passes laws and controls the Village Finances, and the Mayor is in charge of administering and executing the laws. The Mayor-Council form of government recognizes that division of responsibility, i.e., a separation of powers. The Treasurer's duties involve the administration of Finances and preparing measures for Council's consideration. Essentially these duties are an administrative function. Hence, the Treasurer should be responsible to the Mayor for those functions. Council still retains full control of passing (or not) fiscal measures sent to Council by the Mayor and the Treasurer. Day by day functions of the Treasurer will be facilitated by a coordinated, overall supervision of the Administration office. This system can best be established by the Treasurer being appointed by the Mayor and confirmed by Council. Removal of the Treasurer by the Mayor must also be confirmed by Council.

This grants a degree of independence to the Treasurer which is necessary to ensure professionalism. The Treasurer would no longer be excepted from administrative supervision by the Mayor.

**Amended Legislation  
(Ordinance 36-2021)**

**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 THE PRESIDENT OF COUNCIL, AND CONFIRMED BY COUNCIL, AND MAY BE REMOVED SOLELY BY COUNCIL, AMENDING SECTION 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 jointly appointed by the Mayor and the President of Council, and confirmed by Council, and may be removed solely by Council?

**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 V  
FINANCES**

**SECTION 5.02. TREASURER.**

The Treasurer shall be the fiscal and accounting officer of the Village and shall be jointly appointed by the Mayor and the President of Council and confirmed by Council, and may be removed solely 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/she may deem expedient;
- c. Act as the 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 the Council;
- e. Performing all other financial duties imposed on him/her by any measure of Council, or by the Constitution or laws of the State of Ohio.
- f. The Treasurer's performance of duties shall be evaluated annually by the Mayor and Council.

Council may appoint a Deputy Treasurer to perform all duties of the Treasurer during his/her absence or disability.

Handout for Discussion  
(Ordinance 36 – 2021)

**SECTION 5.02. TREASURER.**

The Treasurer shall be the fiscal and accounting officer of the Village. ~~He~~ **and** shall be *jointly* appointed by *the Mayor and the President of Council*, ~~removable only by Council, and confirmed by Council, and may be removed solely by Council.~~ **The Treasurer** may be a nonresident of the Village., ~~and shall be responsible to the Council for carrying out his duties, which~~ **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 the 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 of all other financial duties imposed on him/her by any measure of Council, or by the Constitution or laws of the State of Ohio.
- (f) ***The Treasurer's performance of duties shall be evaluated annually by the Mayor and Council.***

Council may appoint a Deputy Treasurer to perform all duties of the Treasurer during his/her absence or disability. (Amended by voters November 2, 1999)

**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?