



# Village of Highland Hills

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## MEMO

To: Cassandra Pride, Council President  
From: Tracee Oglesby, Chair

Date: February 3, 2025

Subject: Report on work of the Charter Review Commission

cc: Mayor Michael L. Booker; Thomas P. O'Donnell, Law Director; Margaret Sikon, Clerk of Council

Please be advised that the Charter Review Commission (CRC) completed its work as required by the Village Charter and the following is a report of that work.

The CRC first met as required by the Village Charter on December 4, 2024 at which meeting the duly appointed members chose a Chair and Vice Chair person. Then, the CRC agreed to a second meeting on 12/18/24. At that meeting, the Law Director began a review of the Charter completing about 50 percent of the Charter. During the review of the Charter several issues for discussion were identified and briefly discussed. Those included:

1. Article 9, Section 5, adding language to allow Council to establish financial rules for bidding that differs from State Law.
2. Article 2 revising the succession plan to require a President of Council run for Mayor if filling a vacancy for Mayor where more than one year is left on the Mayor's term of office.
3. Article 2 and 3, reducing the size of Council from 5 to 4 and granting the Mayor the power to break a tie in Council.
4. Article 9, Section 7, reducing residency requirement for membership on the Charter Review Commission from 3 years to 2 years.

The next meeting was held on January 15, 2025 at which the Law Director completed a review of all of the articles of the Charter. During the meeting there was a complete discussion of three of the proposals listed above. Proposals 1, 2 and 4 were approved by unanimous vote and recommended to be referred to Council by ordinance for final approval and placement on the November, 2025 ballot as required by the Village Charter, Article 9, Section 7. Proposal number 3 was discussed but a decision was delayed to the next meeting on January 29, 2025.

On January 29, 2025, the CRC again convened for the purpose of discussing and finalizing its decision on Proposal Number 3. After much discussion, the CRC took a vote and the proposal was defeated in a 6 - 1 vote. As such, it will not be submitted or referred to Council.

Each proposal is attached to this report.

Since there were no further proposals introduced for discussion, the CRC voted to adjourn and conclude its business with the submission of this report to Council and direction to the Law Director to prepare legislation for the three proposals that were approved to be submitted to Council and the voters.

  
Tracee Oglesby, Chair

**PROPOSAL NO. 1  
CHANGING NUMBER OF YEARS RESIDENCY FOR MEMBERS OF CHARTER  
REVIEW COMMISSION**

**ORIGINAL TEXT**

**ARTICLE IX, SECTION 7. PERIODIC REVIEW.**

At the general election in November, 1999, and every five (5) years thereafter, a Charter Review Commission of seven (7) members shall be appointed in the following manner. At first regular meeting of Council in November, 2004, the Mayor shall appoint four (4) members to the Charter Review Commission. At first regular meeting of Council in November, 2004, the Council shall appoint three (3) members to the Charter Review Commission. Each member appointed by the Mayor or Council shall have been a resident and qualified elector of the Municipality for at least three (3) continuous years immediately prior to his/her appointment, and shall continue to be a resident throughout his/her term of office. No elected official or employee of the Municipality shall be eligible to serve on the Charter Review Commission. Each Charter Review Commission shall cease to function on the day of the next November election following appointment.

Within seven (7) days of the appointment of the Charter Review Commission, the Clerk of Council shall notify each member appointed to the Commission that the Commission shall schedule its first meeting within thirty (30) days after the appointment thereof. At the initial meeting the Commission shall elect one of its members as Chairperson. Any vacancy on the Commission shall be filled by appointment by the Mayor or Council, whomever made the original appointment to the seat declared vacant. A member so appointed to serve in the position where a vacancy was created shall serve as though originally appointed to such position. Members of the Commission shall serve without compensation unless otherwise provided by an ordinance duly adopted by Council. At the initial meeting the Commission shall, by majority vote, approve rules or organization and procedure.

The Council shall provide funds for the Commission to retain the services of a recording secretary and additional legal counsel to be selected by a majority vote of the Commission, if necessary. The Law Director shall be the legal advisor of the Charter Review Commission. All proposed amendments, revisions and alterations to this Charter, approved by a majority vote of any Charter Review Commission, shall be submitted to the Council on or before August 1st of the year following appointment of the Charter Review Commission which shall submit the same without alteration, to the electors for their approval or rejection on a separate ballot at the next general election in November following the appointment of the members of the Charter Review Commission.

If a majority of electors voting on the same shall approve such amendment, revision or alteration, the same shall become a part of this Charter. When more than one amendment, revision or alteration to this Charter shall be submitted to the electors at the same time, they shall be so submitted as to enable the electors to vote on each amendment, revision or alterations separately.

The effective date to this section shall be immediately upon certification by the appropriate board of elections. (Amended 11-2-10)

## **PROPOSED REVISED TEXT**

### **ARTICLE IX, SECTION 7. PERIODIC REVIEW.**

At the general election in November, 1999, and every five (5) years thereafter, a Charter Review Commission of seven (7) members shall be appointed in the following manner. At first regular meeting of Council in November, 2004, the Mayor shall appoint four (4) members to the Charter Review Commission. At first regular meeting of Council in November, 2004, the Council shall appoint three (3) members to the Charter Review Commission. Each member appointed by the Mayor or Council shall have been a resident and qualified elector of the Municipality for at least ~~three (3)~~ **two (2)** continuous years immediately prior to his/her appointment, and shall continue to be a resident throughout his/her term of office. No elected official or employee of the Municipality shall be eligible to serve on the Charter Review Commission. Each Charter Review Commission shall cease to function on the day of the next November election following appointment.

Within seven (7) days of the appointment of the Charter Review Commission, the Clerk of Council shall notify each member appointed to the Commission that the Commission shall schedule its first meeting within thirty (30) days after the appointment thereof. At the initial meeting the Commission shall elect one of its members as Chairperson. Any vacancy on the Commission shall be filled by appointment by the Mayor or Council, whomever made the original appointment to the seat declared vacant. A member so appointed to serve in the position where a vacancy was created shall serve as though originally appointed to such position. Members of the Commission shall serve without compensation unless otherwise provided by an ordinance duly adopted by Council. At the initial meeting the Commission shall, by majority vote, approve rules or organization and procedure.

The Council shall provide funds for the Commission to retain the services of a recording secretary and additional legal counsel to be selected by a majority vote of the Commission, if necessary. The Law Director shall be the legal advisor of the Charter Review Commission. All proposed amendments, revisions and alterations to this Charter, approved by a majority vote of any Charter Review Commission, shall be submitted to the Council on or before August 1st of the year following appointment of the Charter Review Commission which shall submit the same without alteration, to the electors for their approval or rejection on a separate ballot at the next general election in November following the appointment of the members of the Charter Review Commission.

If a majority of electors voting on the same shall approve such amendment, revision or alteration, the same shall become a part of this Charter. When more than one amendment, revision or alteration to this Charter shall be submitted to the electors at the same time, they shall be so submitted as to enable the electors to vote on each amendment, revision or alterations separately.

The effective date to this section shall be immediately upon certification by the appropriate board of elections. (Amended 11-2-10)

**PROPOSAL NO. 2A  
REQUIRING THE PRESIDENT OF COUNCIL TO RUN FOR RE-ELECTION IF  
APPOINTED TO SERVE AS MAYOR IN EVENT OF MAYOR INABILITY TO SERVE**

**ORIGINAL TEXT**

**ARTICLE III, SECTION 3. VACANCY AND REMOVAL.**

If the Council determines that the Mayor is temporarily incapacitated or is unable to perform his duties, the Council President shall be Acting Mayor. The time as Acting Mayor shall not exceed ninety (90) days without a vote by Council. When serving as Acting Mayor, the Council President shall not cease to be a Councilperson, but shall forfeit any of the duties of a Councilperson.

In case of the Mayor's death, resignation, removal or disqualification, the Council President shall immediately become Mayor for the remainder of the unexpired term and until a successor is elected and qualified. When the Council President assumes the Office of Mayor, such person's office as Councilman and as Council President are vacated.

The Council may remove the Mayor for gross misconduct, or malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the Mayor's oath of office. The removal shall require the unanimous vote of all Members elected to Council. The Mayor shall be notified in writing of the charge against such official at least fifteen (15) days in advance of a public hearing upon such charge, and the Mayor and Mayor's counsel shall have an opportunity at the hearing to be heard, present evidence and examine any witness appearing in support of the charge. (Amended 11-7-00)

**PROPOSED REVISED TEXT**

**ARTICLE III, SECTION 3. VACANCY AND REMOVAL.**

If the Council determines that the Mayor is temporarily incapacitated or is unable to perform his duties, the Council President shall be Acting Mayor. **Council shall follow the procedures set forth in this section.** The time as Acting Mayor shall not exceed ninety (90) days without a vote by Council. When serving as Acting Mayor, the Council President shall not cease to be a Councilperson, but shall forfeit any of the duties of a Councilperson.

In case of the Mayor's death, resignation, removal or disqualification, the Council President shall immediately become Mayor. ~~for the remainder of the unexpired term and until a successor is elected and qualified~~ **If the unexpired term is for more than one (1) year or if the next municipal election of officers will occur more than one (1) year after the vacancy, such office shall be filled by a vote of the people at an election for that purpose. Whenever possible, such election will be held on a date set aside for regular elections as defined by state law.** When the Council President assumes the Office of Mayor, such person's office as Councilman and as Council President are vacated.

The Council may remove the Mayor for gross misconduct, or malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the Mayor's oath of office. The removal shall require the unanimous vote of all Members elected to Council.

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**Procedure.** The Mayor shall be notified in writing of the charge against such official at least fifteen (15) days in advance of a public hearing upon such charge. **Any hearing may be continued from day-to-day by Council or upon agreement of the parties. Council shall have authority to issue subpoenas to secure records including medical records which shall remain confidential and to issue subpoenas to command the appearance of witnesses.** ~~and the~~ **The** Mayor and Mayor's counsel **and counsel for the Village** shall have an opportunity at the hearing to be heard, present evidence and examine any witness appearing in support of the charge. **Council may establish additional rules or procedures by Ordinance.**

**PROPOSAL NO. 3  
REDUCING NUMBER OF COUNCIL PERSONS AND AMENDING MAYORS  
POWERS AND DUTIES**

**ORIGINAL TEXT**

**ARTICLE II, SECTION 1. POWERS, NUMBER AND TERM.**

The legislative power of the Municipality, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of five (5) members elected at large.

Article X, Section 2 details the transition arrangements for the first government under this Charter. That section determines the first elections under the Charter. The members of the Council shall be elected for a term of four years, commencing on the first day of January next after such election and shall serve until their successors are elected and qualified. Three Council people shall be elected with the Mayor beginning with the November, 2019, election and every four years thereafter. Two Council people shall be elected in the November, 2017, election and every four years thereafter.

**ARTICLE III, SECTION 4. GENERAL POWERS AND DUTIES.**

(a) Judicial. The Mayor shall have all the judicial powers granted to Mayors by the laws of Ohio.

(b) Legislative. The Mayor shall have the power to veto as specified in Section 5 of this Article. Neither the Mayor nor any director of any department shall have a vote in the Council. The Mayor shall have the right to introduce ordinances.

(c) Executive. The Mayor shall be the chief executive officer of the Municipality. Except as may otherwise be provided in this Charter, the Mayor shall:

- (1) Supervise the administration of the Municipality's affairs;
- (2) Except for committees of Council, appoint committees and their chairpersons as the Mayor deems necessary, subject to confirmation by a majority vote of the members of Council, and exercise control over all committees and departments of the Municipality, except Council and their committees;
- (3) Be the chief conservator of the peace within the Municipality and cause all laws and ordinances to be in force 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 the Mayor deems 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 Municipal Government;
- (7) Execute on behalf of the Municipality, along with the President of Council, as specified in Article II, Section 2, all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party;

(8) Perform other duties as are conferred or required by this Charter, by any ordinance or resolution of the Council or by the general laws of the State of Ohio not inconsistent with this Charter.

(d) 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 processes.

(e) The Mayor shall have the power and exclusive right to appoint, promote, transfer, reduce in rank or remove any officer or employee of the Municipality, except those required by this Charter to be elected subject to the following:

(1) With respect to the Police Chief, other ranking officers, police officers, patrolmen and civil employees within the police department; the Fire Chief, fire ranking officers, officers, firefighters, EMS personnel and civil employees within the fire department, the Police Chief and Fire Chief shall have authority to discipline said personnel within their respective departments limited to up to a three (3) day suspension with or without pay. Any officer may request a review of such decision of the Police/Fire Chief by the Mayor/Safety Director upon written request within ten (10) days of the effective date of said decision filed in the office of the Mayor with a copy to the Chief. The decision of the Mayor/Safety Director on said review shall be final. The Mayor shall have the right to promote, discharge from employment, suspend for more than three (3) days, transfer, reduce in rank or otherwise discipline said employees.

(2) With respect to department heads and assistants to the Mayor, they shall be appointed by the Mayor, subject to confirmation by a majority vote of Council, and shall serve at the pleasure of the Mayor. The Mayor shall have the right to promote, discharge from employment with or without cause, suspend, transfer, reduce in rank or otherwise discipline any department head or assistant to the Mayor. With respect to any discipline by the Mayor of department heads and/or assistants to the Mayor that is greater than a three (3) day suspension or demotion, the employee may request a review by the Personnel Review Board within ten (10) days of the effective date of the discipline by filing said request in writing in the Office of the Mayor. Any decision of the Personnel Review Board shall be final.

(3) With respect to all other non-elected employees below the level of department head, assistant to the Mayor: with respect to discipline of said non-elected employees, the department head shall have the right to discipline up to a three (3) day suspension. With respect to any discipline by the department heads, the employee may request a review by the Mayor within ten (10) days of the effective date of the discipline by filing said request in writing in the Office of the Mayor. The decision of the Mayor shall be final. The Mayor has the right to all other discipline including suspension beyond three (3) days, transfer, demote or discharge from employment.

(4) Any disciplinary action taken by the Mayor as to any employee that is greater than a three (3) day suspension, demotion, transfer or removal/termination shall be final unless the person so disciplined requests a review of the action in writing to the Village Personnel Review Board within ten (10) days of the effective date of the Mayor's action. The request for review shall contain all points on which the employee relies in support of his or her claim and shall be placed on the agenda of the Personnel Review Board within thirty (30) days of the date said request for review was received. Except as otherwise specifically provided herein, all actions taken or decisions made by the Personnel Review Board shall be final and conclusive, and no further right of appeal shall be available.

(Amended 11-3-15; 11-2-21)



## PROPOSED REVISED TEXT

### ARTICLE II, SECTION 1. POWERS, NUMBER AND TERM.

The legislative power of the Municipality, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of ~~five (5)~~ **four (4)** members elected at large.

[Article X, Section 2](#) details the transition arrangements for the first government under this Charter. That section determines the first elections under the Charter. The members of the Council shall be elected for a term of four years, commencing on the first day of January next after such election and shall serve until their successors are elected and qualified. Three Council people shall be elected with the Mayor beginning with the November, 2019, election and every four years thereafter. Two Council people shall be elected in the November, 2017, election and every four years thereafter.

### ARTICLE III, SECTION 4. GENERAL POWERS AND DUTIES.

(a) Judicial. The Mayor shall have all the judicial powers granted to Mayors by the laws of Ohio.

(b) Legislative. The Mayor shall have the power to veto as specified in [Section 5](#) of this Article. ~~Neither the Mayor nor any director of any department shall have a vote in the Council. The Mayor shall have the right to introduce ordinances.~~ **Neither the Mayor nor any director of any department shall have a vote in the Council except that the Mayor shall, in addition to other responsibilities, have the duty of breaking all tie votes of Council. The Mayor shall have the right to introduce ordinances.**

(c) Executive. The Mayor shall be the chief executive officer of the Municipality. Except as may otherwise be provided in this Charter, the Mayor shall:

- (1) Supervise the administration of the Municipality's affairs;
- (2) Except for committees of Council, appoint committees and their chairpersons as the Mayor deems necessary, subject to confirmation by a majority vote of the members of Council, and exercise control over all committees and departments of the Municipality, except Council and their committees;
- (3) Be the chief conservator of the peace within the Municipality and cause all laws and ordinances to be in force 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 the Mayor deems 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 Municipal Government;
- (7) Execute on behalf of the Municipality, along with the President of Council, as specified in [Article II, Section 2](#), all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party;

(8) Perform other duties as are conferred or required by this Charter, by any ordinance or resolution of the Council or by the general laws of the State of Ohio not inconsistent with this Charter.

(d) 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 processes.

(e) The Mayor shall have the power and exclusive right to appoint, promote, transfer, reduce in rank or remove any officer or employee of the Municipality, except those required by this Charter to be elected subject to the following:

(1) With respect to the Police Chief, other ranking officers, police officers, patrolmen and civil employees within the police department; the Fire Chief, fire ranking officers, officers, firefighters, EMS personnel and civil employees within the fire department, the Police Chief and Fire Chief shall have authority to discipline said personnel within their respective departments limited to up to a three (3) day suspension with or without pay. Any officer may request a review of such decision of the Police/Fire Chief by the Mayor/Safety Director upon written request within ten (10) days of the effective date of said decision filed in the office of the Mayor with a copy to the Chief. The decision of the Mayor/Safety Director on said review shall be final. The Mayor shall have the right to promote, discharge from employment, suspend for more than three (3) days, transfer, reduce in rank or otherwise discipline said employees.

(2) With respect to department heads and assistants to the Mayor, they shall be appointed by the Mayor, subject to confirmation by a majority vote of Council, and shall serve at the pleasure of the Mayor. The Mayor shall have the right to promote, discharge from employment with or without cause, suspend, transfer, reduce in rank or otherwise discipline any department head or assistant to the Mayor. With respect to any discipline by the Mayor of department heads and/or assistants to the Mayor that is greater than a three (3) day suspension or demotion, the employee may request a review by the Personnel Review Board within ten (10) days of the effective date of the discipline by filing said request in writing in the Office of the Mayor. Any decision of the Personnel Review Board shall be final.

(3) With respect to all other non-elected employees below the level of department head, assistant to the Mayor: with respect to discipline of said non-elected employees, the department head shall have the right to discipline up to a three (3) day suspension. With respect to any discipline by the department heads, the employee may request a review by the Mayor within ten (10) days of the effective date of the discipline by filing said request in writing in the Office of the Mayor. The decision of the Mayor shall be final. The Mayor has the right to all other discipline including suspension beyond three (3) days, transfer, demote or discharge from employment.

(4) Any disciplinary action taken by the Mayor as to any employee that is greater than a three (3) day suspension, demotion, transfer or removal/termination shall be final unless the person so disciplined requests a review of the action in writing to the Village Personnel Review Board within ten (10) days of the effective date of the Mayor's action. The request for review shall contain all points on which the employee relies in support of his or her claim and shall be placed on the agenda of the Personnel Review Board within thirty (30) days of the date said request for review was received. Except as otherwise specifically provided herein, all actions taken or decisions made by the Personnel Review Board shall be final and conclusive, and no further right of appeal shall be available.

(Amended 11-3-15; 11-2-21)

**PROPOSAL NO. 4  
TO PROVIDE DIFFERENT PROCEDURES FOR FINANCIAL AFFAIRS INCLUDING  
BIDDING**

**ORIGINAL TEXT**

**ARTICLE IX, SECTION 5. FINANCES AND TAXATION.**

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

**PROPOSED REVISED TEXT**

**ARTICLE IX, SECTION 5. FINANCES AND TAXATION.**

The laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, and other fiscal matters of the Municipality shall be applicable to the Municipality, except as modified by or necessarily inconsistent with the provisions of this Charter or the provisions of the Constitution of the State of Ohio. **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.** 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.