

**COUNCIL OF THE
VILLAGE OF HIGHLAND HILLS**

ORDINANCE NO. 2025-06

For the February 12, 2025
Council Meeting

Introduced by: Mayor Michael L. Booker
Supported by:

AN ORDINANCE AUTHORIZING REFERRAL OF A PROPOSED AMENDMENT TO THE HIGHLAND HILLS CHARTER BY AMENDING ARTICLE III, SECTION 3 VACANCY AND REMOVAL AND SUBMITTING SAME TO THE CUYAHOGA COUNTY BOARD OF ELECTIONS FOR PLACEMENT ON THE NOVEMBER 4, 2025 BALLOT, DIRECTING THE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, Pursuant to Article IX, Section 7, Periodic Review, the Village Charter Review Commission (CRC) was duly appointed in November, 2024 and charged with the duty to review the Village Charter and recommend that issues to change the language of the Charter be submitted to Council for approval by ordinance to submit the issues 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 CRC which would be held on November 4, 2025, and

WHEREAS, the CRC has held meetings and discussions regarding proposed changes to the Village Charter and approved and recommended that changes be made to Article III, Section 3 Vacancy and Removal which provides the procedures for filling a vacancy in the office of Mayor or for removal of the Mayor, how long the person filling the vacancy can serve and procedures for filling a vacancy, and

WHEREAS, the CRC proposes to make changes to this section by providing for procedures for determining temporary incapacity and establishing rules for when the person filling the vacancy shall run for election to retain the office, and

WHEREAS, pursuant to the Article IX, Section 7, Periodic Review, the proposed issues submitted by the CRC to Council shall be approved by ordinance and certified to the Board of Elections for placement on the ballot at the next General Election which will be November 4, 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HIGHLAND HILLS, OHIO:

Section 1: Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article IX, Section 7 of the Village of Highland Hills Charter, the Village Charter Review Commission has proposed to Council and this Council, pursuant to the same section, does hereby authorize and direct the

submission to the electors of the Village of Highland Hills, at an election to be held in the usual places of voting in said Village on Tuesday, November 4, 2025, a proposed amendment to amend Article III, Section 3, Vacancy and Removal of the Village Charter such that if approved by a majority vote of the Village Electors, it shall be effective immediately upon certification of the Cuyahoga County Board of Elections. Upon the affirmative vote of a majority of the electors of the Village of Highland Hills, Ohio, Article III Vacancy and Removal, as certified by the Cuyahoga County Board of Elections, shall be amended and shall read as follows:

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.

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.**

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.

Section 2: The Board of Elections of Cuyahoga County is hereby directed to submit the following question to the electors of the Village at the General Election on November 4, 2025:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

SHALL THE CHARTER OF THE VILLAGE OF HIGHLAND HILLS, ARTICLE III, SECTION 3, VACANCY AND REMOVAL, BE AMENDED TO PROVIDE FOR PROCEDURES TO FILL A VACANCY AND PROVIDE WHEN A PERSON FILLING THE VACANCY IN THE OFFICE OF MAYOR SHALL STAND FOR ELECTION TO RETAIN THE OFFICE?

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|--|-----|
| | YES |
| | NO |

Section 3: That the Clerk of Council is hereby directed to certify a copy of this ordinance to the Cuyahoga County Board of Elections prior to August 1, 2025 in compliance with Article IX, Section 6 of the Charter, for placement of this important proposed charter amendment on the ballot in the General Election to be held on November 4, 2025.

Section 4: That upon approval of a Majority of Electors, and after certification of this Charter amendment provision by the Cuyahoga County Board of Elections, the amendment specified in Section 2 shall be effective immediately upon certification.

Section 5: Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an orderly meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were

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conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Passed in Council this 16th day of April, 2025.

First Reading 2/12/25 Second Reading 3/12/25 Third Reading 4/16/25

Vote: Pride ☒ yea ☐ nay Greene ☒ yea ☐ nay Mills ☒ yea ☐ nay
McManus ☒ yea ☐ nay Wright ☒ yea ☐ nay

Cassandra Pride 4/16/25
Cassandra Pride Date
President of Council

Attest: Margaret Sikon 4/16/25
Margaret Sikon, Clerk of Council Date

Filed with the Mayor: ✓ 4/16/25
Date

Approved By: [Signature] 4/16/25
Michael L. Booker, Mayor Date

2025-06