

SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 11037-2018, PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF AMENDMENTS TO ARTICLE IV, SECTION 4.01 AND SECTION 4.02 OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO AND DECLARING AN EMERGENCY. Introduced by Councilmembers Salvatore, Orcutt, Scott and Stemm.

CITY OF BROOK PARK, OHIO

P/C 8/21/18 Legislative
Caucus Prior to 8/21/18
1st R 8/28/18 substitution
2nd R 8/30/18 Sp. Council
3rd R
B/C
Caucus Prior to 8/28/18

ORDINANCE NO: 11037-2018

INTRODUCED BY: COUNCILMEN SALVATORE, ORCUTT, SCOTT AND STEMM

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AMENDMENTS TO ARTICLE IV,
SECTION 4.01 AND SECTION 4.02;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the City of Brook Park, County of Cuyahoga, State of Ohio, with not less than five of its members concurring that:

SECTION 1: That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, this Council hereby authorizes and directs the submission to the electors of the City of Brook Park, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal of the Brook Park City Charter to read as follows:

"SECTION 4.01 Composition and Term."

All legislative powers of the City, except as otherwise provided by this Charter and by the Constitution and general laws of the State of Ohio, shall be vested in a Council of ~~eight (8)~~ seven (7) members, four (4) of whom shall be elected from the several wards, ~~three (3)~~ two (2) of whom shall be elected at large, and one (1) of whom shall be elected at large as President of the Council.

All Councilmen shall be elected for a term of two (2) years at the regular municipal election in the year ~~2001~~ 2019 and every two (2) years thereafter. All members of Council, including the President of Council, shall take office on the first day of January next following their election, and shall continue to serve until their successors have been duly elected and qualified. (~~Amended November 7, 2000~~) (Amended November 6, 2018)

SECTION 2: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.01, be amended to provide that there shall be seven (7) members of Council; one (1) for each ward, two (2) for at large and one (1) for Council President."

To the left of said words, in boxes, with the appropriate places for the marking, shall appear the words "Yes" and "No" and each voter shall indicate his or her vote by placing an "X" in the place so provided.

SECTION 3: That pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, this Council hereby authorizes and directs the submission to the electors of the City of Brook Park, at a regular November election to be held at the usual places of voting in said City on Tuesday, November 6, 2018, the following proposal to amend the Charter of the City of Brook Park:

"SECTION 4.02 President of Council."

It shall be the duty of the President of Council to preside at all meetings of the Council, appoint various Council Committees and perform such other duties as may be imposed by Council upon its presiding officer and such other duties as are imposed upon him by this Charter, coordinating the work of the various committees appointed by him. The President of Council shall have the right to vote on all ordinances, resolutions, motions coming before the Council ~~only in the event of a tie vote.~~

SECTION 4: The ballots for said election shall, at the top thereof, be entitled "PROPOSED CHARTER AMENDMENT," and the questions to be submitted on said ballot shall be in words following:

"Shall Article IV, Section 4.02, be amended to provide that the President of Council shall have the right to vote on all ordinances, resolutions or motions coming before Council?"

To the left of said words, in boxes, with the appropriate places for the marking, shall appear the words "Yes" and "No" and each voter shall indicate his or her vote by placing an "X" in the place so provided.

SECTION 5: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 6: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last

regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 7: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 8: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 6, 2018, ballot; therefore, provided this Ordinance receives the affirmative vote of at least (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

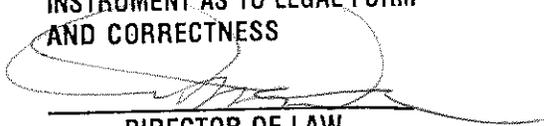
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

**I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS**



DIRECTOR OF LAW