ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, JUNE 18, 2019
7:00 P.M.

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. RESOLUTION NO. 22-2019, GRANTING A CONDITIONAL USE PERMIT TO 'COMPANY WRENCH' LOCATED AT 16400 BROOKPARK ROAD AND DECLARING AN EMERGENCY. Introduced by Council as a Whole - PER COUNCIL PRESIDENT VECCHIO. **Note:** Moved by **motion** from the June 11, 2019 Caucus meeting. **In attendance:** Mr. Justin D. Owen or 'Company Wrench' representative.

2. PROPOSED CHARTER AMENDMENTS - PER COUNCIL PRESIDENT VECCHIO. **In attendance: Charter Review Commission Members. Note:** Recessed by **motion** from the June 11, 2019 Caucus meeting beginning with Article V - ADMINISTRATIVE OFFICERS AND DEPARTMENTS, GENERAL PROVISIONS:

IV. ADJOURNMENT:

Posted 6/14/19

P/C
CA 6-11-19
1st R 6-18-19
2nd R
3rd R
B/C

CITY OF BROOK PARK, OHIO

Resolution No. 22-2019

Introduced By: COUNCIL AS A WHOLE

A RESOLUTION
GRANTING A CONDITIONAL USE PERMIT TO
COMPANY WRENCH
LOCATED AT 16400 BROOKPARK ROAD,
AND DECLARING AN EMERGENCY

WHEREAS, Joel Copley c/o Janotta & Herner has filed an application for a conditional use permit with the Brook Park Planning Commission; and

WHEREAS, the conditional use requested is to permit Company Wrench to operate a heavy equipment repair business located in the U7-AE District; and

WHEREAS, the request for a conditional use permit was presented at a public hearing on June 3, 2019, to the Brook Park Planning Commission, which referred this matter to Council for approval and recommended the waiver of requirements set forth in Section 1121.36(c) of the Brook Park Codified Ordinances.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Brook Park, State of Ohio that:

SECTION 1: The Council of the City of Brook Park finds that the proposed conditional use permit requested is appropriate in the location for which it is proposed and grants a conditional use permit to operate a heavy equipment repair business located in the U7-AE District.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to this Resolution 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Resolution 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

purpose of granting a conditional use permit to operate a heavy equipment repair business located in the U7-AE District; therefore, provided that this Resolution receives the affirmative vote of at least five (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: _____ APPROVED: _____
Clerk of Council MAYOR

_____
DATE

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

DIRECTOR OF LAW

PREAMBLE

We, the people of the City of Brook Park, in the County of Cuyahoga and the State of Ohio, grateful for our freedom and aware of our rights and responsibilities as citizens do ordain and establish this Charter in order to secure for ourselves the full benefits of "Home Rule" and to exercise the powers of self-government under the Constitution and laws of the State of Ohio.

ARTICLE I
NAMES AND BOUNDARIES

Section 1.01 Names and Boundaries

The existing boundaries, within Cuyahoga County and the State of Ohio, shall continue to be a body politic and corporate under the name of the City of Brook Park. The people shall have the power to change the boundaries in the matter authorized by the laws of the State of Ohio.

The corporate existence of this City shall not be terminated or merged, nor shall any territory be detached from or annexed to this City, without the assent of the Council of this City and by vote of the electors of this City at the next regular election. Amended November 6, 2001.

ARTICLE II
MUNICIPAL POWERS

Section 2.01 Municipal Powers

The City of Brook Park shall have all powers of local self government now and hereafter granted to municipalities by the Constitution and laws of the State of Ohio. All such powers shall be exercised in the manner prescribed by the Charter, ***or if not prescribed wherein*** by ordinance or resolution of the Council created hereby, or in such manner as prescribed now or hereafter by the Constitution and laws of the State of Ohio.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

ARTICLE III
THE MAYOR

Section 3.01 Term of Office

The Mayor shall be the Chief Executive of the City. The Mayor shall be elected at the regular municipal election in the year 1989, and every fourth year thereafter, for a term of four (4) years. ***No person elected Mayor shall hold the office for more than three (3) consecutive terms or twelve (12) consecutive years, unless one (1) full term or more has elapsed since that person last held the office of Mayor.*** His term shall commence and he shall assume office on the first day of January following such election and shall serve until his successor has been duly elected and qualified. ~~He may be a candidate to succeed himself.~~ Amended November 7, 1989.

Qualifications

He shall have been for at least one (1) year prior to his election or appointment and during his term of office or employment shall continue to be a resident of the City. The Mayor, whether elected or appointed to fill a vacancy, shall serve in a full time-capacity, shall hold no other employment and shall comply with all ethics laws of the State of Ohio. In the case of the Mayor, he shall have attained the age of twenty-five (25) years prior to assuming such office.

Section 3.02 Absence

During any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his duties, ***he shall notify the President of Council in writing and the President of Council shall be Acting Mayor and shall also continue as President of Council with all the powers and duties of that position.*** Whenever the Mayor shall be out of state, he shall notify the President of Council in writing. In the event the President of Council shall be absent or inaccessible or for any reason, be unable to perform his duties as Acting Mayor, the President Pro Tem of the Council, shall become the Acting Mayor with all the powers and duties of the Mayor, and he shall not thereby cease to be a Member of Council. Whenever the President of Council shall be out of state, he shall notify the President Pro Tem of Council in writing. Amended November 6, 2001.

Section 3.03 Duties and Powers of the Mayor

(a) EXECUTIVE: The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all offices, departments and divisions. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced responsible for the preparation and submission of the annual estimate of receipts and expenditures and appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

Subject to provisions of the Civil Service regulations and the provisions of this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any employee of the City except: (a) those required by this Charter to be elected, and (b) those whose terms of office may be fixed by this Charter, and (c) the Departments of Law and Finance.

The Director of Public Safety, the Director of Public Service and all appointive officers, and members of all Commissions, shall serve at the pleasure of the Mayor with the exception of ***the two*** Parks and Recreation Commission ***members appointed by*** City Council per City Charter Section 11.05.

The Mayor shall review annually the wages of all city employees and appointed officers of the City and submit his recommendation to Council. Unless otherwise provided for in this Charter, the Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness, and all other instruments to which the City is a party. He shall have custody of the seal of the City and may affix it to all of said but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the City government by the Governor for military purposes and by the courts for the purpose of serving civil processes. The Mayor shall have his office at the City Hall. Amended November 6, 2001.

(b) LEGISLATIVE: The Mayor shall be entitled to a seat in Council but shall have no vote

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

therein. He shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council. Every ordinance passed or resolution adopted shall be signed by the President of Council or Every other presiding officer and presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution he shall sign and return it to the Clerk of Council within ten (10) days after its passage or adoption by Council, but if he does not approve it, he shall deliver it, within ten (10) days together with his written objections thereto, to the Clerk of Council who shall forthwith return it to Council. The Mayor's objections shall be read at the next Council meeting and be entered in full on the journal of Council. The Mayor may approve or disapprove the whole or any section of an ordinance or resolution. When the Mayor disapproves any section of any ordinance or resolution, it will not affect the remaining sections of such ordinance or resolution, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution.

If the Mayor does not return an ordinance or resolution within the time limit provided in this section, it shall take effect in the same manner as if he had signed it. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it to the Council with his objections, Council shall but not later than its next regular meeting reconsider it and, if such ordinance, resolution or section, upon reconsideration is approved by the vote of at least five (5) of all Members of Council, it shall become effective notwithstanding the veto of the Mayor, shall become effective notwithstanding the veto of the Mayor.

(C) JUDICIAL: The Mayor shall have all the judicial powers granted by the general laws of Ohio to Mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers. Amended November 7, 1995

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

ARTICLE IV
THE COUNCIL

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) members, four (4) of whom shall be elected for the several wards, three (3) of whom shall be elected at large, and one (1) of whom shall be elected at large as President of Council.

Each Ward Councilperson shall hold their office for four (4) years, beginning January 1, 2022 of their election in 2021. At Large Council Members and the Council President shall hold their office for four (4) years beginning January 1, 2024 of their election in 2023.

No elected Council Person shall hold the office for a period longer than three (3) consecutive terms or more than twelve (12) years, unless one full term or more has elapsed since that person has last held the position of Councilman. 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.

~~All Councilmen shall be elected for a term of two (2) years at the regular municipal election in the year 2001, and every two 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.~~

Section 4.02 President of Council

It shall be the duty of the President of Council to preside at all meetings of 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

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

President of Council shall have the right to vote on all ordinances, resolutions, or motions coming before the Council only in the event of a tie-vote.

Section 4.03 Organization of Council

(a) Within five (5) days after the commencement of their term, at the call of the President of Council, Members of the Council shall meet in the Council Chambers to organize. Amended November 6, 2001.

(b) The Council shall elect, from among its members, a President Pro-Tem, who shall preside at meetings of Council in the absence of the President of Council.

(c) The Council shall appoint a Clerk of Council, and may appoint any other such officers as it may deem necessary, to serve at the pleasure of Council. The Clerk of Council shall not be a Member of Council.

(d) The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council, authenticate by his signature and have custody of and properly file and index all laws, ordinances and resolutions of Council and shall have custody of other official documents, reports papers and communications received by the Council, and have custody and control of all files of Council, and perform such other duties as Council shall require.

(e) The City shall use a codified ordinance system. All ordinances and resolutions shall be codified in a loose leaf binder.

Section 4.04 Salaries and Bonds

The Council shall fix compensations, sick leave and annual vacation time for each employee of the City, whether elected, appointed, or chosen and establish bond for the faithful discharge of the duties of the office. Any ordinance or resolution providing for any increase in salary or compensation for any Councilmen, the Mayor, the Law Director, the Finance Director, or any other elective office, of more than three percent (3%) shall not become effective, after passage thereof, until Council submits such ordinance or resolution to the electorate at a regular Municipal or general election occurring more than 60 days after the passage of the ordinance or resolution, and such ordinance or resolution is approved by a majority of the electors voting thereon in the City.

The compensation of all elected officials shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next

succeeding first day of January, and shall not thereafter be changed in any respect during any such term or any part thereof. The Council may authorize any officer of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City. Amended November 7, 2000.

Section 4.05 Meetings

(a) Regular Meetings: The Council shall meet in the Council Chambers at such times as may be prescribed by its rules, regulations, ordinances or bylaws, except that it shall hold regular meetings at least twice each calendar month, provided, however, that it may recess during the months of July and August, subject to the call of the Mayor. Meetings of the Council whether regular or special, shall be open to the public, with the exception of Executive Sessions, which shall only be permitted in accordance with the provisions set forth in the codified ordinances of the City of Brook Park, or in the laws of the State of Ohio. Amended November 7, 1989 check and balances

(b) Special Meetings: Special meetings of the Council may be called in accordance with and as provided by the rules, regulations, or bylaws adopted by the Council. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor or President of Council, or three (3) Members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered. Notice in writing of each such special meeting called at the request of the Mayor, President of Council, or three (3) Members of Council, shall be given to each Member of Council and the Mayor, ***by serving on each of them personally*** ~~or leaving a copy thereof at his usual place of residence~~, ***or electronically or as otherwise determined by Council Rules,*** not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing.

Section 4.06 Quorum

A majority of the Members of Council eligible to vote shall constitute a quorum for the transaction of business at any meeting of the Council but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or

resolution.

Section 4.07 Rules and Journal of Council

Council shall adopt its own rules, regulations, or bylaws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance or resolution shall be by roll call, and the vote of each Councilman shall be entered upon the journal.

Section 4.08 Form of Legislative Action

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form, except when otherwise required by the Constitution or the laws of the State of Ohio. An affirmative vote of at least a majority of the Members of Council eligible to vote shall be required for passage or enactment of every ordinance or resolution.

The procedures for enacting ordinances or resolutions shall follow the laws of the State of Ohio, any additional stipulations as may be found elsewhere in this Charter, and any provisions adopted by a majority vote of Council, provided, however, that each ordinance or resolution shall be read by title only on three (3) different days unless six (6) of the Members of Council eligible to vote, vote to dispense with the rule to read ordinances or resolutions on three (3) days, and no other provisions of this Charter nor the general laws of Ohio shall impair or limit this rule. It shall be the expressed intent of this section that all ordinances and resolutions shall be read by title only, unless there is necessity to read an ordinance or resolution fully and distinctly at least once at any time before passage, as determined by a majority of Members elected to Council.

In keeping with the aforesaid provision, regarding the reading of ordinances and resolutions by title only, the Clerk of Council shall provide, forty-eight (48) hours (two business days) prior to the Council meeting, the following:

1. Provide in a conspicuous place in or near the Council Chambers, a copy of all ordinances or resolutions to be read by title only, for inspection by the public.
2. Provide in a conspicuous place in or near the Council Chambers, a copy of the Council meeting agenda which shall contain a short synopsis, prepared by the Law Department, of each ordinance and resolution to be read by title only for inspection by

the public.

Nothing in this section shall preclude any Member of Council, the President of Council, or the Mayor of the City from introducing emergency legislation on the floor of the Council meeting. In addition, nothing shall preclude such an ordinance or resolution from being passed at said Council meeting; provided, however, that it shall be fully and distinctly read once and the rule of three readings shall have been dispensed with by a vote of six (6) Members of the Council eligible to vote.

No ordinance or resolution shall contain more than one subject, which subject shall be clearly expressed in its title; and no ordinance or resolution shall be revised or amended unless the ordinance or resolution superseding it contain the entire ordinance or resolution so revised or amended or the section or sections so revised or amended, and the original ordinance, resolution, or section or sections shall be expressly repealed.

All ordinances, resolutions, statements, orders, proclamations, and reports required by law or by this Charter or by ordinance to be published or posted, shall be posted for a period of not less than fifteen (15) days prior to the taking effect thereof. Any emergency ordinance or resolution shall also be published or posted as aforesaid, but this requirement shall not postpone the immediate taking effect thereof as provided in Section 4.09 of this Article. Council shall provide for not less than five (5) public posting boards, at least one (1) of which shall be at the City Hall. Amended November 7, 1995.

Section 4.09 Effective Date of Ordinances and Resolutions

Each ordinance or resolution providing for the appropriation of money or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefore, and any emergency ordinance or resolution necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

No other ordinance or resolution shall become effective until thirty (30) days after its approval by the Mayor or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

action, and shall require the affirmative vote of five (5) of the Members of Council eligible to vote for its enactment. No action of its powers, or in granting any franchise, or re-zoning ordinance, or amendment or repeal of any zoning ordinance, shall be designated an emergency measure or enacted under a suspension of the rules. Amended November 7, 1995.

Section 4.10 Assessments, Advertising of Contracts and Sale of Municipal Property

The Council shall make provisions by ordinance for:
(a) The procedure for making public improvements and levying assessments, including the procedure for combining two (2) or more public improvements, and the levying of assessments therefore in one (1) proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;
(b) The advertising and awarding of contracts and alterations or modifications of contracts;
(c) The sale or disposal of municipal property;
(d) Such other general regulations as the Council may deem necessary. Amended November 2, 1976.

ARTICLE V
ADMINISTRATIVE OFFICERS AND DEPARTMENTS
GENERAL PROVISIONS

Section 5.01 General Provisions

A Department of Law, a Department of Finance, an Office of Public Safety, and a Department of Public Service, a Department of Administrative Services and a Department of Parks and Recreation are hereby established. The Council shall by ordinance determine the organization and duties of each office, department, division, board and commission, and the duties of each officer and employee, except as otherwise provided by this Charter. The Council by ordinance may create, change or abolish offices, departments, divisions, boards, commissions or agencies established by this Charter, but the Council shall not discontinue or assign to any other office, department, division, board, commission or agency, any function or duty assigned by this Charter to a particular office, department division, board, commission or agency. Amended November

6, 2001.

Section 5.02 Directors of Offices, Departments and Division Heads

The head of each Office or Department shall be a Director. The head of each office, department and division shall, unless otherwise provided for in Charter, be appointed by the Mayor, with the concurrence of a majority of the Members of the Council, and, unless otherwise provided for in this Charter, shall serve at the pleasure of the Mayor. Amended November 6, 2001.

ARTICLE VI
DEPARTMENT OF LAW

Section 6.01 Director - Election

The Director of Law shall be elected at the regular municipal election in the year 1987, and every fourth year thereafter for a term of four (4) years. He shall assume office on the first day of January next following his election, and shall continue to serve until his successor has been duly elected (or appointed) and qualified.

In the event that no person is elected to the office of Law Director, the Mayor with the concurrence of a majority vote of Council, shall appoint the Law Director, and such appointee shall serve at a salary previously set for the term to which he is appointed, and the salary shall not thereafter be changed in any respect during such term or part thereof.

The Director of Law, whether elected or appointed, shall be an attorney at law duly admitted to the practice of law in the State of Ohio ***and shall have engaged in the active practice of law, as defined by the Supreme Court of Ohio's Rules for the Government of the Bar of Ohio, continuously for a period of not less than five (5) years preceding his appointment.*** If the Mayor fails to appoint a Law Director within thirty (30) days, Council shall then appoint.

Section 6.02 Duties

The Director of Law shall serve the Mayor, the Council, the administrative officers and departments, and the commissions and boards of the City as legal counsel, and shall represent the City in all proceedings in court or before any administrative body. He shall act as the prosecuting attorney for the City. He shall perform all other duties now

or hereafter imposed upon city solicitors by the general laws of Ohio, unless otherwise provided by ordinance or resolution of the Council, and he shall perform such other duties as may be required by this Charter and/or as the Council or the Mayor may impose upon him consistent with his office.

The Director of Law may appoint such assistant director or directors of law, as he may deem necessary. Such assistant directors of law shall serve at the pleasure of the Director of Law. The assistant director or directors of law must be duly admitted to the practice of law in the State of Ohio. The Director of Law shall appoint all new employees in the Law Department and all such employees shall serve at the pleasure of the Law Director. Amended November 7, 2000

ARTICLE VII
DEPARTMENT OF FINANCE

Section 7.01 Director of Finance – Election

The Department of Finance shall be directed by the Director of Finance who shall be elected at the regular municipal election in the year 1969, and every fourth year thereafter, for a term of four (4) years. He shall assume office on the first day of January next following his election and shall serve until his successor has been duly elected and qualified.

Qualifications - A certified public accountant (CPA) who is licensed and registered as such in the State of Ohio, and who will maintain such license and registration while employed as Finance Director, or a Bachelor's Degree (four year degree) in Accounting, or Business or Finance from an accredited college or university, shall be required for this position. These qualifications shall not take effect until January 1, 1996. If a dispute arises before or after the election as to whether a candidate meets these qualifications, the Board of Elections and/or the Secretary of State shall be the arbiter(s) of such dispute. Amended November 7, 1995.

Section 7.02 Director of Finance/Taxation - Duties

The Director of Finance/Taxation shall have charge of the administration of the financial affairs of the City and to that end he shall have authority to and be required to:

(a) Compile estimates of revenues and expenditures for the budget of the Mayor.

(b) 1. Maintain a general accounting system for the City government and each of its offices, departments and agencies

2. Supervise the bookkeeping for an exercise financial budgetary control over each office, departments, and agency.

3. Keep separate accounts for the items of appropriation contained in the appropriation ordinance of Council, each of which accounts shall show the amount appropriated, the amounts paid therefrom, the unpaid obligations against it, and the against it, and the unencumbered balance.

4. Require reports of receipts and disbursements from each receiving and spending agency of their City government to be made daily or at such intervals as he may deem expedient.

(c) Submit to the Council and to the Mayor at the second regular meeting of Council each month a financial statement showing the receipts, expenditures and balances in each of the funds and accounts of the City for the preceding month, and an appropriation report showing each appropriation, the amount expended against the appropriation for the preceding month the accumulated total expended for the year to date, and the balance remaining in each appropriation. These reports shall be permanent public records and shall be posted on the City's public posting boards.

(d) At the end of each fiscal year, examine and audit the accounts of all offices and departments of the City and prepare a complete financial statement and report.

(e) Supervise and be responsible for the assessment of all property within the corporate limits of the City for taxation, and make all special assessments for the City government.

(f) Keep an accurate account of all taxes and assessments, of all monies due to, and all receipts and disbursements by, the City, and of all appropriations made by the Council.

(g) Supervise and be responsible for the preparation of all payrolls, and the payment of all bills and other claims against the City and he shall issue no warrant unless he shall find that the claim is in proper form, correctly computed, and duly approved; that is due and payable, and that appropriation has been made therefore.

(h) Supervise and be responsible for the procedure used in the purchase, storage, and distribution of all supplies, materials, equipment, and other articles used by any office of the City.

(i) Prescribe the forms of receipts, vouchers, bills, or claims to be used by all the offices,

departments, and agencies of the City government.

(j) Upon death, resignation, removal or expiration of the term of any officer, audit the accounts of such officer. If such officer is found to be indebted in the City, the Finance Director shall immediately give notice thereof to the Council and the Director of Law, and the latter shall forthwith proceed to collect such indebtedness.

(k) Collect all taxes, special assessments, license fees, and other revenues of the City of whose collection the City is responsible, and receive all money accruing to the City from the State, County, or Federal government, or from any office, department or agency of the City.

(l) Have custody of all public funds belonging to or under control of the City government, and deposit all funds in accordance with Section 7.04(f) of this Charter.

(m) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt of delivery of city bonds and notes for transfer, registration or exchange.

(n) Disburse public funds on the order of any person authorized by ordinance of the Council or by the general laws of the State of Ohio to issue orders therefore.

(0) Prepare a quarterly report and annual account of the funds in his custody for submission to the Council.

(p) Perform such other duties consistent with his office as may be required by this Charter, by ordinance of the Council or by the general laws of the State of Ohio. Amended November 5, 2013.

Section 7.03 - Assistant Director of Finance

There is hereby established the position of Assistant Director of Finance, who shall be appointed by the Director of Finance. The Assistant Director of Finance shall perform such duties as are assigned by the Director of Finance in carrying out the provisions of this Charter, and shall serve at the pleasure of the Director of Finance.

In the absence of the Director of Finance the Assistant Director of Finance shall perform the duties of the Director. Amended November 6, 2001.

A Bachelor's Degree in Accounting, Business or Finance from an accredited college or university and a minimum of two (2) years experience in governmental, public or corporate accounting shall be required for this position. Amended November 6, 2007.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

Section 7.04 Finances

(a) General Provisions

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

(b) Annual Estimate

The fiscal year of this City shall, unless Council by proper action adopts a different date, be the same as that established from time to time for cities by the general laws of the State of Ohio.

The Mayor with the assistance of the Director of Finance shall prepare and submit to the Council an estimate of the revenues and expenditures of the municipality for the next succeeding fiscal year. This estimate shall be compiled from information which shall be furnished by the head of each department, division, board or commission in such form and detail as the Mayor may reasonably require. Amended November 6, 2007.

The estimate shall give the following information:

1. An estimate of the anticipated revenue from each source during the next succeeding fiscal year, with a comparative statement of the amount received from such source during the preceding two (2) years and the current year, plus an estimate of such amounts for the remainder of the current year, which estimates he shall receive from the Director of Finance.
2. An estimate of the expense of conducting each department and activity of the City for the next succeeding fiscal year, together with comparative statements as provided in the next preceding paragraph, with reasons for increases and decreases.
3. The amount of the total and net debt of the City, together with a schedule of maturities of outstanding bonds and notes which he shall receive from the Finance Director.
4. An estimate of the value of supplies and materials on hand at the date of preparation

of the estimate.

5. A statement of the unencumbered balance in each bond and improvement fund, which he shall receive from the Director of Finance.

(c) Appropriation Ordinance

The Director of Finance shall furnish to the Council an appropriation ordinance, making appropriations for the expenditures of the City during the year covered by the aforementioned annual estimate. The Council shall adopt such ordinance in its original form, or with such revision as it may find proper, within such times as is fixed by the general laws of the State of Ohio, or in case no such time is fixed, within ninety (90) days after the beginning of the fiscal year covered by such ordinance.

Such appropriation ordinance shall be in such form and detail as may be required by the general laws of the State of Ohio, and may be amended or supplemented by the Council after its passage, but appropriations shall not be made in excess of the estimated revenues of the City.

The Council may make preliminary appropriations for current expenses sufficient in amount to meet the current needs until the annual appropriation ordinance has been enacted and is in effect. The passage of any ordinance authorizing the issue or sale of bonds or notes of the City shall constitute an appropriation of the proceeds thereof to the purpose for which said bonds and notes are issued.

(d) Transfers and Balances

The Council may transfer any part of an unencumbered balance of an appropriation of any fund, to any purpose of object for which the appropriation for the current year has proved insufficient, or may authorize a transfer of monies to be made between items appropriated to the same office or department, except as follows:

1. No transfer shall be made from any bond or note fund, except that the unexpended balance of such fund no longer needed for the purpose for which said fund was created shall be transferred to the fund from which said bonds or notes are to be paid.
2. No transfer shall be made of monies raised or appropriated for the payment of any bond or note of the City, until all indebtedness interest and other obligations which can lawfully be paid for such monies have been paid.

At the close of each fiscal year the unencumbered balance of each appropriation, except appropriations to bond or note funds or any trust fund or special fund which the Council

by law or this Charter shall be authorized to create, shall revert to the fund from which it was appropriated, and shall be subject to future appropriation.

(e) Payment of Claims

No money shall be drawn from the treasury nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council. No warrant for the payment of any claim shall be issued until such claim shall have been approved in writing by the head of the Department, Commission, or Board for which the obligation was incurred. Each head of a Department and his surety shall be liable to the City for all loss and damage sustained by the City by reason of the unfaithful approval of any claim against the City in his Department. The Director of Finance shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employee of any department of this City, and examine him upon oath or affirmation relative thereto.

(f) Custody and Deposit of Funds

The Council shall by ordinance provide for the depositories of the City. All funds received on behalf of the City by any officer, employee or agent thereof, shall be promptly paid over to the Director of Finance and by him promptly placed in a depository bank, but the Council may authorize such sums as it deems proper to be kept in cash for the daily operation of any department or office.

The Director of Finance, with the approval of a majority of the Members of Council eligible to vote thereon, shall invest monies of the City in bonds or notes of this City, or any other investment permitted by the general laws of the State of Ohio, in such manner as is now or hereafter after authorized by such general laws of the State of Ohio.

(g) Certification of Funds

No contract, agreement, or other obligation involving the expenditure of money shall be entered into; nor shall any ordinance, resolution or order for the expenditure of money be passed or issued by the Council or be authorized by any officer of the City unless the Director of Finance shall have first certified in writing to the Council, or to the proper

office, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is to be drawn, and not appropriated for any other purpose. Such certificate shall be filed and immediately recorded by the Director of Finance. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement or obligation. The provisions of this section shall not be construed to prevent the making of contracts for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter, by ordinance of Council or by the general laws of the State of Ohio.

All monies actually in the treasury to the credit of the fund from which they are to be drawn, and all monies applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes, assessments, license fees, or from sales of service, products, or by products of any municipal undertaking, and monies to be derived from lawfully authorized bonds, shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.

(h) Public Bidding

The Council may authorize, in specific cases, expenditures of funds of the City an amount exceeding the amount permitted by State Statutes without public bidding, for acquisition or the discharge of non contractual claims against the City, for personal services, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of expenditures exceeding the amount permitted by State Statutes shall be made except pursuant to contract made with the lowest and best bidder after public advertising and receipt of bids in the manner provided by law.

(i) Public Improvement

Public improvements of all kinds may be made by the appropriate department either by the direct employment of the necessary labor and purchase of supplies and materials in the manner herein provided with a separate account as to each improvement so made, or by contract let as provided in the next preceding paragraph either for a closed price or upon a unit base.

(1) Taxation

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 a levy any taxes in excess of such limitations without a vote of the people.

Section 7.05 Finance Clerks in the Department of Finance

All finance clerks, established by ordinance and budgeted by the City Council, shall be appointed by the Director of Finance, and shall serve at the pleasure of the Director of Finance. Amended November 7, 2000.

ARTICLE VIII
OFFICE OF PUBLIC SAFETY

Section 8.01 Office of Public Safety

The Director of Public Safety shall be the head of the Office of Public Safety, and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to the Council, and shall serve at the pleasure of the Mayor. Amended November 6, 2001.

Section 8.02 Duties *and Qualifications* of the Director

a. The Director of Public Safety shall make all necessary rules and regulations for the government of the Office and the Departments thereof. He shall be charged with the duty of enforcing all police, fire, safety, building, zoning, health, and sanitary regulations that may be prescribed by ordinances or resolutions of the City, or, when applicable, the Constitution and the general laws of the United States and the State of Ohio. The Director of Public Safety shall consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor. Amended November 6, 2001.

b. The Director of Public Safety shall have a Bachelor's Degree or equivalent from an accredited college or university with major course work in political science, criminal justice, police science, fire science, behavioral science, business or public administration, or a related field and at least seven years experience within listed fields.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

Section 8.03 Departments and Divisions Established

Within the Office of Public Safety there is hereby established a Department of Fire, a Department of Police, and a Division of Building, a Department of Pub may be established by Council. Such Department, if established, shall be charged with the enforcement of the air pollution ordinance of the City. Amended November 6, 2001.

Section 8.04 Department of Fire

The Department of Fire shall be in active charge of a Chief. The Chief of the Department of Fire shall be selected by competitive examination. Eligibility list for the Chief's examination shall be determined by the Civil Service Commission. There shall be established a Bureau of Fire Protection and Investigation within the Department of Fire. Any other bureau deemed necessary to increase efficiency, and/or protection may be established within the Department of Fire. The operation of such bureau or bureaus shall be by personnel of the Department of Fire The Fire Chief shall be responsible for their organization and supervision. Amended November 6, 2001.

Section 8.05 Department of Police

The Department of Police shall be in active charge of a Chief. The Chief of the Department of Police shall be selected by competitive examination. Eligibility list for the Chief's examination shall be determined by the Civil Service Commission. There shall be established a Detective Bureau and a Juvenile Bureau within the Department of Police. Any other bureau deemed necessary to increase efficiency, and/or protection may be established within the Department of Police. The operation of such bureau or bureaus shall be by personnel of the Department of Police. The Chief of Police shall be responsible for their organization and supervision. Amended November 6, 2001.

Section 8.06 Division of Building

1. Establishment and Duties

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

There is hereby established a Division of Building for the City to be organized as set forth herein, with the duty of enforcing the building and zoning regulations of the City and such other duties consistent with building in the City as may be prescribed by ordinance or by the Mayor

2. Building Commissioner

There is hereby created the office of Building Commissioner for the City. Appointment to such position shall be made by the Mayor with the concurrence of Council and said Building Commissioner shall serve at the pleasure of the Mayor.

(a) Duties

It shall be the duty of the Building Commissioner:

1. To administer and enforce all the Ohio laws and City ordinances relating to building and zoning.
2. To approve or disapprove all blueprints submitted for new construction and issue all licenses, permits, with regard to original construction, remodeling and repair of all buildings, fences, signs, billboards and other structures within the City, and approve all insurance policies and bonds of general contractors, as well as sub trades operating in the City.
3. To supervise the Building Inspector, Electrical Inspector, and Plumbing Inspector.
4. To issue all Certificates of Occupancy and Re-Occupancy.
5. To make rules and regulations for the administration of the affairs under his supervision.
6. To administrate and direct the issuance of all building, plumbing, heating and electrical permits as required by the building and zoning regulations of the city.

(b) Qualifications

~~The Building Commissioner shall have at least five (5) years experience in the building trades or related occupations. Amended November 5, 2013~~. ***The building***

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

Commissioner shall hold a valid and current "Chief Building Official" certification issued by the State of Ohio Board of Building Standards or The International Code Council and shall have at least five (5) years experience in the building trades or related occupations.

Section 8.07 Disciplinary Authority

The Director of Public Safety shall have exclusive right to demote, suspend or remove any officer in charge of a Department or Division within the Office of Public Safety and any employee within said Department or Division except that the Chief of the Department of Fire, Chief of the Department of Police, and the Building Commissioner of the Division of Building, shall have exclusive right to suspend any employee within their respective Departments or Divisions.

The grounds of demotion, suspension or dismissal by the Director of Public Safety or for suspension by the Chief of the Department of Police, Chief of the Department of Fire, or Building Commissioner of the division of Building, shall be incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given them by the proper authority, or for any other reasonable or good cause. If any employee is suspended by the Chief of the Department of Police, the Chief of the ment of Fire, from within their departments, then the Chief of the Department of Police, the Chief of the Department of Fire, or the Building Commissioner of the Division of Building, as the case may be, shall forthwith certify such fact in writing, together with the cause for such suspension, to the Director of Public Safety, who, within five (5) days from receipt thereof, shall proceed to inquire into the cause of such suspension and render judgment thereon. Such judgment, if the charge is sustained, may be suspension, reduction in rank, or dismissal from the department.

In all cases of removal, demotion or suspension, the Director of Public Safety shall furnish such employee with a copy of the order of removal, demotion or suspension, together with an explanation of the employee's right of appeal. Such order with the explanation shall be filed with the Civil Service Commission. Any such employee so removed, demoted or suspended may appeal from the order of the Director of Public Safety to the Civil Service Commission within ten (10) days after the date of such suspension, demotion or removal, in which event, the Commission shall forthwith notify

the Director of Public Safety and shall hear such appeal within thirty (30) days from and after its filing with the Commission, and it may affirm, disaffirm, or modify the judgment of the Director of Public Safety. The employee or officer so suspended, denoted or removed may appeal on questions of law and fact from the decision of the Civil Service Commission to the Court of Common Pleas. Such appeal shall be taken within ten (10) days from the finding of the Commission, Amended November 6, 2001.

ARTICLE IX
DEPARTMENT OF PUBLIC SERVICE

Section 9.01 Director of Public Service

The Director of Public Service shall be the head of the Department of Public Service and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to Council, and shall serve at the pleasure of the Mayor.

Section 9.02 Duties of the Director

The Director shall make all necessary rules and regulations for the government of the Department and the Divisions thereof. He shall have charge of all engineering, construction, and inspections. He shall also be responsible for maintenance, repair, and cleaning of all public improvements and properties. He shall be responsible for the issuance of permits, the collection of fees and deposits and the proper releasing of same, and the inspection of:

1. Cuts into pavements and curbs, and the repairing of same.
2. The use of fire hydrants.
3. Any other permits, fees, deposits, inspections and release from liability which may be required for any work done in the public right of way. He shall have charge of making and preserving all surveys, maps, plans, specifications, drawings, estimates and contracts for all public improvements and properties. He shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor. He shall present an annual report of the operations of his department and office to the Mayor and such other reports as directed by the Mayor, Amended November 7, 1989.

Section 9.03 Divisions Established:

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

The Department of Public Service shall consist of the following divisions:

(a) Division of Engineering

(b) Division of Public Properties, including Parks, Public Grounds, Sewage Treatment and Public Buildings.

(c) Division of Refuse Collection and Disposal.

(d) Division of Utilities, including any franchise and privately owned utilities and including any municipally owned utility which is established pursuant to and will operate under the constitution and laws of the State of Ohio and this Charter. Amended November 5, 1991.

(e) Division of Streets, including sidewalks and public right-of-way. Amended November 7, 1989.

Section 9.04 Appointment of Division Heads

The Director of Public Service shall appoint the heads of the Divisions established in Section 9.03 of this charter, except the Division of Engineering, which Division head shall be appointed by the Mayor***, and shall have the qualifications as may be set forth in the city ordinances.*** Such appointees shall serve at the pleasure of the appointing authorities.

ARTICLE X
DEPARTMENT OF PARKS AND RECREATION

Section 10.01 Director of Recreation

The Director of Recreation shall be the head of the Department of Recreation and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to Council, and shall serve at the pleasure of the Mayor. The Director shall have education or experience in Parks and Recreation, Physical Education, Coaching or Sports Administration. Amended November 7, 1995.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

Section 10.02 Duties of the Director

It shall be the function and duty of the Recreation Director to supervise and exercise administrative control over all equipment and operations and to maintain parks, playgrounds, playfields, gymnasiums, swimming pools, and recreation centers, and to exercise such other powers and duties as the Council may by ordinance provide. The Director may also employ play leaders, supervisors, or any other officials or employees deemed to be necessary and they shall serve at the pleasure of the Director.

The Council shall appropriate to the Parks and Recreation Commission an amount necessary and sufficient for the performance of functions and duties. All such funds, and all gifts donated to the City for recreational purposes, shall be administered by the Parks and Recreation Commission.

He shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Parks and Recreation Commission. He shall present an annual report of the operation of his Department and office to the Parks and Recreation Commission, and such other reports as directed by the Parks and Recreation Commission, Amended November 6, 2001.

ARTICLE XI
BOARDS AND COMMISSIONS

Section 11.01 General Rules for all Boards and Commissions

Unless otherwise provided for in this Charter:

(a) An appointee to be eligible to serve as a Member of a Board or Commission of the

City shall be and remain a qualified elector of the City.

(b) A vacancy occurring during the term of any Member of a Board or Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

(c) The Mayor may remove any Member of any Board or Commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity ***or*** incompetency, provided, however, that such removal shall not be effective without the concurrence of not less than the majority of the Members of the Council, and/or until such Commissioner or Board Member shall have been notified in writing of the charge or charges against him at least ten (10) days in advance of any hearing upon such charge or charges, and he or his representative has been given an opportunity to be heard, present evidence or examine any witness appearing in support of such charge or charges.

(d) Each Board and Commission shall keep a journal of its proceedings. The voting shall be taken by name in the form of yeas and nays and entered in the journal, and the vote of a majority of all of the Members shall be necessary to adopt any question, motion, or order.

(e) Meetings of the Boards and Commissions shall be open to the public with the exception of Executive Sessions which shall only be permitted in accordance with the provisions set forth in the Codified Ordinances of the City of Brook Park, or in the laws of the State of Ohio.

(f) All Members of all Boards and Commissions shall serve without compensation unless otherwise provided by Council.

(g) In addition to the duties and functions specifically enumerated in this Charter, all Boards and Commissions shall perform such other duties and functions as may be imposed upon them by ordinance or resolution of the Council or general laws of the State of Ohio. Amended November 7, 1989.

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

(h) All Boards and Commission Members shall choose a Chairperson and Vice Chairperson from the body to preside over the Board or Commission meetings at their first meeting in January. The Chairperson and Vice Chairperson shall serve a one-year, non consecutive term. All Board and Commission Members shall continue to serve until their respective terms of office have expired. Amended November 6, 2001.

Section 11.02 Civil Service Commission

(a) Membership

The Civil Service Commission shall consist of three (3) members appointed by the Mayor, with concurrence of a majority of the Members elected to Council, for terms of six (6) years each. The members of the present Civil Service Commission shall continue to serve until their respective terms of office have expired. At the time of any appointment, not more than two (2) of the Commissioners shall be members of the same political party. Amended November 8, 1983.

(b) Officers

The Civil Service Commission shall designate one of its members as Chairman, thereof, and may appoint a Secretary who need not be a member of the Civil Service Commission.

(c) Duties

The Commission shall provide by rule for ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the City, as provided by the Constitution of the State of Ohio, and for appeals from the action of the Mayor and/or of any director in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the general laws of the State of Ohio.....Public notice shall be given to the City thirty (30) days prior to the filing date on any vacancy in the classified service. The Civil Service Commission shall keep a record of its proceedings and examinations, which

record shall be open to public inspection, and the Commission shall in all matters not in conflict with this Charter conduct its affairs in accordance with the provisions of the general laws of the State of Ohio.

(d) Classification of Service

The Civil Service of the City is hereby divided into classified and unclassified service.

1.The unclassified service shall include the following positions and such other positions as may now or hereafter be included in the unclassified service by the general laws of the State of Ohio.

(i.) All officers elected by popular vote or persons appointed to fill vacancies in such offices.

(ii) The members of all Boards and Commissions, and heads of Departments, Divisions, Boards, and Commissions, and all employees of the Division of Building, appointed by the Mayor or by and with his consent and/or by the Council.

(iii) Employees of the Council.

(iv) The deputies and/or assistants of elective or principal executive officers authorized to act for and in the place of their principals, or holding a fiduciary relation to such principals.

(v) One personal secretary to the Mayor and one personal secretary to each elective or appointive Department Head.

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

(vi) Assistants to the Director of Law.

(vii) All persons who in accordance with the rules established by the Civil Service Commission constitute temporary employees.

(viii) All firemen, policemen, and Members of the Civil Defense Corps who serve on a volunteer basis or who serve without compensation.

(ix) Any position, the applicants for which must possess unusual or peculiar qualifications such that the Commission finds it impractical to determine their fitness by competitive examination.

(x) All compensated adult school patrol guards.

2. The classified service shall include but not be limited to the following positions:
   (i) Regular Members of the Divisions of Police and Fire in the Department of Public Safety.
   (ii) All foramen, truck drivers and laborers employed in the Department of Public Service.
   (iii) All clerks working with the Divisions of Police and Fire.

(e) Qualifications

Every member of the classified Civil Service, within six months (6) of successful completion of probation, must reside within Cuyahoga County or any county adjacent to Cuyahoga County. Amended November 4, 2008.

Section 11.03 Planning Commission

(a) Organization

The City Planning Commission shall consist of seven (7) Members, to-wit: the Mayor, who shall also be the Chairman of the Commission, a Member of City Council, who shall be appointed by the President of Council, and five (5) Members appointed by the Mayor, subject to approval of a majority of the Members of Council.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

At the time of any appointment, not more than three (3) of the appointed Commissioners shall be members of the same political party. The Building Commissioner, Service Director and City Engineer shall furnish technical advice and services as required by the Planning Commission.

The term of the Members appointed by the Mayor shall be five (5) years each. The Members of the present Planning Commission shall continue to serve until their respective terms of office have expired.

(b) Powers and Duties

It shall be the function and duty of the Planning Commission to act as the platting commissioners of the City, and as such it shall have control of planning and shall provide regulations with respect to the platting of all lands within the City so as to secure their harmonious development; provide for the coordination of streets with spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air, and for the avoidance of congestion of population.

It shall make such regulations as it deems necessary as to the manner in which streets and other public ways shall be graded and improved and the manner in which and the extent to which water, sewers and other utility mains, piping or other facilities shall be installed, and in addition may establish any other conditions precedent, to the approval of a proposed plat. The Departments of Public Safety and Public Service shall furnish to the Commission the necessary technical advice and services.

The Commission shall make plans and maps of the whole or any portion of the City and of any land outside of the City, which, in the opinion of the Commission, bears a relation to the planning of the City, and make changes in, addition to, and estimates of such plans or maps when it deems the same advisable. A comprehensive general plan to be known as the Master Plan shall be prepared. This Master Plan shall provide for the overall development of the entire City. It shall be reviewed periodically and revised as necessary, giving due consideration to those areas requiring redevelopment or urban renewal.

Consistent with the Master Plan it may prepare a mapped streets plan together with necessary maps or plats showing the surveyed lines of all proposed improvements. The Commission shall have such powers as may be conferred upon it by ordinance of

the Council concerning the plan, design, location, removal, relocation, and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of street, parkways, playgrounds, and other public places, the zoning and rezoning of the City for any lawful purpose, and such other powers as may now or hereafter be conferred upon it by ordinance of the Council or by the general laws of the State of Ohio to the extent not inconsistent with this Charter or such ordinances.

All plans, recommendations and regulations made by the Planning Commission referring to public property, shall be submitted to the Council for approval before the same shall become effective. Prior to approval, copies of said plans shall have been reviewed by the Building Department and the Fire Department with comments, and/or approval, and/or disapproval noted.

All private commercial and industrial building, structures, and including land improvements, to be constructed within the City of Brook Park, must have submitted to the City three (3) complete sets of plans and specifications, for either new or renovation construction, at least forty-five (45) days prior to proposed construction (1-Fire Department, 1-City Building Department, and 1-Planning Commission). The Planning Commission must review said plans within that allotted period of time and make recommendations for changes as required by the Building Codes of the City and State of Ohio. This requirement is deemed necessary for the preservation of the public peace, health, safety and welfare of the residents of the City of Brook Park. Amended November 8, 1983.

(c) Mandatory Referral

No public building or structure, street, boulevard, parkway, park, playground, public ground, bridge, viaduct tunnel, or other public way, ground works or utility, whether publicly or privately owned, or a part thereof shall be constructed or authorized to be constructed in the City nor shall any public street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referring to zoning or other regulations controlling the use or development of land be

passed, unless and until the matter shall have been submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within forty-five (45) days from the date of referral unless a longer time be allowed by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved the matter. If any provision of such ordinance, resolution or order is disapproved by formal action of the Planning Commission, the adoption of such ordinance, resolution or order shall require five (5) affirmative votes of all Members of the Council for passage. Amended November 7, 1995.

Section 11.04 Board of Zoning and Building Appeals

(a) Organization

The Board of Zoning and Building Appeals shall consist of a Member of City Council six (6) appointed Members who shall not be Members of the Planning Commission***, subject to approval of a majority of the Members of Council.*** The terms of the Members appointed by the Mayor shall be five (5) years each. Amended November 6, 2001.

(b) Powers and Duties

The powers and duties of the Board of Zoning and Building Appeals shall be as follows:

1. To hear and decide appeals made for exceptions to and variations in the application of ordinances governing zoning in the City in conformity with the purpose and intent thereof and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders, or regulations of administrative officials or agencies.
2. To approve or disapprove materials, types of construction, appliances, devices or appurtenances proposed for use pursuant to the Building Code of the City.
3. To hear and decide appeals from, and to review upon motion of any Member of the board, any order, requirement, decision or determination of the Building Inspector or of any administrative official or agency of the City, relating to the location, design, materials, construction, alteration, repair, equipment use or occupancy, maintenance,

removal or demolition of any building or other structure, or any appurtenance connected or attached to such building or other structures, regulated by the Building Code of the City, and any rule or regulation or amendment or repeal thereof made by said officials or agencies under the authority conferred upon them by the Building Code of the City, by reversing or affirming the whole or in part, or modifying such order, requirement, decision or determination or rule, regulation, amendment or repeals thereof as in its opinion ought to be made in the premises.

4. To exercise with respect to buildings situated in the City the same powers as are exercised by the Board of Building Standards under the laws of the State of Ohio to the extent that it is competent for this Charter so to authorize the Board.

5. To formulate and submit to the Council, changes in and amendments to the Building Code which the Board determines as desirable for the proper regulations of building and structures and the equipment thereof and appurtenances thereto.

Section 11.05 Parks and Recreation Commission

(a) Memberships

The Advisory Parks and Recreation Commission shall consist of five (5) Members appointed to five-year terms. Three (3) Members shall be appointed by the Mayor, of which, one (1) appointment shall be made upon the recommendation of the local Board of Education. The Member recommended by the Board of Education must have an interest in Brook Park Recreation activities. Two (2) members shall be appointed by a vote of the majority of the Members elected to City Council. Appointment to the Advisory Recreation Commission shall alternate with the Mayor making the first appointment, followed next by a Council appointment. The Members of the Commission shall continue to serve until their respective terms have expired. Within fifteen (15) days prior to the expiration of a Commissioner's term, the appointing authority shall inform said Commissioner in writing whether or not they will be re appointed to another term and the reason for this decision.

(b) Term of Office and Compensation

The term of all members shall be five (5) years each. The members of the present commission shall continue to serve until their respective terms of office have expired.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

(c) Powers and Duties

It shall be the function and duty of the Advisory Parks and Recreation Commission to act in an advisory capacity only, and in that capacity shall direct any recommendation to the Administration and to the City Council. The Commission shall also act as an appeal board for resident grievances regarding policies and procedures of the Recreation Department, although the Recreation Director shall have the final decision in all matters. The Advisory Parks and Recreation Commission will not have control of hiring direction or supervision of any employee. Additionally, no monies may be under control of the Commission.

(d) Joint Operation

The Advisory Parks and Recreation Commission, upon approval by ordinance of Council, may jointly with the Berea School District, Cuyahoga County, or any contiguous municipality, acquire property for, supervise, equip, operate and maintain parks, playgrounds, playfields, gymnasiums, swimming pools, and recreation centers. Amended November 6, 2007.

ARTICLE XII
NOMINATIONS AND ELECTIONS

Section 12.01 Primary Elections

On the second Tuesday of September in each odd numbered year prior to the general municipal election, primary elections shall be held for the purpose of nominating persons as candidates ~~of political parties~~ for election to offices provided for by this Charter to be voted for at the next succeeding regular municipal election.

Except as provided otherwise in this Charter, candidates for all offices to be voted for at any municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held in odd numbered years on the second Tuesday in September and at a time and place provided for by the County Board of Elections.

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

Section 12.02 Municipal Elections

A general municipal election for the purpose of the election of officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November in each odd numbered year, Elections so held shall be known as Regular Municipal Elections. All other elections held under the provisions of this Charter or as required by law shall be known as Special Municipal Elections.

Section 12.03 Declaration of Candidacy

Each person desiring to become a candidate ~~for a party nomination~~ to be voted for at a primary election shall not later than 4:00 p.m, of the ninetieth (90") day before the day of such primary election, file with the Board of Elections of Cuyahoga County, Ohio, a declaration of candidacy and a nominating petition, which petition shall require signatures of registered electors ~~of the same political party as the candidate~~, not less than twenty-five (25) for Ward Councilman, not less than one hundred (100) for Councilman-at-large, and not less than one hundred (100) for the City offices-at-large. Amended November 5, 2013.

Section 12.04 Designation of Candidates

~~Candidates for party nominations to municipal offices shall have their names printed on the official primary ballot, by filing a declaration of candidacy together with the required number of valid signatures and paying the required filing fee. If the number of persons filing such declaration for one political party does not exceed the number of offices available for nomination, then no primary election shall be held for such office and the persons so filing shall be declared nominated. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election.~~

The number of candidates for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-By-Ward at any regular municipal election in the City shall be the two (2) candidates on the primary election ballot receiving the highest number of votes at the primary. The number of candidates for the office of Council- At-Large at any regular municipal election in the City shall equal the number of candidates filing a valid petition for the

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2019 Brook Park Charter Review Commission ChairPerson

nomination of a candidate for the Office of Council-At-Large, and such person shall appear at the Regular Municipal Election. The filing deadline for such petition for nomination of a candidate for the Office Of Council-At-Large shall be the ninetieth (90) day before the primary election date as established in Charter.

In case there shall be no more than two (2) persons who shall have filed petitions for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-by-Ward, as provided for in this Charter, then said persons shall be the candidates at the regular municipal election and the primary election for the office not exceeding two (2) persons shall not be held. All persons who have filed petitions for the office of Council-at Large as provided for in the Charter shall be the candidates at the regular municipal election.

Anyone who has not properly filed a petition for the appropriate primary election as provided by this Charter, shall be ineligible as a designated candidate in the regular municipal election. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election.

Section 12.05 ~~**Independent Candidate**~~ ***Write In Votes; Ballots***

~~*Any person desiring to become an independent candidate* for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the ninetieth (901) day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominees. The petition for offices of council-at-large and all other city offices-at-large shall be signed by that number of electors equal to at least four (4) percent in number of the electors voting at the next preceding regular municipal election. The petition for office of ward councilman shall be signed by that number of the electors equal to at least four (4) percent in number of the electors voting in the next preceding regular municipal election for councilman in that ward. Names of independent candidates will not appear on the primary ballot, but will appear on the ballot of the next regular municipal election. Amended November 5, 2013.~~

Write-in votes for a municipal candidate in the City of Brook Park shall not

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2019 Brook Park Charter Review Commission ChairPerson

be permitted at a primary or general election unless no person files for a particular municipal office and no person is duly nominated at a municipal primary. The procedures for filing as a write-in when permitted under this section shall be determined by the laws of the State of Ohio and the Cuyahoga County Board of Elections.

The ballots used in the primary and general municipal election shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and should be rotated in a manner provided by the laws of Ohio.

Section 12.06 Qualified Electors

Every citizen of the United States who is of the age of eighteen (18) years or over, who possesses the qualifications herein required, shall be entitled to vote at a special primary, or regular municipal election.

No person shall be permitted to vote at any election unless he has been a resident of the State of Ohio for thirty (30) days, of the County of Cuyahoga for thirty (30) days, and the voting precinct thirty (30) days, next preceding the election at which he desires to vote, except as otherwise herein provided.

A qualified elector who has resided in the State and in the County the length of time required herein and who moves from one precinct to another within the City of Brook Park shall have the right to vote in such precinct provided the precinct shall have corrected his registration as required by law. No person residing in any registration precinct shall be entitled to vote at any election or shall sign any nominating, initiative, referendum or recall petition unless he is duly registered as an elector in the manner provided by law. The term "qualified elector" as used throughout this Charter shall be construed to mean an elector who has complied with the forgoing requirements. Amended November 8, 1983.

Section 12.07 General Provisions

Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of the State of Ohio and by the election authorities therein provided for. The election results shall be posted outside each polling place as required by law for a period of not less than twenty-four (24) hours.

ARTICLE XIII
INITIATIVE, REFERENDUM AND RECALL

Section 13.01 Initiative

The electors of the City shall have the power to propose any ordinance or resolution, except an ordinance for the appropriations of money or authorization for a tax levy, and to adopt or reject the same at the polls, such power being known as the Initiative. An Initiative petition shall be submitted to the Clerk of Council by petition signed by the registered electors of the City not less in number than ten (10) percent of the number voting at the last preceding general election.

When so submitted, the Clerk shall forthwith determine the sufficiency of the petition. If found insufficient the electors proposing the petition shall have ten (10) days after notification to correct the insufficiency. If found sufficient the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole.

Provisions shall be made for public hearing on the proposed ordinance or resolution not later than twenty (20) days after the date on which such ordinance or resolution was submitted to the Clerk, The Council shall, within sixty (60) days after such ordinance was submitted, take final action thereon, either enacting, amending, or rejecting the proposed ordinance or resolution.

If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefore, the petitioners may require that it be submitted to a vote of the electors either in its original form or in the amended form by filing with the Clerk, within ten (10) days after final action on such ordinance or resolution by Council, a supplemental petition signed by that number of additional registered electors which, when taken together with those who signed the original petition, total not less in number than twenty (20) percent of the electors of the

City voting at the last preceding general election, and if said supplemental petition is signed by such number of additional registered electors, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing such supplemental petition. The Council shall thereupon provide for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election in any year occurring more than ~~sixty (60)~~ ***ninety (90)*** days from the filing of such supplemental petition, if no date be so fixed therein.

No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so amended by it as to destroy the effectiveness thereof, within one (1) year after it takes effect. Amended November 5, 2013.

Section 13.02 Referendum

The electors of the City shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council except as hereinafter provided, such power being known as the Referendum.

Within thirty (30) days after the final passage by Council of an ordinance or resolution, a petition signed by registered electors of the City not less in number than ten (10) percent of the number voting at the last preceding general election, may be filed with the Clerk of Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by that number of the electors of the City which equals twenty (20) percent or more of such electors, the date of the election may be fixed therein, which shall not be less than ninety (90) days from the time of filing thereof. When said petition is filed, the Clerk shall first ascertain the sufficiency of the petition. If found insufficient, the electors proposing the petition shall have ten (10) days after notification to correct the insufficiency. If found sufficient, the Council shall thereupon, within thirty (30) days after the filing of such petition, reconsider such ordinance or resolution.

If, upon such reconsideration, the ordinance or resolution is not repealed, the Council shall submit it to a vote of the electors, on the date fixed in the petition, or if no date be so fixed, at the first general election in any year occurring more than ninety (90)

days after the filing of such petition. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon.

Whenever the Council is by law or provisions of general ordinance required to pass more than one (1) ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the revisions of this section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.

Ordinances providing for a tax levy, or for improvements petitioned for by the owners of a majority of the front feet of the property benefited and to be specially assessed therefore, and appropriation ordinances limited to the subject of appropriations shall not be subject to Referendum.

Whenever the electors shall have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of such bonds shall not be subject to the provisions of this Section.

Emergency ordinances shall be subject to Referendum, except that emergency ordinances shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder, but such measure shall be deemed sufficient authority for payment, in accordance with the ordinance, or any expense incurred previous to the Referendum vote thereon.

Ordinances submitted to the Council by Initiative Petition and passed by the Council either with or without change but not submitted to a vote of the electors shall be subject to Referendum in the same manner as other ordinances.

No measure which has been defeated by the electors of the City at a referendum election shall be reintroduced and passed by the Council of the City for a period of one (1) year.

Section 13.03 Recall

The electors shall have the power to remove from office by a Recall election any elected officer of the City. If an elected officer shall have served six (6) months of his term, a petition demanding his removal may be filed with the Clerk of the Council who

shall note thereon the name and address of the person filing the petition and the date of such filing.

Such petition shall be signed by registered electors of the City not less in number than twenty-five (25) percent of those voting in the last preceding general election. However, the petition for Recall of a Councilman elected from a ward shall be signed by at least that number of electors of the councilman's ward equal to twenty-five (25) percent in number of such electors voting in that ward in the last preceding general election.

Within ten (10) days after the filing of such petition, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with him and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient.

If the Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer fails to resign within five (5) days after such delivery, the Council shall thereupon fix a day for holding a Recall election, and not less than ninety (90) nor more than one hundred twenty (120) days after the date of such delivery, Amended November 5, 2013.

At such recall election the question "Shall (naming the officer) be allowed to continue as (naming the office)?" shall be placed on the ballot, with provision on the ballot for voting negatively on such question. The officer removed by such Recall election shall not be eligible for appointment to the vacancy thereby created and such vacancy shall otherwise be filled as provided in this Charter.

Section 13.04 Petitions

An Initiative, Referendum or Recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain, in the case of the Initiative or Referendum, a full and correct copy of the title and text of the proposed or referred ordinance or resolution, and in the case of the Recall, the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the

other requirements of the Constitution and the general laws of the State of Ohio regulating Initiative, Referendum, and Recall petitions, shall apply in the cases of Initiative, Referendum and Recall in the City, except as otherwise provided in this Charter.

Section 13.05 Results of Elections

In the case of approval of conflicting ordinances by Referendum vote, the ordinance receiving the greatest affirmative vote shall prevail in so far as the conflict is concerned.

ARTICLE XIV
FRANCHISE

Section 14.01 Franchise

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation to construct or operate a public utility on, across, under, over or above any public street or real estate within the City, for a period not in the excess of twenty-five (25) years; and it may prescribe in the ordinance the kinds of quality of service or product to be furnished, the rate or rates to be charged therefore, and such other terms as Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal.

All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operations of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration, or removal of structures and equipment used in such streets or public realty as shall, in the opinion of the Council, be necessary in the public interest.

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

ARTICLE XV
MISCELLANEOUS

Section 15.01 General Qualifications and Restrictions of Employees, Councilmen, and Other Elected or Appointed Officials

(a) With the exception of the head of the Division of Engineering and other appointive position specifically exempted by this Charter or by the Council, every Councilman or other officer or employee in the unclassified service of the City, shall have been for at least one (1) year prior to his election or appointment and during his term of office or employment shall continue to be a resident of the City, and with respect to elected officials shall be qualified electors thereof. In the case of the Mayor and Council, they shall have attained the age of twenty-five (25) years prior to assuming such office.

In addition to the foregoing, no person shall be eligible to be a Ward Councilman unless he shall have been a resident and qualified elector of such ward for one (1) year immediately prior to his election or appointment and must remain a resident of said ward during his term of office. Amended November 6, 2001.

In the event, however that through redistricting of the City, a person, without changing his residence, becomes an elector of a new ward, he shall be considered to have met the resident qualifications of the new ward, if he would otherwise have been qualified in his former ward except for the redistricting.

(b) No elected or appointed public official or employee of the City shall be directly interested in any profit or emolument from or on account of any contract, job, work or service with or for the City, and any such contract in which such person is or may become interested in shall be void.

(c) No Councilman or other elected officials or appointed officials shall hold any other public office with the City of Brook Park, or be employed by the City of Brook Park; provided however that nothing herein shall preclude public officials or employees from serving on Boards and Commissions of the City, where such service is prescribed by the terms of this Charter, Amended November 8, 1983.

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(d) No person shall have been convicted of a felony or a crime involving moral turpitude shall be eligible to hold elective public office in the City.

(e) A corporation, firm or individual(s) contracting to furnish professional service of any kind to the City shall furnish to the City an affidavit to the effect that they are in no way interested in any income paid by private funds that could be construed as a conflict of interest as defined by Ohio Revised Code, Section 2921.42 and all subsequent sections. Amended November 8, 1977.

Section 15.02 Removal of Councilmen or other Elected Officials

(a) Any Councilman or other elected official who shall cease to possess any of the qualifications herein required, or who shall be convicted of a felony or other crime involving moral turpitude, or who shall be declared legally incompetent shall forthwith forfeit his office and such office shall be declared vacant by the Council.

(b) The Council may by ~~at least five (5)~~ ***majority*** votes of all the Members of Council eligible to vote thereon remove any Member of Council including the President of Council, or any other elected official for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of his oath of office, for persistent failure to abide by the Rules of Council, or, in the case of Councilmen, for absence without justifiable excuse from three (3) consecutive regular meetings.

Prior to any such action by Council, the accused person shall be notified in writing of the charge or charges against him at least fifteen (15) days in advance of any hearing upon such charge and he and his counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness appearing in support of such charge or charges. Amended November 7, 1995.

Section 15.03 Vacancies in Elective Offices

(a) Whenever the office of Director of Finance, Director of Law or any Councilman, other than the President of Council, shall become vacant, the vacancy shall be filled for the unexpired term by a majority vote of the Members of the Council eligible to vote thereon, except that if such vacancy occurs more than one hundred twenty (120) days prior to a Primary Election date for the election of Municipal Offices, and the unexpired

portion of the term exceeds one (1) year, then the vacancy shall be filled by a Special Election to fill such vacancy for the balance of the unexpired term. If the Council does not fill such vacancy as provided within thirty (30) days, the Mayor shall fill it by an appointment. Amended November 5, 2013.

(b) **Vacancy:** (b) ~~In the event of a vacancy in~~ **If** the office of the Mayor **becomes vacant by the reason of: death, disqualification, recall, removal or resignation**, the ~~President of Council~~ ***Director of Finance*** shall thereupon become Mayor, ~~his office as President of Council shall become vacant~~ and he shall serve as Mayor for the unexpired term, except that if such vacancy occurs more than one twenty days (120) prior to a Primary Election date for the election of Municipal Offices, and the unexpired portion of the term exceeds eighteen (18) months, then the vacancy shall be filled by a Special Municipal Election to fill such vacancy for the balance of the unexpired term. A ~~President of Council~~ ***Director of Finance*** who thus succeeds to the office of Mayor shall have, and continue to have all the qualifications and duties as an elected Mayor. Amended November 5, 2013.

(c) In the event of a vacancy in the Office of President of Council, the President Pro-Tem of Council shall become the President of Council and shall serve as President of Council for the unexpired term, and the Council shall immediately elect from among its members a person to act as President Pro-Tem.

ARTICLE XVI
AMENDMENTS TO CHARTER

Section 16.01 Methods and Procedures

Council may, by the affirmative vote of not less than five (5) of is members, submit to the electors at the next regular general election any proposed amendment or amendments to this Charter; or upon filing at any time up to December 31, 1967, of a petition signed by electors of the City numbering not less than twenty (20) percent of the total vote cast in the City at last preceding general election, or after December 31, 1967, upon the filing of a petition signed by electors of the City numbering not less than ten (10) percent of the total vote cast in the City at the last preceding general election, setting forth any proposed amendment or amendments to this Charter, the Council shall

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2019 Brook Park Charter Review Commission ChairPerson

forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution and general laws of the State of Ohio now or hereafter in effect. The aforesaid petition shall be filed with the Clerk of Council who shall present it to the Council at its next regular meeting. Amended November 7, 1995.

Section 16.02 Charter Review Commission

(a)In the year 1988 and each sixth (6") year thereafter, the Council shall provide for the non-partisan election of seven (7) electors from the City to constitute a Charter Review Commission. No employee, elected official or appointed official, including any member of any Board or Commission of the City, shall be eligible to serve on the Charter Review Commission. Such election shall be held at the regular general election in November of such year. Within the first five (5) days of the month of January following the election, the Mayor shall call to order an organizational meeting of the Charter Review Commission, at which meeting they shall elect a Chairman and other officers. On or before July 5th of that year, the Charter Review Commission shall review this Charter and frame and ~~recommend~~ ***submit*** to the Council any amendments deemed by the Commission to be desirable. Amended November 5, 2013.

(b)The Council ~~may~~ ***shall*** provide for submission of such proposed amendments to the electors of the City at the next general election in November in the manner provided by law. Not less than thirty (30) days prior to such election the Clerk of Council shall mail a copy of each proposed amendment to each elector whose name appears upon the poll or registration books of the last general election held in the City.

(c) In the event of vacancy during the course of the Commission's term, such seat can remain unfilled and the remaining elected Commision members would continue to function as a valid Commission.

(d) Each such Charter Review Commission shall cease to function on the day of the next general election in November following its election. Amended November 8, 1983.

Section 16.03 Adoption

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two (2) or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one (1) of such amendments receiving the highest number of affirmative votes, not less the

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2019 Brook Park Charter Review Commission ChairPerson

than a majority, shall become a part of this Charter.

ARTICLE XVII
GENERAL PROVISIONS

Section 17.01 Effective Date of Charter

This Charter shall be in full force and effect from and after January 1, 1967. The officers elected in November, 1965, shall continue in office for the duration of their respective elected terms of office.

Section 17.02 Effect of the Charter upon Existing Laws and Rights

The adoption of this Charter shall not affect any pre existing right of the City, or any right or liability or pending suit or prosecution, either on behalf of or against the city or any officer thereof, nor any franchise granted by the City, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore. Except as contrary intent appears herein, all acts of the Council shall continue in effect until lawfully amended or repealed.

Section 17.03 Savings Clause

If a Section or any part of a Section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other Section, or part of a Section of this Charter, unless it clearly appears that such other Section, or part of a Section, is wholly and necessarily dependent for its operation upon the Section or part of a Section so held invalid or unconstitutional.

Section 17.04 Interpretation

The Article and Section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect any provision of this Charter. Whenever in this Charter the male gender is used, it is hereby understood that it shall include the female gender. ~~Whenever in this Charter the following terms are used, it is hereby understood that they shall be defined as follows: majority is~~

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~~four (4), ⅔ is five (5), and ¾ is six (6). Amended November 7, 1995.~~

Section 17.05 Oath of Office

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to an oath, affirmation that he will in all respects faithfully discharge the duties of his office, that he will be loyal to the Constitution of the United States of America, to the Constitution of the State of Ohio, and that he will uphold this Charter and all of the laws of this City. This oath or affirmation is to be filed and kept in the office of the Clerk of Council.

Section 17.06 Investigations

The Mayor, or Council by majority vote, may cause the affairs of any Department or the conduct of any officer or employee of the City to be examined. The Mayor or the Council shall have the power to compel the attendance of witnesses, the production of books, papers and other evidence, and to cause witness to be punished for contempt, as in conferred by law.

Section 17.07 Mandatory Redistricting

The Council of the City must after each recurring Federal Census, and within (6) six months after the issuance of a proclamation of population by the Secretary of State of the State of Ohio, redivide the existing wards of the City into as nearly equally populated wards as practicable using existing corporate lines. Immediately after the taking effect of this Charter, the Council shall proceed to have the City divided into four (4) wards as nearly equal in population as practicable.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

6-8-19
SPECIAL
MEETING

PREAMBLE

We, the people of the City of Brook Park, in the County of Cuyahoga and the State of Ohio, grateful for our freedom and aware of our rights and responsibilities as citizens do ordain and establish this Charter in order to secure for ourselves the full benefits of "Home Rule" and to exercise the powers of self-government under the Constitution and laws of the State of Ohio.

ARTICLE I
NAMES AND BOUNDARIES

Section 1.01 Names and Boundaries

The existing boundaries, within Cuyahoga County and the State of Ohio, shall continue to be a body politic and corporate under the name of the City of Brook Park. The people shall have the power to change the boundaries in the matter authorized by the laws of the State of Ohio.

The corporate existence of this City shall not be terminated or merged, nor shall any territory be detached from or annexed to this City, without the assent of the Council of this City and by vote of the electors of this City at the next regular election. Amended November 6, 2001.

ARTICLE II
MUNICIPAL POWERS

Section 2.01 Municipal Powers

The City of Brook Park shall have all powers of local self government now and hereafter granted to municipalities by the Constitution and laws of the State of Ohio. All such powers shall be exercised in the manner prescribed by the Charter, ***or if not prescribed wherein*** by ordinance or resolution of the Council created hereby, or in such manner as prescribed now or hereafter by the Constitution and laws of the State of Ohio.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

ARTICLE III
THE MAYOR

Section 3.01 Term of Office

The Mayor shall be the Chief Executive of the City. The Mayor shall be elected at the regular municipal election in the year 1989, and every fourth year thereafter, for a term of four (4) years. ***No person elected Mayor shall hold the office for more than three (3) consecutive terms or twelve (12) consecutive years, unless one (1) full term or more has elapsed since that person last held the office of Mayor.*** His term shall commence and he shall assume office on the first day of January following such election and shall serve until his successor has been duly elected and qualified. ~~He may be a candidate to succeed himself.~~ Amended November 7, 1989.

Qualifications

He shall have been for at least one (1) year prior to his election or appointment and during his term of office or employment shall continue to be a resident of the City. The Mayor, whether elected or appointed to fill a vacancy, shall serve in a full time-capacity, shall hold no other employment and shall comply with all ethics laws of the State of Ohio. In the case of the Mayor, he shall have attained the age of twenty-five (25) years prior to assuming such office.

Section 3.02 Absence

During any period when the Mayor shall be absent or inaccessible or unable for any cause to perform his duties, ***he shall notify the President of Council in writing and the President of Council shall be Acting Mayor and shall also continue as President of Council with all the powers and duties of that position.*** Whenever the Mayor shall be out of state, he shall notify the President of Council in writing. In the event the President of Council shall be absent or inaccessible or for any reason, be unable to perform his duties as Acting Mayor, the President Pro Tem of the Council, shall become the Acting Mayor with all the powers and duties of the Mayor, and he shall not thereby cease to be a Member of Council. Whenever the President of Council shall be out of state, he shall notify the President Pro Tem of Council in writing. Amended November 6, 2001.

Section 3.03 Duties and Powers of the Mayor

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

(a) EXECUTIVE: The Mayor shall be the chief executive officer of the City. He shall supervise the administration of the City's affairs, and shall exercise control over all offices, departments and divisions. He shall be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced responsible for the preparation and submission of the annual estimate of receipts and expenditures and appropriation measures, and shall at all times keep the Council fully advised as to the financial condition and needs of the City. He shall recommend to the Council such measures as he deems necessary or expedient. He shall see that all terms and conditions imposed in favor of this City or its inhabitants in any franchise or contract to which this City is a party are faithfully kept and performed.

Subject to provisions of the Civil Service regulations and the provisions of this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce or remove any employee of the City except: (a) those required by this Charter to be elected, and (b) those whose terms of office may be fixed by this Charter, and (c) the Departments of Law and Finance.

The Director of Public Safety, the Director of Public Service and all appointive officers, and members of all Commissions, shall serve at the pleasure of the Mayor with the exception of ***the two*** Parks and Recreation Commission ***members appointed by*** City Council per City Charter Section 11.05.

The Mayor shall review annually the wages of all city employees and appointed officers of the City and submit his recommendation to Council. Unless otherwise provided for in this Charter, the Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness, and all other instruments to which the City is a party. He shall have custody of the seal of the City and may affix it to all of said but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the City government by the Governor for military purposes and by the courts for the purpose of serving civil processes. The Mayor shall have his office at the City Hall. Amended November 6, 2001.

(b) LEGISLATIVE: The Mayor shall be entitled to a seat in Council but shall have no vote

therein. He shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council. Every ordinance passed or resolution adopted shall be signed by the President of Council or Every other presiding officer and presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution he shall sign and return it to the Clerk of Council within ten (10) days after its passage or adoption by Council, but if he does not approve it, he shall deliver it, within ten (10) days together with his written objections thereto, to the Clerk of Council who shall forthwith return it to Council. The Mayor's objections shall be read at the next Council meeting and be entered in full on the journal of Council. The Mayor may approve or disapprove the whole or any section of an ordinance or resolution. When the Mayor disapproves any section of any ordinance or resolution, it will not affect the remaining sections of such ordinance or resolution, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution.

If the Mayor does not return an ordinance or resolution within the time limit provided in this section, it shall take effect in the same manner as if he had signed it. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it to the Council with his objections, Council shall but not later than its next regular meeting reconsider it and, if such ordinance, resolution or section, upon reconsideration is approved by the vote of at least five (5) of all Members of Council, it shall become effective notwithstanding the veto of the Mayor, shall become effective notwithstanding the veto of the Mayor.

(C) JUDICIAL: The Mayor shall have all the judicial powers granted by the general laws of Ohio to Mayors of cities, unless and until other lawful provisions shall be made for the exercise of such powers. Amended November 7, 1995

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

ARTICLE IV
THE COUNCIL

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) members, four (4) of whom shall be elected for the several wards, three (3) of whom shall be elected at large, and one (1) of whom shall be elected at large as President of Council.

Each Ward Councilperson shall hold their office for four (4) years, beginning January 1, 2022 of their election in 2021. At Large Council Members and the Council President shall hold their office for four (4) years beginning January 1, 2024 of their election in 2023.

No elected Council Person shall hold the office for a period longer than three (3) consecutive terms or more than twelve (12) years, unless one full term or more has elapsed since that person has last held the position of Councilman. 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.

~~All Councilmen shall be elected for a term of two (2) years at the regular municipal election in the year 2001, and every two 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.~~

Section 4.02 President of Council

It shall be the duty of the President of Council to preside at all meetings of 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

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

President of Council shall have the right to vote on all ordinances, resolutions, or motions coming before the Council only in the event of a tie-vote.

Section 4.03 Organization of Council

(a) Within five (5) days after the commencement of their term, at the call of the President of Council, Members of the Council shall meet in the Council Chambers to organize. Amended November 6, 2001.

(b) The Council shall elect, from among its members, a President Pro-Tem, who shall preside at meetings of Council in the absence of the President of Council.

(c) The Council shall appoint a Clerk of Council, and may appoint any other such officers as it may deem necessary, to serve at the pleasure of Council. The Clerk of Council shall not be a Member of Council.

(d) The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council, authenticate by his signature and have custody of and properly file and index all laws, ordinances and resolutions of Council and shall have custody of other official documents, reports papers and communications received by the Council, and have custody and control of all files of Council, and perform such other duties as Council shall require.

(e) The City shall use a codified ordinance system. All ordinances and resolutions shall be codified in a loose leaf binder.

Section 4.04 Salaries and Bonds

The Council shall fix compensations, sick leave and annual vacation time for each employee of the City, whether elected, appointed, or chosen and establish bond for the faithful discharge of the duties of the office. Any ordinance or resolution providing for any increase in salary or compensation for any Councilmen, the Mayor, the Law Director, the Finance Director, or any other elective office, of more than three percent (3%) shall not become effective, after passage thereof, until Council submits such ordinance or resolution to the electorate at a regular Municipal or general election occurring more than 60 days after the passage of the ordinance or resolution, and such ordinance or resolution is approved by a majority of the electors voting thereon in the City.

The compensation of all elected officials shall be fixed at least thirty (30) days prior to the filing date of nominating petitions for the terms beginning on the next

succeeding first day of January, and shall not thereafter be changed in any respect during any such term or any part thereof. The Council may authorize any officer of the City to make such travel as the Council deems to be in the public interest, and may provide that the expense of such travel be paid by the City. Amended November 7, 2000.

Section 4.05 Meetings

(a) Regular Meetings: The Council shall meet in the Council Chambers at such times as may be prescribed by its rules, regulations, ordinances or bylaws, except that it shall hold regular meetings at least twice each calendar month, provided, however, that it may recess during the months of July and August, subject to the call of the Mayor. Meetings of the Council whether regular or special, shall be open to the public, with the exception of Executive Sessions, which shall only be permitted in accordance with the provisions set forth in the codified ordinances of the City of Brook Park, or in the laws of the State of Ohio. Amended November 7, 1989 check and balances

(b) Special Meetings: Special meetings of the Council may be called in accordance with and as provided by the rules, regulations, or bylaws adopted by the Council. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor or President of Council, or three (3) Members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered. Notice in writing of each such special meeting called at the request of the Mayor, President of Council, or three (3) Members of Council, shall be given to each Member of Council and the Mayor, ***by serving on each of them personally*** ~~or leaving a copy thereof at his usual place of residence~~, ***or electronically or as otherwise determined by Council Rules,*** not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing.

Section 4.06 Quorum

A majority of the Members of Council eligible to vote shall constitute a quorum for the transaction of business at any meeting of the Council but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or

resolution.

Section 4.07 Rules and Journal of Council

Council shall adopt its own rules, regulations, or bylaws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance or resolution shall be by roll call, and the vote of each Councilman shall be entered upon the journal.

Section 4.08 Form of Legislative Action

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form, except when otherwise required by the Constitution or the laws of the State of Ohio. An affirmative vote of at least a majority of the Members of Council eligible to vote shall be required for passage or enactment of every ordinance or resolution.

The procedures for enacting ordinances or resolutions shall follow the laws of the State of Ohio, any additional stipulations as may be found elsewhere in this Charter, and any provisions adopted by a majority vote of Council, provided, however, that each ordinance or resolution shall be read by title only on three (3) different days unless six (6) of the Members of Council eligible to vote, vote to dispense with the rule to read ordinances or resolutions on three (3) days, and no other provisions of this Charter nor the general laws of Ohio shall impair or limit this rule. It shall be the expressed intent of this section that all ordinances and resolutions shall be read by title only, unless there is necessity to read an ordinance or resolution fully and distinctly at least once at any time before passage, as determined by a majority of Members elected to Council.

In keeping with the aforesaid provision, regarding the reading of ordinances and resolutions by title only, the Clerk of Council shall provide, forty-eight (48) hours (two business days) prior to the Council meeting, the following:

1. Provide in a conspicuous place in or near the Council Chambers, a copy of all ordinances or resolutions to be read by title only, for inspection by the public.
2. Provide in a conspicuous place in or near the Council Chambers, a copy of the Council meeting agenda which shall contain a short synopsis, prepared by the Law Department, of each ordinance and resolution to be read by title only for inspection by

the public.

Nothing in this section shall preclude any Member of Council, the President of Council, or the Mayor of the City from introducing emergency legislation on the floor of the Council meeting. In addition, nothing shall preclude such an ordinance or resolution from being passed at said Council meeting; provided, however, that it shall be fully and distinctly read once and the rule of three readings shall have been dispensed with by a vote of six (6) Members of the Council eligible to vote.

No ordinance or resolution shall contain more than one subject, which subject shall be clearly expressed in its title; and no ordinance or resolution shall be revised or amended unless the ordinance or resolution superseding it contain the entire ordinance or resolution so revised or amended or the section or sections so revised or amended, and the original ordinance, resolution, or section or sections shall be expressly repealed.

All ordinances, resolutions, statements, orders, proclamations, and reports required by law or by this Charter or by ordinance to be published or posted, shall be posted for a period of not less than fifteen (15) days prior to the taking effect thereof. Any emergency ordinance or resolution shall also be published or posted as aforesaid, but this requirement shall not postpone the immediate taking effect thereof as provided in Section 4.09 of this Article. Council shall provide for not less than five (5) public posting boards, at least one (1) of which shall be at the City Hall. Amended November 7, 1995.

Section 4.09 Effective Date of Ordinances and Resolutions

Each ordinance or resolution providing for the appropriation of money or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefore, and any emergency ordinance or resolution necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

No other ordinance or resolution shall become effective until thirty (30) days after its approval by the Mayor or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency

action, and shall require the affirmative vote of five (5) of the Members of Council eligible to vote for its enactment. No action of its powers, or in granting any franchise, or re-zoning ordinance, or amendment or repeal of any zoning ordinance, shall be designated an emergency measure or enacted under a suspension of the rules. Amended November 7, 1995.

Section 4.10 Assessments, Advertising of Contracts and Sale of Municipal Property

The Council shall make provisions by ordinance for:
(a) The procedure for making public improvements and levying assessments, including the procedure for combining two (2) or more public improvements, and the levying of assessments therefore in one (1) proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;
(b) The advertising and awarding of contracts and alterations or modifications of contracts;
(c) The sale or disposal of municipal property;
(d) Such other general regulations as the Council may deem necessary. Amended November 2, 1976.

ARTICLE V
ADMINISTRATIVE OFFICERS AND DEPARTMENTS
GENERAL PROVISIONS

Section 5.01 General Provisions

A Department of Law, a Department of Finance, an Office of Public Safety, and a Department of Public Service, a Department of Administrative Services and a Department of Parks and Recreation are hereby established. The Council shall by ordinance determine the organization and duties of each office, department, division, board and commission, and the duties of each officer and employee, except as otherwise provided by this Charter. The Council by ordinance may create, change or abolish offices, departments, divisions, boards, commissions or agencies established by this Charter, but the Council shall not discontinue or assign to any other office, department, division, board, commission or agency, any function or duty assigned by this Charter to a particular office, department division, board, commission or agency. Amended November

6, 2001.

Section 5.02 Directors of Offices, Departments and Division Heads

The head of each Office or Department shall be a Director. The head of each office, department and division shall, unless otherwise provided for in Charter, be appointed by the Mayor, with the concurrence of a majority of the Members of the Council, and, unless otherwise provided for in this Charter, shall serve at the pleasure of the Mayor. Amended November 6, 2001.

ARTICLE VI
DEPARTMENT OF LAW

Section 6.01 Director - Election

The Director of Law shall be elected at the regular municipal election in the year 1987, and every fourth year thereafter for a term of four (4) years. He shall assume office on the first day of January next following his election, and shall continue to serve until his successor has been duly elected (or appointed) and qualified.

In the event that no person is elected to the office of Law Director, the Mayor with the concurrence of a majority vote of Council, shall appoint the Law Director, and such appointee shall serve at a salary previously set for the term to which he is appointed, and the salary shall not thereafter be changed in any respect during such term or part thereof.

The Director of Law, whether elected or appointed, shall be an attorney at law duly admitted to the practice of law in the State of Ohio ***and shall have engaged in the active practice of law, as defined by the Supreme Court of Ohio's Rules for the Government of the Bar of Ohio, continuously for a period of not less than five (5) years preceding his appointment.*** If the Mayor fails to appoint a Law Director within thirty (30) days, Council shall then appoint.

Section 6.02 Duties

The Director of Law shall serve the Mayor, the Council, the administrative officers and departments, and the commissions and boards of the City as legal counsel, and shall represent the City in all proceedings in court or before any administrative body. He shall act as the prosecuting attorney for the City. He shall perform all other duties now

or hereafter imposed upon city solicitors by the general laws of Ohio, unless otherwise provided by ordinance or resolution of the Council, and he shall perform such other duties as may be required by this Charter and/or as the Council or the Mayor may impose upon him consistent with his office.

The Director of Law may appoint such assistant director or directors of law, as he may deem necessary. Such assistant directors of law shall serve at the pleasure of the Director of Law. The assistant director or directors of law must be duly admitted to the practice of law in the State of Ohio. The Director of Law shall appoint all new employees in the Law Department and all such employees shall serve at the pleasure of the Law Director. Amended November 7, 2000

ARTICLE VII
DEPARTMENT OF FINANCE

Section 7.01 Director of Finance – Election

The Department of Finance shall be directed by the Director of Finance who shall be elected at the regular municipal election in the year 1969, and every fourth year thereafter, for a term of four (4) years. He shall assume office on the first day of January next following his election and shall serve until his successor has been duly elected and qualified.

Qualifications - A certified public accountant (CPA) who is licensed and registered as such in the State of Ohio, and who will maintain such license and registration while employed as Finance Director, or a Bachelor's Degree (four year degree) in Accounting, or Business or Finance from an accredited college or university, shall be required for this position. These qualifications shall not take effect until January 1, 1996. If a dispute arises before or after the election as to whether a candidate meets these qualifications, the Board of Elections and/or the Secretary of State shall be the arbiter(s) of such dispute. Amended November 7, 1995.

Section 7.02 Director of Finance/Taxation - Duties

The Director of Finance/Taxation shall have charge of the administration of the financial affairs of the City and to that end he shall have authority to and be required to:

(a) Compile estimates of revenues and expenditures for the budget of the Mayor.

(b) 1. Maintain a general accounting system for the City government and each of its offices, departments and agencies

2. Supervise the bookkeeping for an exercise financial budgetary control over each office, departments, and agency.
3. Keep separate accounts for the items of appropriation contained in the appropriation ordinance of Council, each of which accounts shall show the amount appropriated, the amounts paid therefrom, the unpaid obligations against it, and the against it, and the unencumbered balance.
4. Require reports of receipts and disbursements from each receiving and spending agency of their City government to be made daily or at such intervals as he may deem expedient.

(c) Submit to the Council and to the Mayor at the second regular meeting of Council each month a financial statement showing the receipts, expenditures and balances in each of the funds and accounts of the City for the preceding month, and an appropriation report showing each appropriation, the amount expended against the appropriation for the preceding month the accumulated total expended for the year to date, and the balance remaining in each appropriation. These reports shall be permanent public records and shall be posted on the City's public posting boards.

(d) At the end of each fiscal year, examine and audit the accounts of all offices and departments of the City and prepare a complete financial statement and report.

(e) Supervise and be responsible for the assessment of all property within the corporate limits of the City for taxation, and make all special assessments for the City government.

(f) Keep an accurate account of all taxes and assessments, of all monies due to, and all receipts and disbursements by, the City, and of all appropriations made by the Council.

(g) Supervise and be responsible for the preparation of all payrolls, and the payment of all bills and other claims against the City and he shall issue no warrant unless he shall find that the claim is in proper form, correctly computed, and duly approved; that is due and payable, and that appropriation has been made therefore.

(h) Supervise and be responsible for the procedure used in the purchase, storage, and distribution of all supplies, materials, equipment, and other articles used by any office of the City.

(i) Prescribe the forms of receipts, vouchers, bills, or claims to be used by all the offices,

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

departments, and agencies of the City government.

(j) Upon death, resignation, removal or expiration of the term of any officer, audit the accounts of such officer. If such officer is found to be indebted in the City, the Finance Director shall immediately give notice thereof to the Council and the Director of Law, and the latter shall forthwith proceed to collect such indebtedness.

(k) Collect all taxes, special assessments, license fees, and other revenues of the City of whose collection the City is responsible, and receive all money accruing to the City from the State, County, or Federal government, or from any office, department or agency of the City.

(l) Have custody of all public funds belonging to or under control of the City government, and deposit all funds in accordance with Section 7.04(f) of this Charter.

(m) Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt of delivery of city bonds and notes for transfer, registration or exchange.

(n) Disburse public funds on the order of any person authorized by ordinance of the Council or by the general laws of the State of Ohio to issue orders therefore.

(0) Prepare a quarterly report and annual account of the funds in his custody for submission to the Council.

(p) Perform such other duties consistent with his office as may be required by this Charter, by ordinance of the Council or by the general laws of the State of Ohio. Amended November 5, 2013.

Section 7.03 - Assistant Director of Finance

There is hereby established the position of Assistant Director of Finance, who shall be appointed by the Director of Finance. The Assistant Director of Finance shall perform such duties as are assigned by the Director of Finance in carrying out the provisions of this Charter, and shall serve at the pleasure of the Director of Finance.

In the absence of the Director of Finance the Assistant Director of Finance shall perform the duties of the Director. Amended November 6, 2001.

A Bachelor's Degree in Accounting, Business or Finance from an accredited college or university and a minimum of two (2) years experience in governmental, public or corporate accounting shall be required for this position. Amended November 6, 2007.

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2019 Brook Park Charter Review Commission ChairPerson

Section 7.04 Finances

(a) General Provisions

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

(b) Annual Estimate

The fiscal year of this City shall, unless Council by proper action adopts a different date, be the same as that established from time to time for cities by the general laws of the State of Ohio.

The Mayor with the assistance of the Director of Finance shall prepare and submit to the Council an estimate of the revenues and expenditures of the municipality for the next succeeding fiscal year. This estimate shall be compiled from information which shall be furnished by the head of each department, division, board or commission in such form and detail as the Mayor may reasonably require. Amended November 6, 2007.

The estimate shall give the following information:

1. An estimate of the anticipated revenue from each source during the next succeeding fiscal year, with a comparative statement of the amount received from such source during the preceding two (2) years and the current year, plus an estimate of such amounts for the remainder of the current year, which estimates he shall receive from the Director of Finance.
2. An estimate of the expense of conducting each department and activity of the City for the next succeeding fiscal year, together with comparative statements as provided in the next preceding paragraph, with reasons for increases and decreases.
3. The amount of the total and net debt of the City, together with a schedule of maturities of outstanding bonds and notes which he shall receive from the Finance Director.
4. An estimate of the value of supplies and materials on hand at the date of preparation

of the estimate.

5. A statement of the unencumbered balance in each bond and improvement fund, which he shall receive from the Director of Finance.

(c) Appropriation Ordinance

The Director of Finance shall furnish to the Council an appropriation ordinance, making appropriations for the expenditures of the City during the year covered by the aforementioned annual estimate. The Council shall adopt such ordinance in its original form, or with such revision as it may find proper, within such times as is fixed by the general laws of the State of Ohio, or in case no such time is fixed, within ninety (90) days after the beginning of the fiscal year covered by such ordinance.

Such appropriation ordinance shall be in such form and detail as may be required by the general laws of the State of Ohio, and may be amended or supplemented by the Council after its passage, but appropriations shall not be made in excess of the estimated revenues of the City.

The Council may make preliminary appropriations for current expenses sufficient in amount to meet the current needs until the annual appropriation ordinance has been enacted and is in effect. The passage of any ordinance authorizing the issue or sale of bonds or notes of the City shall constitute an appropriation of the proceeds thereof to the purpose for which said bonds and notes are issued.

(d) Transfers and Balances

The Council may transfer any part of an unencumbered balance of an appropriation of any fund, to any purpose of object for which the appropriation for the current year has proved insufficient, or may authorize a transfer of monies to be made between items appropriated to the same office or department, except as follows:

1. No transfer shall be made from any bond or note fund, except that the unexpended balance of such fund no longer needed for the purpose for which said fund was created shall be transferred to the fund from which said bonds or notes are to be paid.
2. No transfer shall be made of monies raised or appropriated for the payment of any bond or note of the City, until all indebtedness interest and other obligations which can lawfully be paid for such monies have been paid.

At the close of each fiscal year the unencumbered balance of each appropriation, except appropriations to bond or note funds or any trust fund or special fund which the Council

by law or this Charter shall be authorized to create, shall revert to the fund from which it was appropriated, and shall be subject to future appropriation.

(e) Payment of Claims

No money shall be drawn from the treasury nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council. No warrant for the payment of any claim shall be issued until such claim shall have been approved in writing by the head of the Department, Commission, or Board for which the obligation was incurred. Each head of a Department and his surety shall be liable to the City for all loss and damage sustained by the City by reason of the unfaithful approval of any claim against the City in his Department. The Director of Finance shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employee of any department of this City, and examine him upon oath or affirmation relative thereto.

(f) Custody and Deposit of Funds

The Council shall by ordinance provide for the depositories of the City. All funds received on behalf of the City by any officer, employee or agent thereof, shall be promptly paid over to the Director of Finance and by him promptly placed in a depository bank, but the Council may authorize such sums as it deems proper to be kept in cash for the daily operation of any department or office.

The Director of Finance, with the approval of a majority of the Members of Council eligible to vote thereon, shall invest monies of the City in bonds or notes of this City, or any other investment permitted by the general laws of the State of Ohio, in such manner as is now or hereafter after authorized by such general laws of the State of Ohio.

(g) Certification of Funds

No contract, agreement, or other obligation involving the expenditure of money shall be entered into; nor shall any ordinance, resolution or order for the expenditure of money be passed or issued by the Council or be authorized by any officer of the City unless the Director of Finance shall have first certified in writing to the Council, or to the proper

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

office, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is to be drawn, and not appropriated for any other purpose. Such certificate shall be filed and immediately recorded by the Director of Finance. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement or obligation. The provisions of this section shall not be construed to prevent the making of contracts for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter, by ordinance of Council or by the general laws of the State of Ohio.

All monies actually in the treasury to the credit of the fund from which they are to be drawn, and all monies applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes, assessments, license fees, or from sales of service, products, or by products of any municipal undertaking, and monies to be derived from lawfully authorized bonds, shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.

(h) Public Bidding

The Council may authorize, in specific cases, expenditures of funds of the City an amount exceeding the amount permitted by State Statutes without public bidding, for acquisition or the discharge of non contractual claims against the City, for personal services, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of expenditures exceeding the amount permitted by State Statutes shall be made except pursuant to contract made with the lowest and best bidder after public advertising and receipt of bids in the manner provided by law.

(i) Public Improvement

Public improvements of all kinds may be made by the appropriate department either by the direct employment of the necessary labor and purchase of supplies and materials in the manner herein provided with a separate account as to each improvement so made, or by contract let as provided in the next preceding paragraph either for a closed price or upon a unit base.

(1) Taxation

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 a levy any taxes in excess of such limitations without a vote of the people.

Section 7.05 Finance Clerks in the Department of Finance

All finance clerks, established by ordinance and budgeted by the City Council, shall be appointed by the Director of Finance, and shall serve at the pleasure of the Director of Finance. Amended November 7, 2000.

ARTICLE VIII
OFFICE OF PUBLIC SAFETY

Section 8.01 Office of Public Safety

The Director of Public Safety shall be the head of the Office of Public Safety, and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to the Council, and shall serve at the pleasure of the Mayor. Amended November 6, 2001.

Section 8.02 Duties *and Qualifications* of the Director

a. The Director of Public Safety shall make all necessary rules and regulations for the government of the Office and the Departments thereof. He shall be charged with the duty of enforcing all police, fire, safety, building, zoning, health, and sanitary regulations that may be prescribed by ordinances or resolutions of the City, or, when applicable, the Constitution and the general laws of the United States and the State of Ohio. The Director of Public Safety shall consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor. Amended November 6, 2001.

b. ***The Director of Public Safety shall have a Bachelor's Degree or equivalent from an accredited college or university with major course work in political science, criminal justice, police science, fire science, behavioral science, business or public administration, or a related field and at least seven years experience within listed fields.***

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

Section 8.03 Departments and Divisions Established

Within the Office of Public Safety there is hereby established a Department of Fire, a Department of Police, and a Division of Building, a Department of Pub may be established by Council. Such Department, if established, shall be charged with the enforcement of the air pollution ordinance of the City. Amended November 6, 2001.

Section 8.04 Department of Fire

The Department of Fire shall be in active charge of a Chief. The Chief of the Department of Fire shall be selected by competitive examination. Eligibility list for the Chief's examination shall be determined by the Civil Service Commission. There shall be established a Bureau of Fire Protection and Investigation within the Department of Fire. Any other bureau deemed necessary to increase efficiency, and/or protection may be established within the Department of Fire. The operation of such bureau or bureaus shall be by personnel of the Department of Fire The Fire Chief shall be responsible for their organization and supervision. Amended November 6, 2001.

Section 8.05 Department of Police

The Department of Police shall be in active charge of a Chief. The Chief of the Department of Police shall be selected by competitive examination. Eligibility list for the Chief's examination shall be determined by the Civil Service Commission. There shall be established a Detective Bureau and a Juvenile Bureau within the Department of Police. Any other bureau deemed necessary to increase efficiency, and/or protection may be established within the Department of Police. The operation of such bureau or bureaus shall be by personnel of the Department of Police. The Chief of Police shall be responsible for their organization and supervision. Amended November 6, 2001.

Section 8.06 Division of Building

1. Establishment and Duties

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

There is hereby established a Division of Building for the City to be organized as set forth herein, with the duty of enforcing the building and zoning regulations of the City and such other duties consistent with building in the City as may be prescribed by ordinance or by the Mayor

2. Building Commissioner

There is hereby created the office of Building Commissioner for the City. Appointment to such position shall be made by the Mayor with the concurrence of Council and said Building Commissioner shall serve at the pleasure of the Mayor.

(a) Duties

It shall be the duty of the Building Commissioner:

1. To administer and enforce all the Ohio laws and City ordinances relating to building and zoning.
2. To approve or disapprove all blueprints submitted for new construction and issue all licenses, permits, with regard to original construction, remodeling and repair of all buildings, fences, signs, billboards and other structures within the City, and approve all insurance policies and bonds of general contractors, as well as sub trades operating in the City.
3. To supervise the Building Inspector, Electrical Inspector, and Plumbing Inspector.
4. To issue all Certificates of Occupancy and Re-Occupancy.
5. To make rules and regulations for the administration of the affairs under his supervision.
6. To administrate and direct the issuance of all building, plumbing, heating and electrical permits as required by the building and zoning regulations of the city.

(b) Qualifications

~~The Building Commissioner shall have at least five (5) years experience in the building trades or related occupations. Amended November 5, 2013~~. ***The building***

Commissioner shall hold a valid and current "Chief Building Official" certification issued by the State of Ohio Board of Building Standards or The International Code Council and shall have at least five (5) years experience in the building trades or related occupations.

Section 8.07 Disciplinary Authority

The Director of Public Safety shall have exclusive right to demote, suspend or remove any officer in charge of a Department or Division within the Office of Public Safety and any employee within said Department or Division except that the Chief of the Department of Fire, Chief of the Department of Police, and the Building Commissioner of the Division of Building, shall have exclusive right to suspend any employee within their respective Departments or Divisions.

The grounds of demotion, suspension or dismissal by the Director of Public Safety or for suspension by the Chief of the Department of Police, Chief of the Department of Fire, or Building Commissioner of the division of Building, shall be incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given them by the proper authority, or for any other reasonable or good cause. If any employee is suspended by the Chief of the Department of Police, the Chief of the ment of Fire, from within their departments, then the Chief of the Department of Police, the Chief of the Department of Fire, or the Building Commissioner of the Division of Building, as the case may be, shall forthwith certify such fact in writing, together with the cause for such suspension, to the Director of Public Safety, who, within five (5) days from receipt thereof, shall proceed to inquire into the cause of such suspension and render judgment thereon. Such judgment, if the charge is sustained, may be suspension, reduction in rank, or dismissal from the department.

In all cases of removal, demotion or suspension, the Director of Public Safety shall furnish such employee with a copy of the order of removal, demotion or suspension, together with an explanation of the employee's right of appeal. Such order with the explanation shall be filed with the Civil Service Commission. Any such employee so removed, demoted or suspended may appeal from the order of the Director of Public Safety to the Civil Service Commission within ten (10) days after the date of such suspension, demotion or removal, in which event, the Commission shall forthwith notify

the Director of Public Safety and shall hear such appeal within thirty (30) days from and after its filing with the Commission, and it may affirm, disaffirm, or modify the judgment of the Director of Public Safety. The employee or officer so suspended, denoted or removed may appeal on questions of law and fact from the decision of the Civil Service Commission to the Court of Common Pleas. Such appeal shall be taken within ten (10) days from the finding of the Commission, Amended November 6, 2001.

ARTICLE IX
DEPARTMENT OF PUBLIC SERVICE

Section 9.01 Director of Public Service

The Director of Public Service shall be the head of the Department of Public Service and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to Council, and shall serve at the pleasure of the Mayor.

Section 9.02 Duties of the Director

The Director shall make all necessary rules and regulations for the government of the Department and the Divisions thereof. He shall have charge of all engineering, construction, and inspections. He shall also be responsible for maintenance, repair, and cleaning of all public improvements and properties. He shall be responsible for the issuance of permits, the collection of fees and deposits and the proper releasing of same, and the inspection of:

1. Cuts into pavements and curbs, and the repairing of same.
2. The use of fire hydrants.
3. Any other permits, fees, deposits, inspections and release from liability which may be required for any work done in the public right of way. He shall have charge of making and preserving all surveys, maps, plans, specifications, drawings, estimates and contracts for all public improvements and properties. He shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Mayor. He shall present an annual report of the operations of his department and office to the Mayor and such other reports as directed by the Mayor, Amended November 7, 1989.

Section 9.03 Divisions Established:

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

The Department of Public Service shall consist of the following divisions:

(a) Division of Engineering

(b) Division of Public Properties, including Parks, Public Grounds, Sewage Treatment and Public Buildings.

(c) Division of Refuse Collection and Disposal.

(d) Division of Utilities, including any franchise and privately owned utilities and including any municipally owned utility which is established pursuant to and will operate under the constitution and laws of the State of Ohio and this Charter. Amended November 5, 1991.

(e) Division of Streets, including sidewalks and public right-of-way. Amended November 7, 1989.

Section 9.04 Appointment of Division Heads

The Director of Public Service shall appoint the heads of the Divisions established in Section 9.03 of this charter, except the Division of Engineering, which Division head shall be appointed by the Mayor***, and shall have the qualifications as may be set forth in the city ordinances.*** Such appointees shall serve at the pleasure of the appointing authorities.

ARTICLE X
DEPARTMENT OF PARKS AND RECREATION

Section 10.01 Director of Recreation

The Director of Recreation shall be the head of the Department of Recreation and shall be appointed by the Mayor with the concurrence of a majority of the Members elected to Council, and shall serve at the pleasure of the Mayor. The Director shall have education or experience in Parks and Recreation, Physical Education, Coaching or Sports Administration. Amended November 7, 1995.

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2019 Brook Park Charter Review Commission ChairPerson

Section 10.02 Duties of the Director

It shall be the function and duty of the Recreation Director to supervise and exercise administrative control over all equipment and operations and to maintain parks, playgrounds, playfields, gymnasiums, swimming pools, and recreation centers, and to exercise such other powers and duties as the Council may by ordinance provide. The Director may also employ play leaders, supervisors, or any other officials or employees deemed to be necessary and they shall serve at the pleasure of the Director.

The Council shall appropriate to the Parks and Recreation Commission an amount necessary and sufficient for the performance of functions and duties. All such funds, and all gifts donated to the City for recreational purposes, shall be administered by the Parks and Recreation Commission.

He shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance of the Council, or as directed by the Parks and Recreation Commission. He shall present an annual report of the operation of his Department and office to the Parks and Recreation Commission, and such other reports as directed by the Parks and Recreation Commission, Amended November 6, 2001.

ARTICLE XI
BOARDS AND COMMISSIONS

Section 11.01 General Rules for all Boards and Commissions

Unless otherwise provided for in this Charter:

(a) An appointee to be eligible to serve as a Member of a Board or Commission of the

City shall be and remain a qualified elector of the City.

(b) A vacancy occurring during the term of any Member of a Board or Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

(c) The Mayor may remove any Member of any Board or Commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity ***or*** incompetency, provided, however, that such removal shall not be effective without the concurrence of not less than the majority of the Members of the Council, and/or until such Commissioner or Board Member shall have been notified in writing of the charge or charges against him at least ten (10) days in advance of any hearing upon such charge or charges, and he or his representative has been given an opportunity to be heard, present evidence or examine any witness appearing in support of such charge or charges.

(d) Each Board and Commission shall keep a journal of its proceedings. The voting shall be taken by name in the form of yeas and nays and entered in the journal, and the vote of a majority of all of the Members shall be necessary to adopt any question, motion, or order.

(e) Meetings of the Boards and Commissions shall be open to the public with the exception of Executive Sessions which shall only be permitted in accordance with the provisions set forth in the Codified Ordinances of the City of Brook Park, or in the laws of the State of Ohio.

(f) All Members of all Boards and Commissions shall serve without compensation unless otherwise provided by Council.

(g) In addition to the duties and functions specifically enumerated in this Charter, all Boards and Commissions shall perform such other duties and functions as may be imposed upon them by ordinance or resolution of the Council or general laws of the State of Ohio. Amended November 7, 1989.

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(h) All Boards and Commission Members shall choose a Chairperson and Vice Chairperson from the body to preside over the Board or Commission meetings at their first meeting in January. The Chairperson and Vice Chairperson shall serve a one-year, non consecutive term. All Board and Commission Members shall continue to serve until their respective terms of office have expired. Amended November 6, 2001.

Section 11.02 Civil Service Commission

(a) Membership

The Civil Service Commission shall consist of three (3) members appointed by the Mayor, with concurrence of a majority of the Members elected to Council, for terms of six (6) years each. The members of the present Civil Service Commission shall continue to serve until their respective terms of office have expired. At the time of any appointment, not more than two (2) of the Commissioners shall be members of the same political party. Amended November 8, 1983.

(b) Officers

The Civil Service Commission shall designate one of its members as Chairman, thereof, and may appoint a Secretary who need not be a member of the Civil Service Commission.

(c) Duties

The Commission shall provide by rule for ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the City, as provided by the Constitution of the State of Ohio, and for appeals from the action of the Mayor and/or of any director in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the general laws of the State of Ohio.....Public notice shall be given to the City thirty (30) days prior to the filing date on any vacancy in the classified service. The Civil Service Commission shall keep a record of its proceedings and examinations, which

record shall be open to public inspection, and the Commission shall in all matters not in conflict with this Charter conduct its affairs in accordance with the provisions of the general laws of the State of Ohio.

(d) Classification of Service

The Civil Service of the City is hereby divided into classified and unclassified service.

1.The unclassified service shall include the following positions and such other positions as may now or hereafter be included in the unclassified service by the general laws of the State of Ohio.

(i.) All officers elected by popular vote or persons appointed to fill vacancies in such offices.

(ii) The members of all Boards and Commissions, and heads of Departments, Divisions, Boards, and Commissions, and all employees of the Division of Building, appointed by the Mayor or by and with his consent and/or by the Council.

(iii) Employees of the Council.

(iv) The deputies and/or assistants of elective or principal executive officers authorized to act for and in the place of their principals, or holding a fiduciary relation to such principals.

(v) One personal secretary to the Mayor and one personal secretary to each elective or appointive Department Head.

(vi) Assistants to the Director of Law.

(vii) All persons who in accordance with the rules established by the Civil Service Commission constitute temporary employees.

(viii) All firemen, policemen, and Members of the Civil Defense Corps who serve on a volunteer basis or who serve without compensation.

(ix) Any position, the applicants for which must possess unusual or peculiar qualifications such that the Commission finds it impractical to determine their fitness by competitive examination.

(x) All compensated adult school patrol guards.

2. The classified service shall include but not be limited to the following positions:
   (i) Regular Members of the Divisions of Police and Fire in the Department of Public Safety.
   (ii) All foramen, truck drivers and laborers employed in the Department of Public Service.
   (iii) All clerks working with the Divisions of Police and Fire.

(e) Qualifications

Every member of the classified Civil Service, within six months (6) of successful completion of probation, must reside within Cuyahoga County or any county adjacent to Cuyahoga County. Amended November 4, 2008.

Section 11.03 Planning Commission

(a) Organization

The City Planning Commission shall consist of seven (7) Members, to-wit: the Mayor, who shall also be the Chairman of the Commission, a Member of City Council, who shall be appointed by the President of Council, and five (5) Members appointed by the Mayor, subject to approval of a majority of the Members of Council.

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2019 Brook Park Charter Review Commission ChairPerson

At the time of any appointment, not more than three (3) of the appointed Commissioners shall be members of the same political party. The Building Commissioner, Service Director and City Engineer shall furnish technical advice and services as required by the Planning Commission.

The term of the Members appointed by the Mayor shall be five (5) years each. The Members of the present Planning Commission shall continue to serve until their respective terms of office have expired.

(b) Powers and Duties

It shall be the function and duty of the Planning Commission to act as the platting commissioners of the City, and as such it shall have control of planning and shall provide regulations with respect to the platting of all lands within the City so as to secure their harmonious development; provide for the coordination of streets with spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air, and for the avoidance of congestion of population.

It shall make such regulations as it deems necessary as to the manner in which streets and other public ways shall be graded and improved and the manner in which and the extent to which water, sewers and other utility mains, piping or other facilities shall be installed, and in addition may establish any other conditions precedent, to the approval of a proposed plat. The Departments of Public Safety and Public Service shall furnish to the Commission the necessary technical advice and services.

The Commission shall make plans and maps of the whole or any portion of the City and of any land outside of the City, which, in the opinion of the Commission, bears a relation to the planning of the City, and make changes in, addition to, and estimates of such plans or maps when it deems the same advisable. A comprehensive general plan to be known as the Master Plan shall be prepared. This Master Plan shall provide for the overall development of the entire City. It shall be reviewed periodically and revised as necessary, giving due consideration to those areas requiring redevelopment or urban renewal.

Consistent with the Master Plan it may prepare a mapped streets plan together with necessary maps or plats showing the surveyed lines of all proposed improvements. The Commission shall have such powers as may be conferred upon it by ordinance of

the Council concerning the plan, design, location, removal, relocation, and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of street, parkways, playgrounds, and other public places, the zoning and rezoning of the City for any lawful purpose, and such other powers as may now or hereafter be conferred upon it by ordinance of the Council or by the general laws of the State of Ohio to the extent not inconsistent with this Charter or such ordinances.

All plans, recommendations and regulations made by the Planning Commission referring to public property, shall be submitted to the Council for approval before the same shall become effective. Prior to approval, copies of said plans shall have been reviewed by the Building Department and the Fire Department with comments, and/or approval, and/or disapproval noted.

All private commercial and industrial building, structures, and including land improvements, to be constructed within the City of Brook Park, must have submitted to the City three (3) complete sets of plans and specifications, for either new or renovation construction, at least forty-five (45) days prior to proposed construction (1-Fire Department, 1-City Building Department, and 1-Planning Commission). The Planning Commission must review said plans within that allotted period of time and make recommendations for changes as required by the Building Codes of the City and State of Ohio. This requirement is deemed necessary for the preservation of the public peace, health, safety and welfare of the residents of the City of Brook Park. Amended November 8, 1983.

(c) Mandatory Referral

No public building or structure, street, boulevard, parkway, park, playground, public ground, bridge, viaduct tunnel, or other public way, ground works or utility, whether publicly or privately owned, or a part thereof shall be constructed or authorized to be constructed in the City nor shall any public street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referring to zoning or other regulations controlling the use or development of land be

passed, unless and until the matter shall have been submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within forty-five (45) days from the date of referral unless a longer time be allowed by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved the matter. If any provision of such ordinance, resolution or order is disapproved by formal action of the Planning Commission, the adoption of such ordinance, resolution or order shall require five (5) affirmative votes of all Members of the Council for passage. Amended November 7, 1995.

Section 11.04 Board of Zoning and Building Appeals

(a) Organization

The Board of Zoning and Building Appeals shall consist of a Member of City Council six (6) appointed Members who shall not be Members of the Planning Commission***, subject to approval of a majority of the Members of Council.*** The terms of the Members appointed by the Mayor shall be five (5) years each. Amended November 6, 2001.

(b) Powers and Duties

The powers and duties of the Board of Zoning and Building Appeals shall be as follows:

1. To hear and decide appeals made for exceptions to and variations in the application of ordinances governing zoning in the City in conformity with the purpose and intent thereof and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders, or regulations of administrative officials or agencies.
2. To approve or disapprove materials, types of construction, appliances, devices or appurtenances proposed for use pursuant to the Building Code of the City.
3. To hear and decide appeals from, and to review upon motion of any Member of the board, any order, requirement, decision or determination of the Building Inspector or of any administrative official or agency of the City, relating to the location, design, materials, construction, alteration, repair, equipment use or occupancy, maintenance,

removal or demolition of any building or other structure, or any appurtenance connected or attached to such building or other structures, regulated by the Building Code of the City, and any rule or regulation or amendment or repeal thereof made by said officials or agencies under the authority conferred upon them by the Building Code of the City, by reversing or affirming the whole or in part, or modifying such order, requirement, decision or determination or rule, regulation, amendment or repeals thereof as in its opinion ought to be made in the premises.

4. To exercise with respect to buildings situated in the City the same powers as are exercised by the Board of Building Standards under the laws of the State of Ohio to the extent that it is competent for this Charter so to authorize the Board.

5. To formulate and submit to the Council, changes in and amendments to the Building Code which the Board determines as desirable for the proper regulations of building and structures and the equipment thereof and appurtenances thereto.

Section 11.05 Parks and Recreation Commission

(a) Memberships

The Advisory Parks and Recreation Commission shall consist of five (5) Members appointed to five-year terms. Three (3) Members shall be appointed by the Mayor, of which, one (1) appointment shall be made upon the recommendation of the local Board of Education. The Member recommended by the Board of Education must have an interest in Brook Park Recreation activities. Two (2) members shall be appointed by a vote of the majority of the Members elected to City Council. Appointment to the Advisory Recreation Commission shall alternate with the Mayor making the first appointment, followed next by a Council appointment. The Members of the Commission shall continue to serve until their respective terms have expired. Within fifteen (15) days prior to the expiration of a Commissioner's term, the appointing authority shall inform said Commissioner in writing whether or not they will be re appointed to another term and the reason for this decision.

(b) Term of Office and Compensation

The term of all members shall be five (5) years each. The members of the present commission shall continue to serve until their respective terms of office have expired.

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Respectfully submitted,
Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

(c) Powers and Duties

It shall be the function and duty of the Advisory Parks and Recreation Commission to act in an advisory capacity only, and in that capacity shall direct any recommendation to the Administration and to the City Council. The Commission shall also act as an appeal board for resident grievances regarding policies and procedures of the Recreation Department, although the Recreation Director shall have the final decision in all matters. The Advisory Parks and Recreation Commission will not have control of hiring direction or supervision of any employee. Additionally, no monies may be under control of the Commission.

(d) Joint Operation

The Advisory Parks and Recreation Commission, upon approval by ordinance of Council, may jointly with the Berea School District, Cuyahoga County, or any contiguous municipality, acquire property for, supervise, equip, operate and maintain parks, playgrounds, playfields, gymnasiums, swimming pools, and recreation centers. Amended November 6, 2007.

ARTICLE XII
NOMINATIONS AND ELECTIONS

Section 12.01 Primary Elections

On the second Tuesday of September in each odd numbered year prior to the general municipal election, primary elections shall be held for the purpose of nominating persons as candidates ~~of political parties~~ for election to offices provided for by this Charter to be voted for at the next succeeding regular municipal election.

Except as provided otherwise in this Charter, candidates for all offices to be voted for at any municipal election under the provisions of this Charter shall be nominated at a non-partisan primary election to be held in odd numbered years on the second Tuesday in September and at a time and place provided for by the County Board of Elections.

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Rachel McDonnell
2019 Brook Park Charter Review Commission ChairPerson

Section 12.02 Municipal Elections

A general municipal election for the purpose of the election of officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November in each odd numbered year, Elections so held shall be known as Regular Municipal Elections. All other elections held under the provisions of this Charter or as required by law shall be known as Special Municipal Elections.

Section 12.03 Declaration of Candidacy

Each person desiring to become a candidate ~~for a party nomination~~ to be voted for at a primary election shall not later than 4:00 p.m, of the ninetieth (90") day before the day of such primary election, file with the Board of Elections of Cuyahoga County, Ohio, a declaration of candidacy and a nominating petition, which petition shall require signatures of registered electors ~~of the same political party as the candidate~~ , not less than twenty-five (25) for Ward Councilman, not less than one hundred (100) for Councilman-at-large, and not less than one hundred (100) for the City offices-at-large. Amended November 5, 2013.

Section 12.04 Designation of Candidates

~~Candidates for party nominations to municipal offices shall have their names printed on the official primary ballot, by filing a declaration of candidacy together with the required number of valid signatures and paying the required filing fee. If the number of persons filing such declaration for one political party does not exceed the number of offices available for nomination, then no primary election shall be held for such office and the persons so filing shall be declared nominated. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election.~~

The number of candidates for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-By-Ward at any regular municipal election in the City shall be the two (2) candidates on the primary election ballot receiving the highest number of votes at the primary. The number of candidates for the office of Council- At-Large at any regular municipal election in the City shall equal the number of candidates filing a valid petition for the

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nomination of a candidate for the Office of Council-At-Large, and such person shall appear at the Regular Municipal Election. The filing deadline for such petition for nomination of a candidate for the Office Of Council-At-Large shall be the ninetieth (90) day before the primary election date as established in Charter.

In case there shall be no more than two (2) persons who shall have filed petitions for the office of Mayor, President of Council, Director of Finance, Director of Law, and Council-by-Ward, as provided for in this Charter, then said persons shall be the candidates at the regular municipal election and the primary election for the office not exceeding two (2) persons shall not be held. All persons who have filed petitions for the office of Council-at Large as provided for in the Charter shall be the candidates at the regular municipal election.

Anyone who has not properly filed a petition for the appropriate primary election as provided by this Charter, shall be ineligible as a designated candidate in the regular municipal election. The appropriate certificates of nomination, certifying their names to the proper election officials shall be issued in order that their names may be printed on the official ballots provided for use in the next succeeding regular municipal election.

Section 12.05 ~~**Independent Candidate**~~ ***Write In Votes; Ballots***

~~*Any person desiring to become an independent candidate* for election to any office to be voted for at the next succeeding regular municipal election shall, not later than 4:00 p.m. of the ninetieth (901) day before primary election day, file a nominating petition. Such petition shall require signatures of registered electors and shall be accompanied by the written acceptance of the nominees. The petition for offices of council-at-large and all other city offices-at-large shall be signed by that number of electors equal to at least four (4) percent in number of the electors voting at the next preceding regular municipal election. The petition for office of ward councilman shall be signed by that number of the electors equal to at least four (4) percent in number of the electors voting in the next preceding regular municipal election for councilman in that ward. Names of independent candidates will not appear on the primary ballot, but will appear on the ballot of the next regular municipal election. Amended November 5, 2013.~~

Write-in votes for a municipal candidate in the City of Brook Park shall not

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be permitted at a primary or general election unless no person files for a particular municipal office and no person is duly nominated at a municipal primary. The procedures for filing as a write-in when permitted under this section shall be determined by the laws of the State of Ohio and the Cuyahoga County Board of Elections.

The ballots used in the primary and general municipal election shall be without party mark or designation. The names of all candidates shall be placed upon the same ballot and should be rotated in a manner provided by the laws of Ohio.

Section 12.06 Qualified Electors

Every citizen of the United States who is of the age of eighteen (18) years or over, who possesses the qualifications herein required, shall be entitled to vote at a special primary, or regular municipal election.

No person shall be permitted to vote at any election unless he has been a resident of the State of Ohio for thirty (30) days, of the County of Cuyahoga for thirty (30) days, and the voting precinct thirty (30) days, next preceding the election at which he desires to vote, except as otherwise herein provided.

A qualified elector who has resided in the State and in the County the length of time required herein and who moves from one precinct to another within the City of Brook Park shall have the right to vote in such precinct provided the precinct shall have corrected his registration as required by law. No person residing in any registration precinct shall be entitled to vote at any election or shall sign any nominating, initiative, referendum or recall petition unless he is duly registered as an elector in the manner provided by law. The term "qualified elector" as used throughout this Charter shall be construed to mean an elector who has complied with the forgoing requirements. Amended November 8, 1983.

Section 12.07 General Provisions

Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of the State of Ohio and by the election authorities therein provided for. The election results shall be posted outside each polling place as required by law for a period of not less than twenty-four (24) hours.

ARTICLE XIII
INITIATIVE, REFERENDUM AND RECALL

Section 13.01 Initiative

The electors of the City shall have the power to propose any ordinance or resolution, except an ordinance for the appropriations of money or authorization for a tax levy, and to adopt or reject the same at the polls, such power being known as the Initiative. An Initiative petition shall be submitted to the Clerk of Council by petition signed by the registered electors of the City not less in number than ten (10) percent of the number voting at the last preceding general election.

When so submitted, the Clerk shall forthwith determine the sufficiency of the petition. If found insufficient the electors proposing the petition shall have ten (10) days after notification to correct the insufficiency. If found sufficient the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole.

Provisions shall be made for public hearing on the proposed ordinance or resolution not later than twenty (20) days after the date on which such ordinance or resolution was submitted to the Clerk, The Council shall, within sixty (60) days after such ordinance was submitted, take final action thereon, either enacting, amending, or rejecting the proposed ordinance or resolution.

If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefore, the petitioners may require that it be submitted to a vote of the electors either in its original form or in the amended form by filing with the Clerk, within ten (10) days after final action on such ordinance or resolution by Council, a supplemental petition signed by that number of additional registered electors which, when taken together with those who signed the original petition, total not less in number than twenty (20) percent of the electors of the

City voting at the last preceding general election, and if said supplemental petition is signed by such number of additional registered electors, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing such supplemental petition. The Council shall thereupon provide for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or at the next general election in any year occurring more than ~~sixty (60)~~ ***ninety (90)*** days from the filing of such supplemental petition, if no date be so fixed therein.

No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so amended by it as to destroy the effectiveness thereof, within one (1) year after it takes effect. Amended November 5, 2013.

Section 13.02 Referendum

The electors of the City shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council except as hereinafter provided, such power being known as the Referendum.

Within thirty (30) days after the final passage by Council of an ordinance or resolution, a petition signed by registered electors of the City not less in number than ten (10) percent of the number voting at the last preceding general election, may be filed with the Clerk of Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by that number of the electors of the City which equals twenty (20) percent or more of such electors, the date of the election may be fixed therein, which shall not be less than ninety (90) days from the time of filing thereof. When said petition is filed, the Clerk shall first ascertain the sufficiency of the petition. If found insufficient, the electors proposing the petition shall have ten (10) days after notification to correct the insufficiency. If found sufficient, the Council shall thereupon, within thirty (30) days after the filing of such petition, reconsider such ordinance or resolution.

If, upon such reconsideration, the ordinance or resolution is not repealed, the Council shall submit it to a vote of the electors, on the date fixed in the petition, or if no date be so fixed, at the first general election in any year occurring more than ninety (90)

days after the filing of such petition. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon.

Whenever the Council is by law or provisions of general ordinance required to pass more than one (1) ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the revisions of this section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.

Ordinances providing for a tax levy, or for improvements petitioned for by the owners of a majority of the front feet of the property benefited and to be specially assessed therefore, and appropriation ordinances limited to the subject of appropriations shall not be subject to Referendum.

Whenever the electors shall have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of such bonds shall not be subject to the provisions of this Section.

Emergency ordinances shall be subject to Referendum, except that emergency ordinances shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder, but such measure shall be deemed sufficient authority for payment, in accordance with the ordinance, or any expense incurred previous to the Referendum vote thereon.

Ordinances submitted to the Council by Initiative Petition and passed by the Council either with or without change but not submitted to a vote of the electors shall be subject to Referendum in the same manner as other ordinances.

No measure which has been defeated by the electors of the City at a referendum election shall be reintroduced and passed by the Council of the City for a period of one (1) year.

Section 13.03 Recall

The electors shall have the power to remove from office by a Recall election any elected officer of the City. If an elected officer shall have served six (6) months of his term, a petition demanding his removal may be filed with the Clerk of the Council who

shall note thereon the name and address of the person filing the petition and the date of such filing.

Such petition shall be signed by registered electors of the City not less in number than twenty-five (25) percent of those voting in the last preceding general election. However, the petition for Recall of a Councilman elected from a ward shall be signed by at least that number of electors of the councilman's ward equal to twenty-five (25) percent in number of such electors voting in that ward in the last preceding general election.

Within ten (10) days after the filing of such petition, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with him and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient.

If the Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer fails to resign within five (5) days after such delivery, the Council shall thereupon fix a day for holding a Recall election, and not less than ninety (90) nor more than one hundred twenty (120) days after the date of such delivery, Amended November 5, 2013.

At such recall election the question "Shall (naming the officer) be allowed to continue as (naming the office)?" shall be placed on the ballot, with provision on the ballot for voting negatively on such question. The officer removed by such Recall election shall not be eligible for appointment to the vacancy thereby created and such vacancy shall otherwise be filled as provided in this Charter.

Section 13.04 Petitions

An Initiative, Referendum or Recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain, in the case of the Initiative or Referendum, a full and correct copy of the title and text of the proposed or referred ordinance or resolution, and in the case of the Recall, the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the

other requirements of the Constitution and the general laws of the State of Ohio regulating Initiative, Referendum, and Recall petitions, shall apply in the cases of Initiative, Referendum and Recall in the City, except as otherwise provided in this Charter.

Section 13.05 Results of Elections

In the case of approval of conflicting ordinances by Referendum vote, the ordinance receiving the greatest affirmative vote shall prevail in so far as the conflict is concerned.

ARTICLE XIV
FRANCHISE

Section 14.01 Franchise

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation to construct or operate a public utility on, across, under, over or above any public street or real estate within the City, for a period not in the excess of twenty-five (25) years; and it may prescribe in the ordinance the kinds of quality of service or product to be furnished, the rate or rates to be charged therefore, and such other terms as Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal.

All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operations of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration, or removal of structures and equipment used in such streets or public realty as shall, in the opinion of the Council, be necessary in the public interest.

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2019 Brook Park Charter Review Commission ChairPerson

ARTICLE XV
MISCELLANEOUS

Section 15.01 General Qualifications and Restrictions of Employees, Councilmen, and Other Elected or Appointed Officials

(a) With the exception of the head of the Division of Engineering and other appointive position specifically exempted by this Charter or by the Council, every Councilman or other officer or employee in the unclassified service of the City, shall have been for at least one (1) year prior to his election or appointment and during his term of office or employment shall continue to be a resident of the City, and with respect to elected officials shall be qualified electors thereof. In the case of the Mayor and Council, they shall have attained the age of twenty-five (25) years prior to assuming such office.

In addition to the foregoing, no person shall be eligible to be a Ward Councilman unless he shall have been a resident and qualified elector of such ward for one (1) year immediately prior to his election or appointment and must remain a resident of said ward during his term of office. Amended November 6, 2001.

In the event, however that through redistricting of the City, a person, without changing his residence, becomes an elector of a new ward, he shall be considered to have met the resident qualifications of the new ward, if he would otherwise have been qualified in his former ward except for the redistricting.

(b) No elected or appointed public official or employee of the City shall be directly interested in any profit or emolument from or on account of any contract, job, work or service with or for the City, and any such contract in which such person is or may become interested in shall be void.

(c) No Councilman or other elected officials or appointed officials shall hold any other public office with the City of Brook Park, or be employed by the City of Brook Park; provided however that nothing herein shall preclude public officials or employees from serving on Boards and Commissions of the City, where such service is prescribed by the terms of this Charter, Amended November 8, 1983.

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(d) No person shall have been convicted of a felony or a crime involving moral turpitude shall be eligible to hold elective public office in the City.

(e) A corporation, firm or individual(s) contracting to furnish professional service of any kind to the City shall furnish to the City an affidavit to the effect that they are in no way interested in any income paid by private funds that could be construed as a conflict of interest as defined by Ohio Revised Code, Section 2921.42 and all subsequent sections. Amended November 8, 1977.

Section 15.02 Removal of Councilmen or other Elected Officials

(a) Any Councilman or other elected official who shall cease to possess any of the qualifications herein required, or who shall be convicted of a felony or other crime involving moral turpitude, or who shall be declared legally incompetent shall forthwith forfeit his office and such office shall be declared vacant by the Council.

(b) The Council may by ~~at least five (5)~~ ***majority*** votes of all the Members of Council eligible to vote thereon remove any Member of Council including the President of Council, or any other elected official for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of his oath of office, for persistent failure to abide by the Rules of Council, or, in the case of Councilmen, for absence without justifiable excuse from three (3) consecutive regular meetings.

Prior to any such action by Council, the accused person shall be notified in writing of the charge or charges against him at least fifteen (15) days in advance of any hearing upon such charge and he and his counsel shall be given an opportunity to be heard, present evidence or examine under oath any witness appearing in support of such charge or charges. Amended November 7, 1995.

Section 15.03 Vacancies in Elective Offices

(a) Whenever the office of Director of Finance, Director of Law or any Councilman, other than the President of Council, shall become vacant, the vacancy shall be filled for the unexpired term by a majority vote of the Members of the Council eligible to vote thereon, except that if such vacancy occurs more than one hundred twenty (120) days prior to a Primary Election date for the election of Municipal Offices, and the unexpired

portion of the term exceeds one (1) year, then the vacancy shall be filled by a Special Election to fill such vacancy for the balance of the unexpired term. If the Council does not fill such vacancy as provided within thirty (30) days, the Mayor shall fill it by an appointment. Amended November 5, 2013.

(b) **Vacancy:** (b) ~~In the event of a vacancy in~~ **If** the office of the Mayor **becomes vacant by the reason of: death, disqualification, recall, removal or resignation**, the ~~President of Council~~ ***Director of Finance*** shall thereupon become Mayor, ~~his office as President of Council shall become vacant~~ and he shall serve as Mayor for the unexpired term, except that if such vacancy occurs more than one twenty days (120) prior to a Primary Election date for the election of Municipal Offices, and the unexpired portion of the term exceeds eighteen (18) months, then the vacancy shall be filled by a Special Municipal Election to fill such vacancy for the balance of the unexpired term. A ~~President of Council~~ ***Director of Finance*** who thus succeeds to the office of Mayor shall have, and continue to have all the qualifications and duties as an elected Mayor. Amended November 5, 2013.

(c) In the event of a vacancy in the Office of President of Council, the President Pro-Tem of Council shall become the President of Council and shall serve as President of Council for the unexpired term, and the Council shall immediately elect from among its members a person to act as President Pro-Tem.

ARTICLE XVI
AMENDMENTS TO CHARTER

Section 16.01 Methods and Procedures

Council may, by the affirmative vote of not less than five (5) of is members, submit to the electors at the next regular general election any proposed amendment or amendments to this Charter; or upon filing at any time up to December 31, 1967, of a petition signed by electors of the City numbering not less than twenty (20) percent of the total vote cast in the City at last preceding general election, or after December 31, 1967, upon the filing of a petition signed by electors of the City numbering not less than ten (10) percent of the total vote cast in the City at the last preceding general election, setting forth any proposed amendment or amendments to this Charter, the Council shall

forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution and general laws of the State of Ohio now or hereafter in effect. The aforesaid petition shall be filed with the Clerk of Council who shall present it to the Council at its next regular meeting. Amended November 7, 1995.

Section 16.02 Charter Review Commission

(a)In the year 1988 and each sixth (6") year thereafter, the Council shall provide for the non-partisan election of seven *(7)* electors from the City to constitute a Charter Review Commission. No employee, elected official or appointed official, including any member of any Board or Commission of the City, shall be eligible to serve on the Charter Review Commission. Such election shall be held at the regular general election in November of such year. Within the first five (5) days of the month of January following the election, the Mayor shall call to order an organizational meeting of the Charter Review Commission, at which meeting they shall elect a Chairman and other officers. On or before July 5th of that year, the Charter Review Commission shall review this Charter and frame and ~~recommend~~ ***submit*** to the Council any amendments deemed by the Commission to be desirable. Amended November 5, 2013.

(b)The Council ~~may~~ ***shall*** provide for submission of such proposed amendments to the electors of the City at the next general election in November in the manner provided by law. Not less than thirty (30) days prior to such election the Clerk of Council shall mail a copy of each proposed amendment to each elector whose name appears upon the poll or registration books of the last general election held in the City.

(c) In the event of vacancy during the course of the Commission's term, such seat can remain unfilled and the remaining elected Commision members would continue to function as a valid Commission.

(d) Each such Charter Review Commission shall cease to function on the day of the next general election in November following its election. Amended November 8, 1983.

Section 16.03 Adoption

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two (2) or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one (1) of such amendments receiving the highest number of affirmative votes, not less the

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2019 Brook Park Charter Review Commission ChairPerson

than a majority, shall become a part of this Charter.

ARTICLE XVII
GENERAL PROVISIONS

Section 17.01 Effective Date of Charter

This Charter shall be in full force and effect from and after January 1, 1967. The officers elected in November, 1965, shall continue in office for the duration of their respective elected terms of office.

Section 17.02 Effect of the Charter upon Existing Laws and Rights

The adoption of this Charter shall not affect any pre existing right of the City, or any right or liability or pending suit or prosecution, either on behalf of or against the city or any officer thereof, nor any franchise granted by the City, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore. Except as contrary intent appears herein, all acts of the Council shall continue in effect until lawfully amended or repealed.

Section 17.03 Savings Clause

If a Section or any part of a Section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other Section, or part of a Section of this Charter, unless it clearly appears that such other Section, or part of a Section, is wholly and necessarily dependent for its operation upon the Section or part of a Section so held invalid or unconstitutional.

Section 17.04 Interpretation

The Article and Section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect any provision of this Charter. Whenever in this Charter the male gender is used, it is hereby understood that it shall include the female gender. ~~Whenever in this Charter the following terms are used, it is hereby understood that they shall be defined as follows: majority is~~

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~~four (4), ⅔ is five (5), and ¾ is six (6). Amended November 7, 1995.~~

Section 17.05 Oath of Office

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to an oath, affirmation that he will in all respects faithfully discharge the duties of his office, that he will be loyal to the Constitution of the United States of America, to the Constitution of the State of Ohio, and that he will uphold this Charter and all of the laws of this City. This oath or affirmation is to be filed and kept in the office of the Clerk of Council.

Section 17.06 Investigations

The Mayor, or Council by majority vote, may cause the affairs of any Department or the conduct of any officer or employee of the City to be examined. The Mayor or the Council shall have the power to compel the attendance of witnesses, the production of books, papers and other evidence, and to cause witness to be punished for contempt, as in conferred by law.

Section 17.07 Mandatory Redistricting

The Council of the City must after each recurring Federal Census, and within (6) six months after the issuance of a proclamation of population by the Secretary of State of the State of Ohio, redivide the existing wards of the City into as nearly equally populated wards as practicable using existing corporate lines. Immediately after the taking effect of this Charter, the Council shall proceed to have the City divided into four (4) wards as nearly equal in population as practicable.

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