

CITY OF BROOK PARK, OHIO

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B/C _____

ORDINANCE NO: 1111-2019

INTRODUCED BY: COUNCIL AS A WHOLE

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORATE
OF AN AMENDMENT TO ARTICLE XIII, SECTION 13.01;
OF THE CHARTER OF THE CITY OF BROOK PARK, OHIO,
AND DECLARING AN EMERGENCY.**

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

SECTION 1: Pursuant to Article X, Section 4 of the Ohio Constitution and Article XVI, Section 16.01 of the Charter of the City of Brook Park, Ohio hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the City, at the general election to be held on Tuesday, the 5th day of November, 2019, the question of the creation of Article XIII, Section 13.01; of the Charter of the City of Brook Park, Ohio, the respective text to be set forth herein (additions bolded and deletions stricken):

SECTION. 13.01 INITIATIVE.

The electors of the City shall have the power to propose any ordinance or resolution, except an ordinance for the appropriation 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 the 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.

Provision 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 therefor, 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.

be submitted to a vote of the qualified electors of the City at the General Election to be held on Tuesday, November 5, 2019, at the regular places of voting in the City between the hours of 6:30 A.M. and 7:30 P.M.

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

"Shall Article XIII, Section 13.01, be amended to increase the days for Council to submit an initiative to vote of the electors from 60 days to 90 days from the filing of such supplemental petition?"

Under said wording shall appear the words "Yes" and "No," and each voter shall indicate his vote by following the proper voting procedure for the voting instrument provided on that occasion.

SECTION 3: Public notice of the time and place of holding such election shall be given by publication of notice thereof at least

ten (10) days prior to the day of such election, in a newspaper published and of general circulation in the City.

SECTION 4: The Clerk of Council be and is hereby directed to mail a copy of the above proposed Charter Amendments to each elector whose name appears upon the registration books of the last regular election held in the City, at least thirty (30) days before the date of such election, and to certify a copy of this Ordinance to the Board of Elections in Cuyahoga County.

SECTION 5: To pay the cost of printing and mailing said copies of said proposed Charter Amendments and of publishing said notice, there be and hereby appropriated from the general fund such sum of money as may be needed.

SECTION 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 7: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that there is an immediate need to submit this Ordinance to the Cuyahoga Board of Elections for it to be placed on the November 5, 2019 ballot; therefore provided this Ordinance 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: August 20, 2019

M. P. Venturo
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak
Clerk of Council

APPROVED: [Signature]
MAYOR

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

8/20/19
DATE

[Signature]
DIRECTOR OF LAW

Yea	<input checked="" type="checkbox"/>						
Nay	<input type="checkbox"/>						
Stemm	<input checked="" type="checkbox"/>						
Mencini	<input checked="" type="checkbox"/>						
Orcutt	<input checked="" type="checkbox"/>						
Scott	<input checked="" type="checkbox"/>						
Burgio	<input checked="" type="checkbox"/>						
Poindexter	<input checked="" type="checkbox"/>						
Salvatore	<input checked="" type="checkbox"/>						

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 1111-2019 passed on the 20th day of August 2019 by said council.
Michelle Blazak
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5590 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.
commencing August 21, 2019
Michelle Blazak
MICHELLE BLAZAK
Clerk of Council