

**AN ORDINANCE PROVIDING FOR THE
SUBMISSION TO THE ELECTORS OF THE
CITY OF BRECKSVILLE THE QUESTION OF
AMENDING ARTICLE III, SECTION 2. OF THE
CHARTER ENTITLED “QUALIFICATIONS”
TO RAISE THE RESIDENCY REQUIREMENT
TO FOUR (4) YEARS FOR THE MAYOR;
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Article XI of the Charter of the City of Brecksville, a Charter Review Commission was duly convened and, according to law and after due deliberation, has issued its report to City Council of those alterations, revisions or amendments to the Brecksville City Charter which in its judgment are deemed desirable; and

WHEREAS, in accordance with the provisions contained in Article XI of the Brecksville City Charter, and the provisions contained in Article XVIII, Section 9 of the Ohio Constitution, the legislative authority of the City of Brecksville, two-thirds (2/3) of its members concurring, must place before the electorate the alterations, revisions or amendments to the Brecksville City Charter as proposed by the Charter Review Commission; and

WHEREAS, Article XII, Section 5. of the Brecksville charter currently requires all new charter amendments to contain gender neutral language.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Brecksville, County of Cuyahoga, and State of Ohio, that:

SECTION 1. Upon the recommendation of the Charter Review Commission, Article III, Section 2. entitled “Qualifications” be and the same is hereby amended as follows:

**“ARTICLE III
THE MAYOR**

SECTION 2. QUALIFICATIONS.

The Mayor shall have been a qualified elector and a resident in this municipality for at least ~~two~~ **four** (2) (4) years immediately prior to the date of ~~his~~ **the Mayor’s** election, and shall continue to be a qualified elector and resident therein during ~~his~~ **the Mayor’s** term. ~~He~~ **The Mayor** shall not, directly or indirectly, solicit, contract for, receive or be interested in any profit or emolument from or on account of any contracts job, work or service with or for the municipality.

If at any time the Mayor shall cease to possess any of the aforesaid qualifications of office, or shall be convicted of a felony or other crime involving moral turpitude, it shall be the duty of Council to declare the office of Mayor vacant, and upon such declaration the office of Mayor shall automatically and immediately become vacant. Such declaration by Council shall be made only after public hearing upon the charge or charges brought, and provided, further, that the Mayor shall have been notified in writing of the charge or charges against ~~him~~ **the Mayor** at least fifteen (15) days in advance of such hearings; provided, further, that ~~he~~ **the Mayor** or ~~his~~ **the Mayor’s** counsel shall have been given an

opportunity to be heard, present evidence, and examine all witnesses appearing in support of such charge or charges. To be effective such declaration of vacancy in the office of Mayor must receive the affirmative vote of five (5) or more members of Council.”

SECTION 2. The ballot language for the amendment proposed in Section 1 above shall read as follows:

“Shall Article III, Section 2. of the Charter of the City of Brecksville be amended to provide that the Mayor shall have been a qualified elector and a resident in this municipality for at least four (4) years immediately prior to the date of the Mayor’s election?”

SECTION 3. In the event the voters approve this Charter amendment, existing Article III, Section 2. of the Brecksville City Charter be and the same is hereby repealed from and after the certification of the favorable election results by the Cuyahoga County Board of Elections.

SECTION 4. The Clerk of Council be and is hereby authorized and directed to certify a copy of this Ordinance to the Cuyahoga County Board of Elections with a request that the same be placed on the ballot for the General Election to be held on November 7, 2023.

SECTION 5. The Clerk of Council be and is hereby authorized and directed to give notice in accordance with the provisions contained in Section 731.211 of the Ohio Revised Code concerning this proposed Charter Amendment.

SECTION 6. In the event this proposed Charter Amendment is approved by the voters of the City of Brecksville, the Clerk of Council be and is hereby authorized and directed to certify a copy of this Ordinance to the Ohio Secretary of State within thirty (30) days of its adoption.

SECTION 7. The Council declares this Ordinance to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, the reason for the emergency is the need to meet the Cuyahoga County Board of Elections deadline to submit issues for the November 7, 2023 General Election ballot, therefore, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise, from and after the earliest period allowed by law.

PASSED: May 2, 2023

First Reading: April 4, 2023
Second Reading: April 18, 2023
Third Reading: May 2, 2023

APPROVED: May 2, 2023

MAYOR

CLERK OF COUNCIL