

**AN ORDINANCE PROVIDING FOR THE
SUBMISSION TO THE ELECTORS OF THE
CITY OF BRECKSVILLE THE QUESTION OF
AMENDING ARTICLE V, SECTION 9. OF THE
CHARTER ENTITLED "RECREATION COMMISSION"
TO ALLOW REMOVAL OF ANY MEMBER OF THE
RECREATION COMMISSION WITH THE APPROVAL
OF FIVE (5) MEMBERS OF CITY COUNCIL;
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 V, Section 9. entitled "Recreation Commission" be and the same is hereby amended as follows:

"ARTICLE V

**ADMINISTRATIVE OFFICERS, DEPARTMENTS, BOARDS, AND
COMMISSIONS**

SECTION 9. RECREATION COMMISSION.

The Recreation Commission shall consist of seven (7) members who shall serve without compensation. The Mayor shall appoint six (6) members thereof with the approval of Council. Each of the appointees by the Mayor shall serve for a term of four (4) years. The terms of the present members of the Recreation Commission shall continue until expiration thereof. The two (2) new appointments herein established shall be for a term of five (5) years commencing January 2, 1974. The seventh member of the Recreation Commission shall be a ~~councilman~~ **council member** appointed by the Mayor with the approval of Council, who shall serve until the next organizational meeting of Council following ~~his or her~~ **the council member's** appointment. Any member of the Recreation Commission appointed by the Mayor may be removed for any cause at the direction of the Mayor with the approval of at least ~~four~~ **five (4) (5)** members of City Council. A vacancy occurring during the term of any member of the Recreation Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The powers

and duties of the Recreation Commission shall be as provided by ordinance of Council.”

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

“Shall Article V, Section 9. of the Charter of the City of Brecksville be amended to provide that any member of the Recreation Commission appointed by the Mayor may be removed for any cause at the direction of the Mayor with the approval of at least five (5) members of City Council?”

SECTION 3. In the event the voters approve this Charter amendment, existing Article V, Section 9. 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