

CITY OF BRUNSWICK, OHIO  
ORDINANCE NO. 40-2020

BY: Committee-of-the-Whole

AN EMERGENCY ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF BRUNSWICK, OHIO, AT THE NOVEMBER 3, 2020 GENERAL ELECTION, THE SUGGESTED CHANGES TO THE CHARTER AS RECOMMENDED BY THE CITY OF BRUNSWICK CHARTER REVIEW COMMISSION.

WHEREAS: Pursuant to City of Brunswick Charter Section 6.07, the Charter Review Commission met in 2020 to review the Charter of the City of Brunswick;

WHEREAS: The Charter Review Commission issued Proposed Charter Amendments to this Council on June 3, 2020; and

WHEREAS: Pursuant to Section 6.07(b) of the Charter, this Council is required to submit the Proposed Charter Amendments, as recommended by the Charter Review Commission, to the electors of the City of Brunswick at the next general election.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the Charter Review Commission's June 3, 2020 Proposed Charter Amendments, as attached hereto as Exhibit "A", shall be submitted to a vote of the qualified electors of the City at the general election to be held on November 3, 2020 at the regular places of voting in the City in the form provided in the Ballot Questions attached hereto as Exhibit "B".

SECTION 2: That the Clerk of Council is hereby requested to publish the full text of the proposed amendments to the Charter, as set forth in the attached Proposed Charter Amendments, once a week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided, in accordance with Article XVIII, Section 9 of the Ohio Constitution and Ohio Revised Code Section 731.211.

SECTION 3: That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, welfare and safety and for the additional reason that this Ordinance must be enacted in compliance with the time requirements contained in Article XVIII, Section 8 of the Ohio Constitution. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes.

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PASSED: 1<sup>st</sup> Reading June 22, 2020

2<sup>nd</sup> Reading July 13, 2020

3<sup>rd</sup> Reading July 27, 2020

ADOPTED: July 27, 2020 AYES 5 NAYS 0

ATTEST:   
Clerk of Council  
Fijabi Julien-Gallam, CMC

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**CITY OF BRUNSWICK – CHARTER REVIEW COMMISSION**

**PROPOSED CHARTER AMENDMENTS**

**1) SECTION 3.05.**

**CURRENT VERSION**

No Council member shall hold any other City office or City employment or any appointment on any City board or commission except employment by the Board of Education.

**PROPOSED REVISED VERSION**

Except for employment with the Board of Education or as otherwise permitted by applicable Ohio law or this Charter, no Council member shall hold: (1) any other public office, whether elected or appointed; (2) employment with the City; (3) membership on any City board or commission; or (4) any other public employment that is determined by Ohio statutory or common law to be incompatible with the office of Council Member.

**2) SECTION 3.09(e)(1).**

**CURRENT VERSION**

The Mayor shall forfeit his/her office if he/she lacks at any time during said term in office:

1. Any qualifications for the office prescribed by this Charter or by law.

**PROPOSED REVISED VERSION**

The Mayor shall forfeit his/her office if he/she lacks at any time during said term in office:

1. Any qualifications for the office prescribed by this Charter or, except for employment with the Board of Education or as otherwise permitted by applicable Ohio law or this Charter, the Mayor shall not hold: (a) any other public office, whether elected or appointed; (b) employment with the City; (c) membership on any City board or commission; or (d) any other public employment that is determined by Ohio statutory law or common law to be incompatible with the office of Mayor.

**3) SECTION 6.01(b).**

**CURRENT VERSION**

All members of boards and commissions shall be appointed by the Mayor with confirmation by the majority of the members of Council.

**PROPOSED REVISED VERSION**

Except as otherwise required by Ohio statutory law, all members of City and non-City boards and commissions shall be appointed by the Mayor with confirmation by the majority of the members of Council.

**4) SECTION 6.03.**

Recommend removal in its entirety as the Board of Building Code Appeals is addressed in Codified Ordinance Chapter 1444.

**5) SECTION 7.09(b)(2).**

**CURRENT VERSION**

Non-emergency expenditures in excess of \$25,000.00 shall only be authorized by Council pursuant to contract made with the lowest and/or best bidder after public advertising and receipt of bids in the manner provided by ordinance.

**PROPOSED REVISED VERSION**

Non-emergency expenditures in excess of the amount established by Ohio statutory law shall only be authorized by Council pursuant to contract made with the lowest and/or best bidder after public advertising and receipt of bids in the manner provided by ordinance.

**6) SECTION 8.01(a).**

**CURRENT VERSION**

No contract for the sale of real estate belonging to the City of Brunswick, with the exception of paragraphs b. and c., shall be made unless authorized by an ordinance, approved by five (5) of the members of Council, and by the board or officer having supervision or management of such real estate. When the contract is so authorized, it shall be made in writing by such board or officer, only with the highest and/or best bidder, after advertisement once a week for three (3) consecutive weeks in a newspaper of general circulation within the municipal corporation, except as otherwise provided in this Charter.

**PROPOSED REVISED VERSION**

No contract for the sale or lease of real estate belonging to the City of Brunswick shall be made unless authorized by an ordinance, approved by five (5) of the members of Council, and by the board or officer having supervision or management of such real estate. When the contract is so authorized, it shall be made in writing by such board or officer, only with the highest and/or best bidder, after advertisement once a week for three (3) consecutive weeks in a newspaper of general circulation within the municipal corporation, except as otherwise provided in this Section.

**7) SECTION 8.01(b).**

**CURRENT VERSION**

The City of Brunswick may, by ordinance, authorize the transfer and conveyance by deed of any real property, owned by it and not needed for Municipal purposes, to the Board of Education of the City of Brunswick, to be used as an athletic field, a playground for children or for school sites, upon such terms as are agreed to between the City of Brunswick and the Board of Education. When the property is so conveyed, it shall be under the control and supervision of the Board of Education.

**PROPOSED REVISED VERSION**

The legislative authority of the City of Brunswick may, by ordinance, authorize the transfer and conveyance by deed of any real property, owned by it and not needed for Municipal purposes, to the Board of Education of the City of Brunswick, to be used as an athletic field, a playground for children, for school sites or for any public purpose, upon such lawful terms as are agreed to between the City of Brunswick and the Board of Education without competitive bidding. When the property is so conveyed, it shall be under the control and supervision of the Board of Education.

**8) SECTION 8.01(c).**

**CURRENT VERSION**

The City of Brunswick may, by ordinance, transfer, lease, or permit the use of any real property suitable for library purposes, to the Board of Trustees of any free public library, or any library association rendering free library service to the inhabitants of the City of Brunswick upon such lawful terms as are agreed upon between the City of Brunswick and the Trustees of such library or library association.

**PROPOSED REVISED VERSION**

The legislative authority of the City of Brunswick may, by ordinance, transfer, lease, or permit the use of any real property suitable for library purposes and not needed for Municipal purposes, to the Board of Trustees of any free public library, or any library association rendering free library service to the inhabitants of the City of Brunswick upon such lawful terms as are agreed upon between the City of Brunswick and the Trustees of such library or library association without competitive bidding.

**9) SECTION 8.01(d).**

**CURRENT VERSION**

The legislative authority of the City of Brunswick may authorize the lease of any real estate not needed for Municipal purposes to any organization, except religious organizations, for the purpose of constructing, maintaining, or managing parks, playgrounds, theaters, public service facilities and hospitals, emergency care facilities, and recreation facilities, upon such

lawful terms and conditions, in such manner as are prescribed by the legislative authority, without competitive bidding.

**PROPOSED REVISED VERSION**

The legislative authority of the City of Brunswick may authorize the lease of any real estate not needed for Municipal purposes to any organization, except religious organizations, for the purpose of constructing, maintaining, or managing parks, playgrounds, theaters, public service facilities and hospitals, emergency care facilities, recreation facilities, or for any public purpose, upon such lawful terms and conditions, in such manner as are prescribed by the legislative authority, without competitive bidding.

**10) NEW SECTION 8.01(e).**

The legislative authority of the City of Brunswick may, by ordinance, authorize the transfer and conveyance by deed of any real property, owned by it and not needed for Municipal purposes, to any entity for use as a public purpose, upon such lawful terms and conditions, in such manner as are prescribed by the legislative authority, without competitive bidding.

## **CITY OF BRUNSWICK BALLOT QUESTIONS**

1. Shall the Amendments to Section 3.05 of the Charter, as proposed by the Charter Review Commission, detailing prohibited positions and/or employment that are incompatible with the office of Council Member, be Adopted?
2. Shall the Amendments to Section 3.09(e)(1) of the Charter, as proposed by the Charter Review Commission, detailing prohibited positions and/or employment that are incompatible with the office of Mayor, be Adopted?
3. Shall the Amendments to Section 6.01(b) of the Charter, as proposed by the Charter Review Commission, authorizing the Mayor, subject to Council's confirmation, to appoint all members of City and non-City boards and commissions, except as otherwise required by Ohio statutory law, be Adopted?
4. Shall the Removal of Section 6.03 of the Charter, as proposed by the Charter Review Commission, relative to the Board of Building Code Appeals, be Adopted?
5. Shall the Amendments to Section 7.09(b)(2) of the Charter, as proposed by the Charter Review Commission, authorizing non-emergency expenditures in a maximum amount as established by Ohio statutory law without public advertising and bidding, be Adopted?
6. Shall the Amendments to Sections 8.01(a), 8.01(b), 8.01(c) and 8.01(d) and proposed new Section 8.01(e) of the Charter, as proposed by the Charter Review Commission, authorizing the sale and/or lease of real estate not needed for municipal purposes to any entity for use as a public purpose without competitive bidding, be Adopted?

**THE CITY OF BRUNSWICK**  
**PROPOSED LEGISLATION**



**DATE:** 6/22/2020

**TO:** Vice Mayor Michael Abella Jr. and Members of City Council

**FROM:** Carl S. DeForest, City Manager  
Ken Fisher

**COPY:** Mayor Ron Falconi

**LEGISLATION:** **ORD. NO. 40-2020** - An emergency ordinance providing for submission to the electors of the City of Brunswick, Ohio, at the November 3, 2020 General Election, the suggested changes to the Charter as recommended by the City of Brunswick Charter Review Commission. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

**BACKGROUND:** Ordinance submitting recommended Charter revisions to the electors at the November 3, 2020 General Election. Proposed Charter Amendments, as formally adopted by the Charter Review Commission on June 3, 2020, to be attached to the Ordinance as Exhibit "A". Proposed Ballot Questions to be attached to the Ordinance as Exhibit "B".

**PURPOSE AND EXPLANATION:** Ordinance must be adopted by City Council and certified to the Medina County Board of Elections no later than ninety (90) days prior to the November 3, 2020 General Election (by 4:00 p.m. on August 5, 2020):

**IMPLEMENTATION SCHEDULE:**

**FINANCIAL INFORMATION:**

**FINANCIAL SUMMARY:**

**RECOMMENDED ACTION:**

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	Yes
Suspension of Rules	No

If emergency or suspension of the rules, why the request?



Three (3) readings with the 1st Reading to occur on June 22, 2020.

**ADDITIONAL  
INFORMATION:**