

**CHARTER
OF THE
CITY OF BRUNSWICK**

EDITOR'S NOTE: The Charter of the City of Brunswick was approved and adopted by the voters on November 5, 1974, and became effective on January 1, 1975. Dates appearing in parentheses following section headings indicate that those provisions were subsequently amended, added or repealed on the date given.

TABLE OF CONTENTS

PREAMBLE	
ARTICLE I	NAME AND BOUNDARIES
ARTICLE II	FORM OF GOVERNMENT AND POWERS
Section 2.01	Form of Government
2.02	Powers
2.03	Intergovernmental Relations
ARTICLE III	CITY COUNCIL
Section 3.01	Composition and Qualifications
	a. Composition
	b. Qualifications
3.02	Election and Terms of Council (11-8-94)
3.03	Compensation, Expenses
3.04	General Powers and Duties
3.05	Prohibitions
	a. Appointments and Removals
	b. Interference with Administration
3.06	Vacancies, Forfeiture of Office, Filling of Vacancies
	a. Vacancies
	b. Forfeiture of Office
	c. Filling of Vacancies
3.07	Judge of Qualifications
3.08	Clerk of Council
3.09	Office of the Mayor
	a. Election of Mayor (11-8-94)
	b. Legislative Powers of the Mayor
	c. Judicial Powers of the Mayor
	d. The Vacancy in Office of Mayor
3.10	Vice-Mayor
3.11	Investigations
3.12	Independent Audit
3.13	Procedure
	a. Meetings (11-4-80)
	b. Rules and Journal (11-7-95)
	c. Voting

	3.14	Action Requiring an Ordinance
	3.15	Ordinances in General (11-6-90)
		a. Form
		b. Procedure
		c. Effective Date
		d. "Publish" Defined
	3.16	Emergency Ordinances (11-4-80; 11-7-95)
	3.17	Codes of Technical Regulations
	3.18	Authentication and Recording; Codification
		a. Authentication and Recording
		b. Codification (11-5-85)
	3.19	Reapportionment of Wards (11-4-80)
ARTICLE IV		CITY MANAGER
Section	4.01	Appointment, Qualification and Removal (11-4-80; 11-7-95)
	4.02	Resident Requirements
	4.03	Powers and Duties
	4.04	Assistant City Manager (11-5-85)
	4.05	Temporary City Manager
ARTICLE V		DEPARTMENTS
Section	5.01	Administrative Departments (11-6-90)
	5.02	Department of Public Service
		a. Divisions Established
		b. Duties of the Director (11-7-89)
	5.03	Department of Public Safety (11-6-90)
		a. Divisions Established
		b. Duties and Qualifications of the Director (11-5-85; 11-8-94)
	5.04	Department of Law (11-6-90)
	5.05	Department of Finance (11-5-85)
	5.06	Department of Parks and Recreation (11-5-85)
	5.07	Department of Planning and Community Development (11-6-90)
ARTICLE VI		BOARDS AND COMMISSIONS
Section	6.01	General
		a. Qualifications
		b. Appointments (11-5-85)
		c. Vacancies
		d. Removal
		e. Voting
		f. Meetings (11-4-80)
		g. Opinions
		h. Compensation and Expenses
	6.02	City Planning Commission
		a. Organization (11-8-94)
		b. Powers and Duties
		c. Referral (11-4-80)
		d. Public Notice (11-4-80)

	6.03	Board of Building Code Appeals	
		a. Composition and Term of Office	
		b. Powers and Duties	
		c. Review (11-6-90)	
	6.04	Board of Zoning Appeals	
Organization		a	.
Powers and Duties (11-4-80)		b	.
Public Notice (11-4-80)		c	.
Appeals (11-4-80)		d	.
Review		e	.
6.05		Civil Service Commission (11-7-95)	
6.06		Board of Ethics	
Term of Office		a	.
Powers and Duties		b	.
	6.07	Charter Review Commission (11-4-80; 11-5-85)	
ARTICLE VII		MUNICIPAL FINANCE	
Section	7.01	Fiscal Year	
	7.02	Submission of the Annual Appropriation Measure and Message	
	7.03	Appropriation Message	
	7.04	The Annual Budget	
	7.05	Capital Program (11-5-85; 11-7-95)	
	7.06	Council Action on the Capital Program	
	7.07	Certification of Funds (11-4-80)	
	7.08	Payments and Obligations Prohibited	
	7.09	Contracts and Purchases (11-7-89)	
	7.10	Transfers, Balances, Payments of Appropriations	
	7.11	Taxation	
		a. Limitation on Property Tax Levy	
		b. Other Taxes and Additional Levies	
ARTICLE VIII		SALE OR LEASE OF REAL ESTATE (11-8-94)	
ARTICLE IX		NOMINATIONS AND ELECTIONS	
Section	9.01	Municipal, Primary and General Elections	
	9.02	Nominating Procedures (11-4-80)	
	9.03	Election Procedures (11-7-78)	
	9.04	Election Expenses	
	9.05	Other Elections	

ARTICLE X INITIATIVE, REFERENDUM AND RECALL

- Section 10.01 Initiative (11-8-94)
10.02 Referendum (11-8-94)

10.03 Recall (11-8-94)
a. Ballots
b. Succeeding Officer

ARTICLE XI GENERAL PROVISIONS

- Section 11.01 Effective Date
11.02 Transitional Period
11.03 Oath of Office
11.04 Continuance of Contracts and Enactments
11.05 Amendments to the Charter (11-4-80; 11-5-85)
11.06 Separability
11.07 Interpretation of the Charter
11.08 Use of Gender
11.09 Conflict of Interest
11.10 Report to the Public (11-5-85)

**CHARTER
OF THE
CITY OF BRUNSWICK**

PREAMBLE

We, the people of the City of Brunswick, in the County of Medina, and State of Ohio, grateful to Almighty God for the freedoms we enjoy, and in order to secure for ourselves the benefits of Municipal home rule and to exercise all the powers of local self-government, conferred by the Constitution and the laws of the State of Ohio, do hereby frame and adopt this Charter for the government of the City of Brunswick.

ARTICLE I

NAME AND BOUNDARIES

1.01 NAME AND BOUNDARIES

The municipality now existing and known as the City of Brunswick in the County of Medina and State of Ohio, shall continue to be a body politic and corporate under the said name of the City of Brunswick and with the same boundaries as now exist. The City of Brunswick may change its boundaries and annex other territory thereto in the manner authorized by the general laws of the State of Ohio. Territories that may be annexed shall immediately become subject to the provisions of this Charter.

ARTICLE II

FORM OF GOVERNMENT AND POWERS

2.01 FORM OF GOVERNMENT

The Representative Branch shall consist of the Council and Mayor elected by the voters of the Municipality, and shall possess respectively the legislative and judicial powers specified in this Charter. The Council shall appoint a City Manager who shall execute the laws and administer the government of the Municipality. The Municipality shall have only such other officers as are provided for in this Charter or in ordinances duly enacted.

2.02 POWERS

The City of Brunswick shall have all powers of local self-government and home rule now or hereinafter granted to municipalities by the Constitution and laws of the State of Ohio. All such powers shall be exercised in the manner prescribed by this Charter or if not prescribed herein, then in such manner as may now or hereafter be provided by the laws of the State of

Ohio. No enumeration of specific powers in this Charter shall be held to be exclusive. There is reserved to the people the right to petition for redress of grievances.

2.03 INTERGOVERNMENTAL RELATIONS

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more state or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE III

CITY COUNCIL

3.01 COMPOSITION AND QUALIFICATIONS

a. Composition

There shall be a City Council composed of seven (7) members. Three (3) Councilmen shall be elected At-Large by the qualified voters of the City; the other four (4) shall be Ward Councilmen elected by the qualified voters of each ward, as provided in Article IX.

b. Qualifications

Only qualified voters of the City of Brunswick shall be eligible to hold the office of Councilman. Each candidate for Ward Councilman shall be a resident and qualified elector of the ward he seeks to represent. Should any Councilman elected to represent a ward move from that ward, or any Councilman-At-Large remove himself from the City, his position shall become vacant and shall be filled as provided in this Charter.

3.02 ELECTION AND TERMS OF COUNCIL

Effective January 1, 1995 Council Members from any ward shall be elected to a four (4) year term. Effective January 1, 1997 at large council members shall be elected to a four (4) year term. Those council ward representatives elected in the 1995 election will be elected for a four (4) year term. Those council at large members elected in the 1995 election will be elected to a two (2) year term. (Amended 11-8-94)

3.03 COMPENSATION, EXPENSES

The Council may determine the annual salary of Councilmen by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilmen elected at the next regular election, after its passage, provided that such election follows the adoption of such ordinance by at least six (6) months. Councilmen shall receive their actual and necessary expenses incurred in the performance of their duties of office as provided by ordinance.

3.04 GENERAL POWERS AND DUTIES

All legislative powers of the City shall be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

3.05 PROHIBITIONS

No Councilman shall hold any other City office or City employment or any appointment on any board or committee with the City except committees of Council, and employment by the Board of Education.

CHARTER

- a. **Appointments and Removals**
Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- b. **Interference with Administration**
Except for the purpose of inquiries and investigations under Article VI, Section 6, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee either publicly or privately.

3.06 VACANCIES, FORFEITURE OF OFFICE, FILLING OF VACANCIES

- a. **Vacancies**
The office of a Councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.
- b. **Forfeiture of Office**
A Councilman shall forfeit his office if he lacks at any time during his term of office:
 1. Any qualification for the office prescribed by this Charter or by law,
 2. Violates any express prohibition of this Charter,
 3. Is convicted of a crime involving moral turpitude, or
 4. Fails to attend three consecutive regular meetings of the Council without being excused by the Council.
- c. **Filling of Vacancies**
A vacancy in the Council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty (60) days upon the occurrence of the vacancy, but the Council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Council fails to do so within thirty (30) days following the occurrence of the vacancy, the Mayor shall make an appointment within a period of seven (7) days. Notwithstanding the requirement that a quorum of the Council consists of four (4) members, if at any time the membership of the Council is reduced to less than four, the remaining members may by a majority action appoint additional members to raise the membership to four.

3.07 JUDGE OF QUALIFICATIONS

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

3.08 CLERK OF COUNCIL

The Council shall appoint an elector of the City who shall have the title of Clerk of Council and shall serve at the pleasure of Council. The Clerk of Council shall give notice of Council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned to him by this Charter or by the Council.

3.09 OFFICE OF THE MAYOR

a. Election of Mayor

The Mayor shall be an elector of the Municipality and be elected by a majority vote of the electors of the Municipality. Effective January 1, 1997 the Mayor will be elected for a period of four (4) years beginning on the first day of January next following said election. The Mayor shall be recognized as the official head of the Municipality for all ceremonial purposes. (Amended 11-8-94)

b. Legislative Powers of the Mayor

The Mayor shall preside at all meetings of the Council but shall not vote therein. The Mayor may take part in all discussions coming before the Council.

c. Judicial Powers of the Mayor

The Mayor shall have all the judicial powers granted by the laws of the State of Ohio to the Mayors of cities.

d. The Vacancy in Office of Mayor

When the Mayor is absent temporarily or inaccessible or is unable, for any cause or reason to perform his duties, the Vice-Mayor, having been elected by Council from its body to such position, shall serve as Mayor but shall not cease to be a Councilman. In the event the office of Mayor shall become vacant, the Vice-Mayor shall serve the unexpired term and his offices as Vice-Mayor and Councilman shall become vacant.

3.10 VICE-MAYOR

The Vice-Mayor of Council shall be elected by Council. The Vice-Mayor shall have the right to vote while presiding over Council.

3.11 INVESTIGATIONS

The Council, by a majority vote, may make investigations into the affairs of the City and the conduct of any City department, office or agency. For this purpose, the Mayor, the Vice-Mayor of Council or other member of Council who is presiding at any such meeting or hearing, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Presiding Officer shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment for not more than thirty (30) days, or both.

3.12 INDEPENDENT AUDIT

The Council may provide, without competitive bidding, for an annual or special audit of any or all City funds. Such audit may be in addition to an audit by representatives of the State Auditor or other State official or agency as may be determined to be required under the Constitution of the State of Ohio.

3.13 PROCEDURE

a. Meetings

The Council shall meet regularly within the second and fourth week of every month at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Mayor or Vice-Mayor of Council, or of three or more members of Council.

There shall be given at least twenty-four (24) hours notice in writing of such special meeting, served personally on each member of Council or left at his usual place of residence. Such notice shall state the subjects to be considered at the meeting and no other subjects shall be considered. The Clerk of Council shall notify the press of special meetings. Council, by a majority vote of its members, may declare a vacation in the month of August subject to recall for special meetings under this Charter. The attendance at any special meeting of the Council shall be considered a waiver of notice, and if five (5) of the members elected to Council are present, the meeting may proceed as a duly called special meeting even if the required notice has not be given. All regular and special meetings of Council shall be subject to the provisions of the Ohio Sunshine Law, as it may be amended from time to time, codified at Section 121.22 of the Ohio Revised Code.

(Amended 11-4-80)

b. Rules and Journal

No less often than every even-numbered year, the Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. Council shall have set rules passed by the third regular meeting of the year. This journal shall be a public record.

(Amended 11-7-95)

c. Voting

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council, except as otherwise provided in the preceding sentence and in Article III, Section 3.06, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the Council.

3.14 ACTION REQUIRING AN ORDINANCE

In addition to other acts required by the law of the State of Ohio or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

1. Adopt or amend an Administrative Code. Council may establish, alter or abolish any City department, office or agency not created by this Charter;
2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
3. Levy taxes, except as otherwise provided in Article VII with respect to the property tax levied by adoption of the budget;
4. Grant, renew or extend a franchise;
5. Regulate the rate charged for its services by a public utility;
6. Authorize the borrowing of money;
7. Convey or lease or authorize the conveyance or lease of any lands of the City as provided in Article VIII;
8. Adopt with or without amendment, ordinances proposed under the initiative power; and
9. Amend or repeal any ordinance previously adopted except as otherwise provided in Article X, Section 10.02 with respect to repeal of ordinances reconsidered under the referendum power.

Acts, other than those referred to in Section 3.14(9), may be done either by ordinance or by resolution.

3.15 ORDINANCES IN GENERAL

a. Form

Every proposed ordinance shall be introduced in writing in the form required for final adoption and may be read in full at first reading and may be read by title only in second and third readings. No ordinance shall contain more than one subject, except those ordinances of codification or recodification, which shall be clearly expressed in its title. The enacting clause shall be, "The Council of the City of Brunswick hereby ordains". In the case of an existing ordinance or part thereof, or any part of the City Code which is to be repealed or amended, it shall be sufficient to state only the part being repealed or amended, after stating the original ordinance number, title, section and/or subsection, or by stating only the ordinance number and title to be repealed, should it be repealed in its entirety.

b. Procedure

An ordinance may be introduced by any member or the Mayor at any regular or special meeting of the Council. It shall be submitted to the Law Director for review and drafting in legal form before presentation to Council. Upon presentation of any ordinance, the Clerk of Council shall distribute a copy to each Council member and to the Mayor, and shall file a reasonable number of copies in the office of the Clerk of Council. As soon as practicable after adoption of any ordinance, the Clerk shall have it published together with a notice of its adoption.

c. Effective Date

Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

d. "Publish" Defined

Each ordinance shall be posted in the following locations as soon as practicable: the Brunswick City Library, Brunswick City Hall and any other location designated by Council for the posting or publication of said ordinances.

(Amended 11-6-90)

3.16 EMERGENCY ORDINANCES

An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency measure may be passed after the first reading only if six (6) of the members of Council vote to suspend the rules requiring three separate readings, otherwise the provisions of Section 3.15 herein requiring three separate readings shall prevail. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective immediately upon adoption. An emergency measure is an ordinance or resolution necessary for the immediate preservation of the public peace, property, health, safety, or welfare, or providing for the usual daily operation of a municipal department. Ordinances appropriating money may be passed as emergency measures, but no measure (a) which changes the amount of salary or compensation for any elected or appointed officers of the City, (b) which pertains to the Zoning Code or the Building Code (c) which makes a grant, renewal or extension of a franchise or other special privilege, or (d) which regulates the rate to be charged for its service by any public utility, whether privately or publicly owned or operated, shall ever be so passed by emergency measures.

(Amended 11-4-80; 11-7-95)

3.17 CODES OF TECHNICAL REGULATIONS

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

1. The requirements of Article III, Section 3.15, for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
2. The adopting ordinance of the code of technical regulations shall be authenticated and recorded by the Clerk of Council pursuant to Article III, Section 3.18(a).

Copies of any adopted code of technical regulations shall be made available by the Clerk of Council for distribution or for purchase at a reasonable price.

3.18 AUTHENTICATION AND RECORDING; CODIFICATION

a. Authentication and Recording

The Clerk of Council shall authenticate by his signature and record in full, in a properly indexed book kept for this purpose, all ordinances and resolutions adopted by the Council. This section shall not apply to technical codes adopted by reference.

b. Codification

The Council shall provide that the general codification of all City ordinances and resolutions, having the force and effect of law, shall be kept current, and any additions shall be published promptly in bound or loose leaf form, together with this Charter, and any amendments thereto, and such codes of technical regulations as the Council may specify. This compilation shall be known and cited officially as the Brunswick City Code. Copies of the Code shall be furnished to City officers, placed in the Medina County Law Library, Brunswick Public Library, and such other public places as Council deems advisable, and made available for purchase by the public at a reasonable price fixed by Council. The Council of the City of Brunswick shall appropriate sufficient funds each year in order to maintain the Code in a proper and up-to-date manner. (Amended 11-5-85)

3.19 REAPPORTIONMENT OF WARDS

The Council within three months after proclamation by the Secretary of State stating the population of Ohio as determined by any Federal census decennially taken shall reapportion the wards of the City so that the wards so formed shall be as nearly equal in population as may be, composed of contiguous and compact territory, and bound by natural boundaries and street lines. If the Council fails to reapportion the wards within the three month period herein provided the Mayor shall within thirty days thereafter submit to Council a reapportionment plan. The Council shall within thirty days after receiving the Mayor's plan reapportion the wards as herein provided. If the Council fails to act on the Mayor's plan within this latter thirty day period, the Mayor's reapportionment plan shall become effective until the next decennial Federal census. (Amended 11-4-80)

**ARTICLE IV
CITY MANAGER**

4.01 APPOINTMENT, QUALIFICATIONS, AND REMOVAL

The City Manager shall be appointed by Council, a minimum of five (5) votes being necessary for his appointment. His tenure shall be indefinite, but shall continue only at the pleasure of Council. A City Manager shall be chosen by Council on the basis of professional and executive qualifications which shall include:

1. A master's degree in a pertinent field from an accredited institution of higher learning, and
 - a. Experience as a City Manager, or
 - b. A minimum of two years experience as an assistant City Manager, or
 - c. Three years in other senior municipal managerial position.
2. At least eight (8) years experience as an executive in an industry employing a minimum of 100 employees.

The Mayor shall not be eligible for appointment as City Manager during the term of office for which he has been elected or for one year thereafter, except as temporary City Manager.

The City Manager may be suspended for a period not to exceed sixty (60) days, or removed from office, by a vote of at least five (5) members of Council. A letter of dismissal shall be delivered promptly by the Clerk of Council to the City Manager stating the reasons for dismissal. Within five (5) days after the letter of dismissal is delivered to the City Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen days nor later than thirty days after the request is filed.

(Amended 11-4-80; 11-7-95)

4.02 RESIDENT REQUIREMENTS

The City Manager need not be a resident of the City or State at the time of his appointment but may reside outside the City while in office only by resolution of the Council.

4.03 POWERS AND DUTIES

The City Manager shall be the chief executive officer and head of the administrative agencies of the City. He shall be responsible to the Council for the proper administration of all the affairs of the City within the scope of his powers and duties and for the enforcement of all laws and ordinances. He shall have the power and be required to:

1. Appoint and remove all officers and employees except as otherwise provide in this Charter.
2. Institute proceedings, when necessary, for the removal of officers and employees within civil service.
3. Attend all meetings of Council with the right to participate in discussion and bring matters to the attention of Council, but without the right to vote.
4. Recommend any legislation for adoption by Council, or recommend the repeal of obsolete legislation.
5. Submit to Council a monthly summary showing the condition of all funds.
6. Prepare and submit annually to Council, a complete report of the financial administrative activities of the City for the preceding year.
7. Shall make such other reports as the Council may require concerning the operation of City departments, offices and agencies subject to his direction and supervision.
8. Prepare and submit to the Council, after receiving estimates made by the directors of the departments, the annual budget and prepare the annual budget to be adopted by Council as required by law and represent the City at all hearings on the budget adopted by Council.
9. Supervise purchasing for all departments of the City.
10. Shall be the liaison, and responsible for the public relations, between the City and other political units, (i.e. other cities, County Commissioners, etc.) and other organizations interested in the welfare and growth of the City.
11. Supervise the issuing of all licenses and permits pursuant to ordinances and resolutions, except as provided within this Charter.
12. Perform all other duties prescribed for him in this Charter or by Council and in the performance thereof may delegate to subordinate officers and employees of the Municipality any of these duties, but he shall be responsible for the faithful performance of such duties.

All department heads shall be chosen solely on the basis of their qualifications, experience and knowledge of duties, standards and accepted practice of their office. Neither the Council, nor any of its members or committees shall dictate the appointment of any person to office or employment by the City Manager, nor in any way interfere with or prevent the City Manager from exercising his own judgement in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager.

4.04 ASSISTANT CITY MANAGER

The City Manager shall designate, by letter, filed with and confirmed by Council, any official of the City to perform his duties as Assistant City Manager during his temporary absence or disability of a period exceeding seventy-two (72) consecutive hours.
(Amended 11-5-85)

4.05 TEMPORARY CITY MANAGER

In the event the position of City Manager becomes vacant due to death, removal, or resignation, the Council shall, by resolution, appoint another qualified City administrative officer to act as temporary City Manager and to perform the duties of the City Manager until another City Manager is appointed by Council.

**ARTICLE V
DEPARTMENTS**

5.01 ADMINISTRATIVE DEPARTMENTS

The following departments are hereby established by this Charter:

1. Department of Public Service
2. Department of Public Safety
3. Department of Law
4. Department of Finance
5. Department of Parks and Recreation
6. Department of Planning and Community Development

Each department shall be headed by a director who shall be appointed by the City Manager, subject to confirmation by City Council, and who shall serve at the pleasure of the City Manager. With the consent of Council, the City Manager may serve as the head of one or more such departments.

Council shall, by ordinance, provide for the organization thereof and shall have the power to establish, by ordinance, additional departments. All appointments and removals in the various departments shall be made by the respective director, subject to the civil service requirements of this Charter.

(Amended 11-6-90)

5.02 DEPARTMENT OF PUBLIC SERVICE

a. Divisions Established

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

1. Division of Engineering
2. Division of Public Properties, including streets, public grounds, and public buildings
3. Division of Permits and Inspections

b. Duties of the Director

The Director of Public Service shall have charge of the Department of Public Service. He 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, inspection, maintenance, repair, and cleaning of all public improvements and properties with the exception of parks and recreational areas. He shall have charge of all private building inspections and all Zoning Code inspections. He shall have charge of making and preserving all surveys, maps, plans, drawings, estimates and contracts for all public improvements and properties under his jurisdiction. All contracts for public improvements, work or repair in excess of five thousand (\$5,000) dollars shall be executed in the name of the City by the Director only after approval by the Council and shall be entered into only with the lowest and/or

best bidder after public competitive bidding to the extent provided for by this Charter. 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 City Manager. (11-7-89)

5.03 DEPARTMENT OF PUBLIC SAFETY

a. Divisions Established

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

1. Division of Fire
2. Division of Police
3. Division of Public Health and Welfare

b. Duties and Qualifications of the Director

The Director of Public Safety shall have charge of the Department of Public Safety. He shall make all necessary rules and regulations for the government of the Department and the Divisions thereof. He shall be charged with the duty of enforcing all police, fire, safety, health, and sanitary regulations that may be prescribed by ordinance or rules of the City, or, when applicable, the General Laws of Ohio. The Director of Public Safety 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 City Manager.

The Director of Public Safety shall have experience in the fields of law and/or law enforcement and shall be a resident of the County of Medina, Ohio.

1. Division of Fire and Rescue

- A. For the purpose of this section a full-time Division of Fire shall be created upon passage of an additional municipal income tax to provide for such full-time service.
- B. At such time as a full-time Fire Department is established, the then duly appointed Chief of the City of Brunswick Fire Department will forthwith become the Chief of the Division of Fire.
- C. At such time as the full-time Fire Department is established and at such time as full-time members are to be appointed as members of the full-time Fire Department, the following procedures shall govern such appointment or hiring:
 - i. An eligibility list for full-time division of Fire members shall be compiled which shall consist solely of Division of Fire members as of the date a full-time Fire Division is established.
 - ii. At the time the eligibility list is compiled, the order of eligibility shall correspond with the order of years of service with the City, with the member having the most years of service being placed first on the eligibility list and with all other members being named to the eligibility list in an order which corresponds to their decreasing years of service.

- iii. No member of the City of Brunswick Fire Department shall be required to take a Civil Service test or any other type of test in order to be named to the eligibility list.
- iv. Until the eligibility list is completely exhausted, as outlined below, no Civil Service test for eligibility for employment to the full-time Division of Fire shall be given to a part-time appointee. The part-time Division of Fire members, on the date of creation of the full-time Division of Fire, will have the right of first refusal to the full-time Division of Fire. A part-time member who shall decline or refuse appointment or fail to meet full-time training requirements of the full-time Division of Fire may retain the part-time position.
- v. Members shall be appointed to the full-time Fire Department from the eligibility list in accordance with their order of eligibility. If a member shall decline or refuse appointment to the full-time Fire Department, he shall maintain his position on the eligibility list, provided, however, that after his third refusal, his name shall be placed at the bottom of the eligibility list.
- vi. If a member does not accept a full-time position within five years after being placed at the bottom of the eligibility list pursuant to item v. above, his name shall then be removed from the eligibility list.
- vii. Appointees to the full-time Division of Fire from part-time service shall complete training to the required level within two (2) years of appointment.
- viii. The Civil Service Commission shall create an appropriate eligibility list for full-time Division of Fire members in addition to the eligibility list consisting of the part-time Division of Fire members. Once those individuals on the part-time Division of Fire eligibility list have refused appointment to the full-time Division of Fire, the City may then utilize the eligibility list of individuals other than part-time Division of Fire members for appointment to the full-time Division service.

D. When a part-time member of the Division of Fire is appointed to the full-time Division of Fire such appointee will have the appointee's part-time or volunteer years of service with the City of Brunswick, included in prorated computation of years of service with the City for the purpose of compensation and employee benefits. For proration purposes, 2080 hours shall equal one (1) year credit for full-time service. (Ord. 11-5-85; 11-8-94)

2. Division of Police

The Chief of Police shall have charge of the Division of Police. Any Chief of the Division of Police appointed shall be selected from the three (3) highest candidates after a promotional competitive examination as provided by the Civil Service laws of the State of Ohio.

- A. Applicants for full-time employment as a police officer with the City shall receive the following credits:
 - i. Five (5) points for completion of military service with honorable discharge.

- ii. Two (2) points for an associate college degree and five (5) points for a bachelor degree from an accredited college, with the maximum credit permitted being five (5) points total for a college degree or degrees.
- iii. Two (2) points credit for completion of Ohio Peace Officer's Training Academy and an additional one (1) point credit for each year of part-time service as an accredited police officer with the City of Brunswick with a maximum service credit of three (3) points. (Amended 11-6-90.)

5.04 DEPARTMENT OF LAW

The Department of Law shall be headed by the Director of Law. No person shall be appointed Director of Law unless he has been duly admitted to the practice of law in the State of Ohio and has been actively engaged on a full-time basis in the practice of law therein for a period of five (5) years or more prior to this appointment. He shall be the legal advisor and attorney for the City and shall perform such duties as are consistent with his office and as may be required by the City Manager. He shall prosecute or defend all suits for or on behalf of the City and shall prepare all contracts, bonds, and other instruments in writing in which the City is concerned and endorse on each his approval of the forms and correctness thereof. The Law Director shall prepare all resolutions and ordinances requested in writing by any member of Council or the City Manager or any department head. He shall give written opinions to any department head or official of the City, or to Council, within fifteen (15) days, when requested in writing to do so, and file a copy of the same with the City Manager. He shall be the prosecuting attorney for the City. He may appoint Assistant Directors of Law as positions are created by Council. He shall perform all other duties now or hereinafter imposed upon City Solicitors by the general laws of Ohio unless otherwise provided by ordinance of the Council and shall perform such other duties as may be required by this Charter and/or as Council or the City Manager may impose upon him consistent with his office.
(Amended 11-5-85)

5.05 DEPARTMENT OF FINANCE

The Department of Finance shall be headed by the Director of Finance. No person shall be appointed Director of Finance unless he has been actively engaged on a full-time basis in the practice of governmental financing, accounting, taxation, and/or business administration for a period of five (5) years or more prior to his appointment. The Director of Finance shall administer the fiscal affairs of the City, including the supervision and maintenance of records and accounting procedures which shall conform to the general laws of Ohio; the compilation of estimates for the budget of all departments of the City; the exercise of financial budgetary controls over appropriations made; the custody of funds, investments, and other property of the City; the collection of fees, assessments, and tax revenues for which the City is responsible; the investment and deposit of funds as may be provided by Council; the payment of the public debt of the City; and such other duties as may be required by this Charter and/or as the City Manager may impose upon him consistent with this office.

The Director of Finance shall make reports in the form and at such intervals as may be requested by the City Manager, showing the financial standing of the City or of any department or agency thereof.

As pertains to initiative and referendum petitions, the Finance Director shall be the person designated as having the authority of the treasurer and/or auditor under State statute. (Amended 11-6-90.)

5.06 DEPARTMENT OF PARKS AND RECREATION

The Director of Parks and Recreation shall have charge of the Department of Parks and Recreation.

The Director of Parks and Recreation shall have the control and management of parks, park entrances, parkways, children's playgrounds, public recreation facilities, gymnasiums, swimming pools, playfields, or indoor recreational centers, and any lands or buildings set aside for park or recreational use by the public, and the acquisition, construction, repair, and maintenance thereof. The Director shall exercise exclusively all the powers and perform all the duties, in regard to such property, vested in and imposed upon the Director of Public Service by the statutes of the State of Ohio. The Director of Parks and Recreation shall have the responsibility for expenditures of all monies appropriated by the legislative authority of the City in the Parks Fund or received from any other source for the purchase, acquisition, improvement, maintenance, equipment, or enjoyment of all property under his control, but no liability shall be incurred or expenditure made unless the money required therefore is in the Treasury to the credit of the Park and Recreation Fund and not appropriated for any other purpose.

The Director of Parks and Recreation may employ recreational supervisors, engineers, clerks, and other necessary employees for carrying into effect the purposes of the Department's creation, and the Council shall fix the compensation and term of service of such employees within its appropriation.

The Director shall create and supervise all recreational programs for the City of Brunswick and may appoint an advisory board of five (5) members to help discharge his duties.

The Director of Parks and Recreation, in letting of contracts, shall be governed by the bidding procedures of this Charter. (Amended 11-5-85.)

5.07 DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

The Director of Planning and Community Development will be in charge of the Department of Planning and Community Development. The Director shall perform administrative and professional services in directing the activities of the Planning and Community Development Department and shall assist in plans, direction, and coordination of the activities of the Planning and Community Development Department including review of technical activities of planning, development, redevelopment, and coordinating development with the Administration and with the various Boards and Commissions of the City. The Department of Planning and Community Development will prepare comprehensive planning studies and special reports for the City Manager, the Planning Commission, the City Council, and other Boards and Commissions of the City.

The Director of Planning and Community Development will attend Council meetings and meetings of other Boards and Commissions as directed by the City Manager. (Added 11-6-90.)

ARTICLE VI
BOARDS AND COMMISSIONS

6.01 GENERAL

a. Qualifications

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 of Brunswick.

b. Appointments

All members of boards and commissions shall be appointed by the Mayor with confirmation by the majority of the members of Council. (Amended 11-5-85)

c. Vacancies

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.

d. Removal

The appointing authority may at any time remove any board member or commissioner for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance in office, incapacity or incompetency, having first given to such board member or commissioner a copy of the specific charges set forth against him. An opportunity shall be given such board member or commissioner to be publicly heard before the Council, in person or by counsel in his defense, present evidence or examine any witness appearing in support of such charge. Only upon the affirmative vote of a majority of the members elected to Council hearing such charges shall said board member or commissioner be removed from office, but in no event shall Council hear such charges unless there be a quorum present.

e. Voting

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 the members in attendance shall be necessary to adopt any question, motion or order.

f. Meetings

All regular and special meetings of Boards and Commissions shall be subject to the provisions of the Ohio Sunshine Law, as it may be amended from time to time, codified at Section 121.22 of the Ohio Revised Code. (Amended 11-4-80)

g. Opinions

Any board or commission may request the Law Director to review a decision of any board or commission in accordance with Article V, Section 5.04 of this Charter.

h. Compensation and Expenses

The appointed members of a board or commission may be compensated and reimbursed for expenses as provided by ordinance.

6.02 CITY PLANNING COMMISSION

a. Organization

There shall be a City Planning Commission composed of five (5) members. The Mayor shall appoint, with the approval of Council, five (5) electors of the Municipality not holding any other incompatible public or private office, to serve for a term of three (3) years. There shall be the following non-voting members of the Commission; a member of Council appointed by the Council, the City Engineer, the Director of Parks and Recreation, and the Director of Community Development. (Amended 11-8-94)

b. Powers and Duties

The Planning Commission shall conduct studies and surveys, and prepare plans, reports, and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation and renewal of the City; and make such recommendations relative thereto to the Council as it feels are in the best interest of the City.

Other powers and duties of the Planning Commission shall include those established by this Charter and by the Council by ordinance, but until such ordinances shall be passed, it shall possess such other powers and duties as are provided by the general laws of Ohio to the extent that such general laws do not conflict with the provisions of this Charter.

c. Referral

All ordinances or resolutions of Council, or acts or orders of any administrative official which effect the development of the plan of the Planning Commission shall be submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within sixty (60) days from the date of referral unless a different period of time be provided by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. Any resolution, ordinance or order disapproved by formal action of the Planning Commission shall require a vote of five (5) of the members of Council for adoption or authorization. (Amended 11-4-80)

d. Public Notice

Before any approval on matters of rezoning can be given by the Planning Commission they shall hold a public hearing thereon, and shall give at least thirty (30) days notice the time and place thereof in a newspaper of general circulation in the municipal corporation. If the ordinance, measure, or regulation intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Commission, by certified mail, return receipt requested, at least twenty (20) days before the date of the public hearing to the owners of property within 500 feet within either direction, and on both sides of the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list, or the County Treasurer's mailing list, and to such other list or lists that may be specified by the Council. During such thirty days, the text or copy text of such ordinance, measure, or regulation together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance, measure, or regulation and the maps, plans, and reports submitted by the Planning Commission shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by the Council. No ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the Commission shall take effect unless passed or approved by five (5) members of the Council. No ordinance, measure, or regulation which is in accordance with the recommendations, plan, or report submitted by the Commission, shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Council.

(Amended 11-4-80)

6.03 BOARD OF BUILDING CODE APPEALS**a. Composition and Term of Office**

There is hereby established in the Municipality a board to be known as the Board of Building Code Appeals composed of five (5) members, who are qualified by experience and training to pass upon matters pertaining to building construction, and they shall serve for three (3) years.

b. Powers and Duties

The Board of Building Code Appeals shall have the power to hear and decide appeals from any order, decision, requirement or determination of the Building Inspector or in varying the application of any provision of the Dwelling House Code or Building Code or ordinances of the City relating to the Dwelling House Code or Building Code or in modifying an order of the Building Inspector or relative to the application of any provisions of the Dwelling House Code or Building Code or as provided in the Codified Ordinances or other ordinances of the City relating thereto. Each appeal shall be based on its own facts as they relate to the Code or ordinance.

c. Review

To review, upon motion of any two (2) members of the Board, any rule, regulation or decision of the Board, but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified.

To formulate and submit to the City Council, proposed changes in and amendments to the Building Code, which the Board determines to be desirable for the proper regulation of all buildings and structures and the equipment therein and appurtenances thereto, in the City.

The Building Code shall be reviewed and updated every five (5) years with recommendations for revisions submitted by the Board to Council for review and approval by Council. (Amended 11-6-90.)

6.04 BOARD OF ZONING APPEALS**a. Organization**

There is hereby established in the Municipality a board to be known as the Board or Zoning Appeals composed of five (5) electors of the Municipality not holding any other incompatible public or private office or appointment, to serve a term of three (3) years.

b. Powers and Duties

The Board of Zoning Appeals is a body of limited powers.

1. Appeals. The Board shall hear and determine all appeals from any decision or action of the Building and/or Zoning Inspector, and/or the Planning Commission in the administration or enforcement of the City Zoning Code. The Board shall hear and determine all appeals resulting from the refusal of the Building and/or Zoning Inspector, and/or the Planning Commission, because of anything contained in said Zoning Code, to issue zoning certificates.

2. Variances. Where there are practical difficulties of unnecessary or particular hardship in the way of carrying out the strict letter of the City Zoning Code, the Board shall have the power, in passing on appeals, to vary or modify any of the provisions of said Zoning Code relating to the use of land, buildings or structures so that the spirit of said Zoning Code shall be observed, public safety secured and substantial justice done, the Board shall have no power to grant variances in residentially zoned areas except those permitted in the residential zone in which the variance is sought.

In every instance of the granting of a variance by the Board, there shall be a showing by the Board that:

- a. The strict application of the provisions of the City Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of said Zoning Code;
- b. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood; and
- c. The granting of such variance will not be of substantial detriment to public interest or to property or improvements in such district in which the variance is sought and will not materially impair the purpose of the City Zoning Code.

In specific instances the Board may permit such modification of the yard or lot area or width regulations as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be improved without such modification, if such parcel was separately owned at the time of passage of the City Zoning Code or is adjacent to buildings that do not conform to the general restrictions applicable to their location.

In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety or welfare and to carry out the purposes and intent of the City Zoning Code.

c. **Public Notice**

Public notice shall be given of hearings on any appeals by the publication of a notice once in a newspaper of general circulation within the City at least ten (10) days before the hearing. Written notice, by certified mail, return receipt requested, of a variance request to be considered by the Board of Zoning Appeals shall be given to the property owners residing within the corporation limits of the Municipality within two hundred (200) feet in either direction and on both sides of the street on which the property is situated for which a variance is requested, at least ten (10) days before the hearing.

d. **Appeals**

All appeals shall be filed with the Board of Zoning Appeals within twenty (20) days following any action taken by the Building and/or Zoning Inspector, and/or the Planning Commission and shall be upon the form provided and the necessary fee shall be paid in advance.

e. Review

To review, upon motion of any two (2) members of the Board, any rule, regulation or decision of the Board, but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified.

(Amended 11-4-80)

6.05 CIVIL SERVICE COMMISSION

There is hereby established in the Municipality, a commission to be known as the Civil Service Commission composed of three (3) members serving for a term of three (3) years. The Civil Service Commission shall prescribe, amend, and enforce rules for the classification of position in the Civil Service, for examinations and resignations, for appointments, promotions, removals, transfers, layoffs, suspensions, reductions and reinstatements, and for standardizing positions and maintaining efficiency. The City Charter, City ordinances or rules promulgated by the Civil Service Commission shall govern

Civil Service employees in the classified service over which the Civil Service Commission has jurisdiction. Where the City Charter, City ordinances or the rules of the Civil Service Commission are silent, the provisions of the Ohio Revised Code shall govern.

The Civil Service Commission will ensure that the following provisions are enacted even if they are in conflict with the Ohio statutes.

- a. Establish the nature of all promotional exams.
- b. For position of Police Officer in the Division of Police, the Commission shall certify to the appointing authority from the Civil Service eligibility list, the names and addresses of the six (6) highest candidates from that list from which the appointing authority may choose any person for original appointment to such position.
- c. For appointments to the positions of Chief of Police or Chief of Fire, the Commission shall certify to the appointing authority the names and addresses of the three (3) highest candidates from a promotional Civil Service eligibility list from which the appointing authority may choose any person from that list to such position.
- d. All veterans who show proof of honorable discharge and pass a civil service entrance exam (other than a police officer entrance exam) shall be granted an additional credit of 5% of their passing score.
(Amended 11-7-95)

6.06 BOARD OF ETHICS

a. Term of Office

There is hereby created a Board of Ethics, consisting of three (3) members not holding other Municipal office or appointment, and shall serve for a period of three (3) years. The original appointment of Board members shall be one for a term of one (1) year, one for a term of two (2) years, and one for a term of three (3) years. Succeeding members shall be appointed for three (3) year terms.

b. Powers and Duties.

1. The Board shall receive complaints against members of Council, officers and employees of the City, and members of any board or commission of the City concerning conduct alleged to be in violation of any provisions of this Charter or any law or ordinance which establishes ethical standards for or otherwise regulates the conduct of members of Council, officers or employees of the City or members of any board or commission of the City. The Board shall investigate each complaint and submit a report to the Council.

2. Upon the written request of any member of Council, officer or employee of the

City, or member of any board or commission of the City, or whenever it deems it advisable, the Board may submit advisory opinions with regard to questions concerning ethics, conflicts of interest or other matters involving performance of official duties.

3. The Board shall recommend legislation, and amendments thereof, to Council relating to standards of conduct for members of Council, officers and employees of the City, and members of any board or commission of the City with respect to interests in the following:
 - a. Contracts,
 - b. Work or services with or for the City,
 - c. Representation of private interests before Municipal agencies and courts,
 - d. Disclosure of interest in legislation before Council,
 - e. Acceptance of gifts and favors,
 - f. Disclosure of confidential information,
 - g. Holding of investments in conflict with official duties,
 - h. Incompatible employment,
 - i. Future employment, and
 - j. Such other standards of conduct as it may deem advisable.
4. In cooperation with the City Manager and Council, the Board may provide a continuing program of education and information for members of Council, officers and employees of the City, and members of any board or commission of the City with regard to ethics, conflicts of interest and other matters involving performance of official duties.

Every department, division, board, commission or other agency of the City shall furnish to the Board of Ethics such data, information, statements and assistance as may be necessary for the proper exercise of its powers and duties. The Board of Ethics shall adopt uniform rules and regulations for the method of performing its powers and duties, including the filing of complaints, the conduct of investigations, hearings and deliberations, issuance of reports, and the conduct of its meetings.

6.07 CHARTER REVIEW COMMISSION

Not later than five (5) years from the effective date of this Charter, and by January 31 each five (5) years thereafter, the Mayor shall appoint a committee of nine (9) qualified electors of the City, not holding other municipal office or appointment, to be known as the Charter Review Commission. Such Commission shall review and recommend to the Council, not less than ninety (90) days prior to the next General Election, any alterations, revisions, and amendments to this Charter as in its judgment seems advisable. The Council shall submit to the electors any such proposed alterations, revisions, or amendments to the Charter at the General Election. The members of the Commission shall serve without compensation and their appointment shall terminate when their report has been received by the Council. (Amended 11-4-80; 11-5-85)

ARTICLE VII MUNICIPAL FINANCE

7.01 FISCAL YEAR

The fiscal year of the City shall begin on the first day of January and end on the last day of December.

7.02 SUBMISSION OF THE ANNUAL APPROPRIATION MEASURE AND MESSAGE

On or about the fifteenth day of November of each year, the City Manager shall submit to the Council, an annual appropriation measure for the ensuing fiscal year and accompanying message.

7.03 APPROPRIATION MESSAGE

The City Manager's message shall explain the annual appropriation measure both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarizing the City's debt position and include such other material as the City Manager deems necessary.

7.04 THE ANNUAL BUDGET

The annual budget shall be prepared and submitted as provided by the statutes of the State of Ohio.

7.05 CAPITAL PROGRAM

1. The City Manager shall prepare and submit to the Council a five (5) year capital program no later than the fifteenth of November of each year.
2. The capital program shall include:
 - a. A clear general summary of its contents;
 - b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - c. Cost estimates, method of financing and recommended time schedules for such improvements; and
 - d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
(Amended 11-5-85; 11-7-95)

7.06 COUNCIL ACTION ON THE CAPITAL PROGRAM

The Council shall publish the notice of a public hearing on the capital program in one or more newspapers of general circulation in the City. Such notice shall include the times and places where copies of the capital program can be examined by the public and the time and place of the public hearing. Such publication shall occur two (2) weeks prior to the public hearing on the capital program proposal.

7.07 CERTIFICATION OF FUNDS

No contract, agreement or other obligation involving the expenditure of monies shall be entered into, nor shall any ordinance, resolution or order for expenditure of monies be passed or issued by Council, or be authorized by any official of the City, unless the Director of Finance shall have first certified in writing to the Council, or to the proper official, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund, or is in the process of collection from which it is to be drawn and not appropriated for any other purpose. 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, fees, or from sales of services, products or by-products of any municipal

undertaking, and monies to be derived from lawfully authorized bonds or notes 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. 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 or by the General Laws of Ohio. (Amended 11-4-80)

7.08 PAYMENTS AND OBLIGATIONS PROHIBITED

Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment, or incurred such obligation, and he shall also be liable to the City of any amount so paid.

7.09 CONTRACTS AND PURCHASES.

The City Manager may, within the amounts and items appropriated by Council, make purchases and enter into contracts on behalf of the Municipality involving expenditures not in excess of five thousand (\$5,000) dollars with the exception of emergency expenditures which shall subsequently be submitted to Council for its approval.

The Council may authorize expenditures of funds of the City in amounts exceeding five thousand (\$5,000) dollars without public bidding, for the acquisition of real estate, for the discharge of non-contractual claims against the City, for professional services, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of public utilities (including those municipally and publicly operated), but no other expenditures of more than five thousand (\$5,000) dollars shall be made except pursuant to contract made with the lowest and/or best bidder after public advertising and receipt of bids in the manner provided by ordinance. (11-7-89)

7.10 TRANSFERS, BALANCES, AND PAYMENTS OF APPROPRIATIONS

Any accruing revenue of the City not appropriated under an appropriation ordinance, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Council to such uses as will not conflict with any uses for which specifically such revenue accrued. No money shall be drawn from the Treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council, and whenever an appropriation is so made the Clerk of Council shall forthwith give notice to the Director of Finance. At the end of each fiscal year all unexpended balances of appropriations shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriation; but appropriations may be made in furtherance of improvements of other projects of the City which will not be completed within the current year. Money appropriated as hereinbefore provided shall not be used for purposes other than those designated in the appropriation ordinance without authority from Council.

7.11 TAXATION

a. Limitation on Property Tax Levy

In accordance with the provisions of Article XII, Section 2 of the Ohio Constitution and Section 5705.18 of the Revised Code of Ohio, the Council shall have the power to levy taxes on property assessed and listed for taxation for current operating expenses of the Municipal corporation of no more than two and six tenths mills, which represents the City's current share of the authorized ten mill limitation, without a vote of the people thereon, as provided by law.

b. Other Taxes and Additional Levies

The limitation of this Charter upon the power of Council to levy taxes on property shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio; nor shall the authority of Council to submit additional levies on property assessed and listed for taxation according to value to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

ARTICLE VIII
SALE OR LEASE OF REAL ESTATE

8.01 SALE OR LEASE OF REAL ESTATE

The City of Brunswick shall have the special power to sell or lease real estate belonging to the City of Brunswick, when such real estate is not needed for any Municipal purpose. Such power shall be exercised in the manner provided herein:

a. 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. (Amended 11-4-80)

1. Council may determine that a transfer or exchange of property is appropriate and may consider exchange or transfer of property in reaching a determination as to the "highest and/or best bidder".
(Amended 11-8-94)

b. 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.

c. 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.

d. 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.

ARTICLE IX

NOMINATIONS AND ELECTIONS

9.01 MUNICIPAL, PRIMARY AND GENERAL ELECTIONS.

The dates of Municipal, primary, and general elections shall be held in accordance with the general laws of the State of Ohio.

9.02 NOMINATING PROCEDURES

Nominations for Municipal elective offices shall be made by non-partisan petitions. All candidates for Municipal elective offices shall be qualified electors of the City of Brunswick. Each candidate for Mayor and Council-At-Large shall file a petition signed by electors of the City not less in number than one hundred (100). Each candidate for Ward Councilman shall file a petition signed by electors of the ward from which such candidate is seeking election, not less in number than twenty-five (25). Such petition or petitions when filed must be accompanied by the written acceptance of the nominee. Each signatory of a petition shall sign his name and after his name shall designate his address and the date of signing, ward and precinct. Nominating petitions shall be filed with the Board of Elections of Medina County in accordance with the Ohio Revised Code. (Amended 11-4-80)

9.03 ELECTION PROCEDURES

The ballots used in Municipal elections shall be without party mark or designation of any sort. The names of all candidates shall be placed upon the same ballot and shall be rotated in the manner provided by the general laws of Ohio. In all offices except Council-At-Large, the two candidates receiving the greatest number of votes in the primary shall be considered nominated and their names shall appear on the general election ballot. For the position of Council-At-Large, the six (6) persons receiving the highest number of votes shall be considered nominated and their names shall appear on the general election ballot. In the event that less than two (2) persons file for any position except Councilman-At-Large, only the name of the unopposed candidate shall appear on the general election ballot. In the event less than six (6) persons file for Council-At-Large, only the names of those who so file shall appear on the general election ballot. In the event there is no contest for a Ward Councilman, Councilman-At-Large, or Mayor in the primary election, the candidates name shall not appear on the ballot.

(Approved by voters November 7, 1978.)

9.04 ELECTION EXPENSES

Candidates for Brunswick City office shall be subject to the expense restrictions as under State statutes.

9.05 OTHER ELECTIONS

Any question which, by the terms of this Charter, may be submitted to the Electors of the City at any special election, may be submitted at the time of the primary or general election. 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.

ARTICLE X
INITIATIVE, REFERENDUM AND RECALL

10.01 INITIATIVE

The qualified voters of the City shall have power to propose ordinance, as provided by State statutes, to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance, the qualified voters of the City shall have the right, as provided by State statute, to adopt or reject the proposed ordinance at a City election, provided that such power shall not extend to the budget or any ordinance relating to appropriation of money, levy of taxes or salaries of City officials or employees.

10.02 REFERENDUM

The qualified voters of the City shall have power, as provided by State statute, to referendum ordinances adopted by the Council. Any petition for referendum shall be circulated by a resident of the City of Brunswick. (Amended 11-8-94)

10.03 RECALL

Procedure: Any elective officer provided for in this Charter may be removed from office by the qualified voters of the City of Brunswick. No such officer may be removed unless he has served six (6) months of his term.

A petition demanding that the question of removing such official be submitted to electors shall be addressed to Council and filed with the Clerk of Council. Such petition, circulated by a resident of the City, shall be signed by qualified voters of the City equal in number to at least thirty percent (30%) of the total number of qualified voters registered to vote in the City at the time of the last general election in the case of officers elected from the City at-large, and at least thirty percent (30%) of the total number of qualified voters registered to vote in the ward at the time of the last general election in the case of Ward Council members. If the Clerk of Council shall find the petition sufficient, the Clerk shall promptly certify to Council and shall deliver a copy of such certificate to the officer whose removal is sought, and make a record of such delivery. If such officer shall not resign within five (5) days after such delivery shall have been made, the Council shall fix a day for holding a recall election not less than thirty (30) days nor more than forty-five (45) days from the date of delivery. Such petition shall contain 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.

a. Ballots: The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from office of (name of office) by recall?" Immediately following each such question, there shall be printed on the ballots the two propositions in the order set forth: "For the recall of (name of person)", "Against the recall of (name of person)". Immediately to the left of each proposition shall be placed a square in which electors, by marking a cross (X) mark, may vote for either of such propositions.

b. Succeeding Officer: If recalled in the recall election, he shall be deemed removed from the office upon the announcement of the official canvass of that election, and the office shall be deemed vacant, and the office shall be filled for the unexpired term in the manner provided in this Charter. (Amended 11-8-94)

ARTICLE XI

GENERAL PROVISIONS

11.01 EFFECTIVE DATE

This Charter shall be in full effect from and after the certification of election by the Board of Elections and shall take effect January 1, 1975.

11.02 TRANSITIONAL PERIOD

On January 1, 1975, all elected and appointed officials shall assume the same duties as under the statutory form of government. Upon the appointment of a City Manager, the present Mayor shall assume the duties of Mayor under this Charter, thereby abolishing the position of President of Council. All other elected or appointed administrative officials shall remain in office until their successors are appointed by the City Manager. All elected legislative officials shall remain in office until December 31, 1975 when their term of office expires. These officials shall have all the rights and powers provided herein the same as if they had been elected under the provisions of this Charter.

11.03 OATH OF OFFICE

Every officer of the City shall be required to subscribe to an oath or affirmation that he will in all respects faithfully discharge the duties of his office, before entering upon the duties thereof. This oath or affirmation is to be filed and kept in the office of the Clerk of Council.

11.04 CONTINUANCE OF CONTRACTS AND ENACTMENTS

All contracts entered into by the City prior to the effective date of this Charter are continued in full force and effect. All public work begun prior to the effective date of this Charter shall be continued and perfected hereunder. All public improvements for which legislative steps have been taken under law in force at the time of the adoption thereof may be carried to completion in accordance with the resolutions in force at the time of the effective date of this Charter.

11.05 AMENDMENTS TO THE CHARTER

The Council may, by the affirmative vote of five (5) of its member, submit to the electors any proposed amendment or amendments to the Charter. Upon the receipt of a petition, circulated by a resident of the City, signed by not less than ten (10) percent of the electors of the City and filed with the Finance Director, 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 Ohio Law now or hereafter in effect. The Council shall determine the manner of submission of any proposed amendment or amendments to the electors to the extent that such submission is not governed by this Charter or the Constitution or the General Laws of the State of Ohio.
(Amended 11-4-80; 11-5-85; 11-8-94)

11.06 SEPARABILITY

If a section or 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.

11.07 INTERPRETATION OF THE CHARTER

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 provisions of this Charter.

11.08 USE OF GENDER

Wherever in this Charter the male gender is used, it is hereby understood that it shall include the female gender.

11.09 CONFLICT OF INTEREST

It is hereby declared to be the policy of the City of Brunswick that Municipal officials and employees shall impartially and faithfully exercise the duties of their office and employment.

To assist and guide the officials and employees in those unchartered areas where application of ethical principles may be in doubt, to generate public interest in proper standards of official conduct and thereby encourage a greater measure of respect for, and confidence in public office and to protect members of Council, officers and employees of the City of Brunswick from malicious innuendos through the avoidance of any basis for suspicion, the following sections are to be incorporated in this Charter:

- a. It shall be unlawful for any member of Council or any officer or employee of the City of Brunswick:
 1. To act directly or indirectly as attorney, agent, broker, or employee or in any other capacity in behalf of any private person, firm or corporation interested directly or indirectly in any manner whatsoever in any contract, work or business, or the sale or acquisition of any property, the cost of which is payable from City funds or requires from City Council any of the following:
 - a. Rezoning
 - b. Annexation
 - c. Installation of water lines
 - d. Road improvements
 - e. Building permits, except for one's own domicile.
 2. To engage in the practice of law or to represent or to appear in behalf of an individual or individuals before Mayor's Court of the City of Brunswick in any matter or controversy in which the City of Brunswick is or may become a party except on behalf of the City as an officer or employee, or volunteer opinion evidence against the interests of the City in any litigation in which the City of Brunswick is a party; or
 3. To appear before any board or commission of the City of Brunswick as counsel, attorney or agent except in behalf of a constituent or constituents without compensation therefor, or in the performance of public obligations or official duties.

- b. No person after termination of his service as an officer or employee of the City of Brunswick shall accept employment as a lawyer in any matter which he has investigated or passed upon while in such office or employ or engage in practice of law before any court in any litigation in which the City of Brunswick is a party which involves any such matter.
- c. No official or employee of the City shall engage in any business or transaction or shall have financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence of judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.
- d. For purposes of this Charter, the following terms, phrases, words and there derivatives, shall have the meaning given in this section:
 - 1. "Officials and employees" shall mean any and all members of Council, officers and employees of the City and members of any board or commission of the City of Brunswick, but shall not be deemed to include a person, firm or corporation retained by the City as special counsel or for other professional or expert advisory or consulting services.
 - 2. "Agency" shall mean the Council, or any board or commissions of the City or any department or division of the City.
 - 3. "Substantial financial interest" shall mean any of the following interest in a business, firm or corporation; proprietor, member of a partnership, officer or director of a corporation associated in the practice of law involving splitting of legal fees, officer or director of a corporation, or a shareholder in a corporation in which such person, his spouse and children together own not less than ten percent (10%) of all outstanding voting shares.
- e. A member of Council, officers, members of boards or commissions shall publicly disclose on the official records of Council any direct or financial interest or other personal or private right he may have in any legislation pending before Council prior to its third reading or passage. Said disclosure shall deprive any member of Council of his right to vote on said legislation. The failure of any member of Council, officers, members of boards or commissions to make said disclosure shall not affect the validity of the legislation.

11.10 REPORT TO THE PUBLIC

Following the external audit, the legislative authority of the City of Brunswick shall have an annual report printed, in pamphlet form, giving:

- a. A Comprehensive Annual Finance Report.
- b. A summary of the proceedings of the legislative authority and a summary of the operation of the administrative departments for the previous twelve (12) months.
- c. A summary of all elective and appointive terms which will expire during the next year, as well as a list of anticipated employment opportunities of the City.

A copy of this report shall be furnished to any citizen of the City of Brunswick who applies therefor at the City Hall. (Amended 11-5-85)