

ORDINANCE NO. 43-17

**AN ORDINANCE SUBMITTING TO THE ELECTORS THE
QUESTION OF ELIMINATING ARTICLE VII, SECTION 3 OF THE
CITY CHARTER CONCERNING "PARK AND RECREATION COMMISSION"
AND DECLARING AN EMERGENCY**

WHEREAS, the Avon Charter Review Commission, in its final report, has recommended to Council that it submit to the electors the question of eliminating the City's Parks and Recreation Commission, Article VII, Section 3 of the City Charter; and

WHEREAS, pursuant to Article XIII, Section 7(b) of the City Charter, Council must submit to the electors any proposed amendments to the City Charter recommended by the Charter Review Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
AVON, LORAIN COUNTY, OHIO:**

Section 1 - There shall be submitted to the electors of the City of Avon at the General Election to be held November 7, 2017 at the regular places of voting between the hours of 6:30 A.M. and 7:30 P.M., the question of whether Article VII, Section 3 of the Avon City Charter, entitled "Park and Recreation Commission" which currently reads as:

Article VII, Section 3 – Park and Recreation Commission.

When Council deems it advisable, a Park and Recreation Commission shall be created and shall consist of seven (7) members, whose compensation if any, shall be provided by Council. The Mayor shall appoint, with the concurrence of two-thirds (2/3) of the membership of the legislative authority, five (5) members of the Commission. Each of the appointees shall be appointed for a term of five (5) years, except that of the first five (5) members appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years and one (1) for a term of five (5) years.

One member of the Commission shall be a representative and member from Council and appointed by Council. One member shall be a representative and member from the Avon Board of Education and appointed by the Board of Education. The Mayor, with cause, may remove members, with the concurrence of two-thirds (2/3) of the membership of the legislative authority. A vacancy occurring during the term of any member of the Park and Recreation Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The powers and duties of the Park and Recreation Commission shall be provided by ordinance of Council. (Amended 11-5-91)

SHOULD BE AMENDED TO READ AS FOLLOWS:

Article VII, Section 3 – Park and Recreation Commission.

REPEALED.

(Article VII, Section 3, entitled “Parks and Recreation Commission” shall be removed from the Charter and any references to this section elsewhere in the Charter are deemed null and void and are to be stricken.)

Section 2 - The ballots for said election shall, at the top thereof, be entitled "Proposed Avon Charter Amendments" and the question to be submitted on said ballot shall be in a form as set forth in attached Exhibit A.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of Council to submit the Charter Amendments proposed by the Charter Review Commission to the electors of the City of Avon; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

Ordinance No. 43-17 (Con't)

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director

Exhibit "A"

PROPOSED AVON CHARTER AMENDMENT

Article VII, Section 3 – Park and Recreation Commission.

REPEALED.

(Article VII, Section 3, entitled "Parks and Recreation Commission" shall be removed from the Charter and any references to this section elsewhere in the Charter are deemed null and void.)

Shall Article VII, Section 3 of the Avon City Charter entitled "Park and Recreation Commission" be removed?

_____ YES

_____ NO