



CITY COUNCIL
Tuesday, April 7, 2026, 6:30 PM
301 SYCAMORE STREET, BROOKVILLE, OHIO 45309
937-833-2135
www.brookvilleohio.com

Agenda

I. Opening of Regular Council Meeting

- a. Call to Order
- b. Pledge of Allegiance
- c. Roll Call

II. Adoption of Agenda

III. New Business

- a. Charter Review recommendation discussion

IV. Motion for Adjournment

Please note: Now is time to hear from our community. We welcome comments which are important to us. Anyone who is interested in speaking, please stand, if you are able, and give your name and address for the public record. Each speaker will be given 5 minutes to provide your comments. Comments are welcome on general board business or specific agenda items. You may not donate your time to another speaker. Note, this time is for public comment, and we will not be entering into dialogue at this time. The purpose of this agenda item is for you, the public, to inform us the board about your views. If you have specific factual questions or complaints, please check in with our staff after the meeting. They are seated on the side and will be happy to assist you. We also welcome written questions and comments. We appreciate you attending the meeting and sharing your thoughts with us.

Mayor Chuck Letner • Vice Mayor Dennis Piper
Council Members: Stephen Crane • JD Fowler • Mike Hughes • Jared Ledford • Darren McNew

PREAMBLE

In order that we may have the benefits of municipal home rule and exercise all of the powers of local self-government and other powers conferred under the Constitution and Statutes of the State of Ohio, we, the citizens of the ~~Municipality~~ City of Brookville, in the County of Montgomery and State of Ohio, do hereby adopt this Charter for our ~~municipality~~ city.

Article I

NAME; BOUNDARIES; FORM OF GOVERNMENT

Sec. 1.01 Name and Boundary.

The municipal corporation existing as the ~~Village~~ City of Brookville under the general statutes of the State of Ohio shall continue to be a body politic and corporate under the same name under this Charter. The municipality shall have the same boundaries that exist on the effective date of this Charter, with power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio. ~~When the Municipality shall attain the status of a city, under the Constitution and laws of Ohio, it shall be known as the "City of Brookville". As used in this Charter, "Municipality" shall mean the municipal corporation of Brookville.~~

Sec. 1.02 Form of Government.

The ~~municipal~~ city government provided for by this Charter shall be known as the "Mayor-Council-Manager Plan".

Article II

CORPORATE POWERS

Sec. 2.01 Powers Granted.

The ~~Municipality~~ City shall have all the powers that may now or hereafter lawfully be possessed or exercised by ~~municipal~~ city corporations under the Constitution and laws of Ohio. Title to all real property shall be taken in the name of the ~~Municipality~~ City.

Sec. 2.02 Exercise of Powers.

All powers shall be exercised in the manner prescribed in this Charter, or if not prescribed in the Charter, in the manner provided by ordinance or resolution of Council. When not prescribed in this Charter or by ordinance or resolution, then the powers shall be exercised in the manner provided by the laws of Ohio until Council provides a different manner of exercising the powers.

Sec. 2.03 Construction of Powers.

The powers of the ~~Municipality~~ City under this Charter shall be construed liberally in favor of the ~~Municipality~~ City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this article.

Sec. 2.04 Intergovernmental Cooperation.

(A) In carrying out any lawful function or power of the ~~Municipality~~ City, the Council may, by a majority vote of its members, authorize the execution of contracts, or in any other manner provide for cooperation or joint action, between the ~~Municipality~~ City and:

- (1) Political subdivisions, special districts, instrumentalities, or other units of government of the State of Ohio or other states.
- (2) The State of Ohio, its officers, departments, divisions, instrumentalities, or other units or agencies.
- (3) Other states, their officers, departments, divisions, instrumentalities, or other unit or agencies.
- (4) The federal government, its officers, departments, divisions, instrumentalities, or other units or agencies.
- (5) Councils of governments or other instrumentalities consisting of other political subdivisions, special districts, instrumentalities, or other governmental units or agencies allowed under the laws of Ohio, other states, or the federal government.
- (6) Persons, corporations, whether for profit or not, firms, and other entities; unless such contracts, cooperation or joint actions are prohibited by the Constitution of the State of Ohio.

(B) The powers granted by this section shall be liberally construed to authorize intergovernmental cooperation, but shall not authorize the avoidance of the provisions of this Charter concerning taxation or initiative or referendum.

Article III **THE ~~MUNICIPAL~~ CITY COUNCIL**

Sec. 3.01 Term of Office.

~~Until December 31, 2003, the Council shall consist of seven members to be elected from the Municipality at large to serve overlapping terms of office commencing on the first day of January of the year following their election. On January 1, 2004, and thereafter, t~~The Council

shall consist of seven members, of which six shall be Council members and one shall be a separately elected Mayor as provided in Section 3.08, to be elected from the ~~Municipality~~ City at large to serve overlapping terms of office commencing on the first day of January of the year following their election. All members of Council, including the Mayor, shall be elected to terms of office of four years each.

On January 1, 2017, and thereafter, all members of Council, including the Mayor, shall not be eligible to serve more than two consecutive terms either as a Council Member and/or Mayor. A member who has served more than half of a term shall be credited with having served that term.

Elections for members of Council, including the Mayor, shall be by non-partisan ballot.
(Amended 11-8-16.)

Sec. 3.02 Powers; Duties; Functions.

(A) All legislative powers of the ~~Municipality~~ City shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:

(1) The power to levy taxes and incur debts subject to the limitations imposed thereon by this Charter.

(2) The power to adopt and to provide for the enforcement of local police, fire, sanitary, and other similar regulations as are not in conflict with general laws.

(3) The power to provide for the exercise of all powers of local self-government granted to the ~~Municipality~~ City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.

(4) The power to fix the number of officers and employees in the various offices, departments, divisions, bureaus, boards, and commissions of the ~~Municipality~~ City, unless otherwise specifically detailed in this Charter, and to fix the rate of their compensation and hours of work, and to provide such other fringe benefits and conditions of employment as deemed proper by the Council.

(5) The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the ~~Municipality~~ City. The premium for such bonds shall be paid by the ~~Municipality~~ City.

(6) The power to create, combine, change, and abolish other officers, departments, divisions, bureaus, boards, and commissions of the ~~Municipality~~ City, including the internal organization, powers, duties, and functions of such offices, departments, divisions, bureaus, boards, and commissions. The power herein expressed in this subsection shall be exercised by ordinance or resolution. The Council shall not abolish any office created by this Charter.

(7) The power to establish, by ordinance or resolution, the rates or charges made of consumers of all ~~municipal city~~ utilities and services.

(8) The power to acquire and to sell or otherwise convey interest in real and personal property; and to lease, as lessor or lessee, or otherwise grant or receive interests in real or personal property. Real property and interests in real property may be acquired, and real and personal property or interests therein may be disposed of, whether by sale, lease, or otherwise, without competitive bidding.

(9) The power to provide for an independent audit of the accounts and records of the ~~Municipality City~~, without competitive bidding, which may be in addition to audits by State officers and agencies as may be required under the general laws of Ohio.

(10) The power to conduct investigations and to inquire into the conduct of any office, department, division, bureau, board, commission, or, through the City Manager, any officer or employee of the ~~Municipality City~~ in the performance of their public powers, duties, responsibilities, and functions.

(11) The power to grant any franchise, including franchises to public utilities, by ordinance or resolution adopted by a vote of not less than five members of the Council.

(12) The power to appoint, suspend, or remove, by a motion adopted by a majority of the members of Council, the members of any board or commission of the ~~Municipality City~~, whether the board or commission is created by this Charter or by ordinance or resolution.

(13) The power to issue, or to apply to a court with jurisdiction within the ~~Municipality City~~ to issue, subpoenas for witnesses and the production of records, documents, and other evidence, and to require witnesses to give testimony under oath, in the conduct of any hearing or investigation authorized by the Council and conducted by the Council as a whole or by a committee of the Council.

(14) The power to exercise or provide for the exercise of all other powers granted to the Council or the ~~Municipality City~~ by this Charter and by the Constitution and laws of the State of Ohio.

Sec. 3.03 Qualifications of Council Members.

Members of the Council shall have been qualified electors of the ~~Municipality City~~ for at least two years immediately prior to filing their nominating petition for the office of member of Council; shall remain qualified electors of the ~~Municipality City~~ and maintain their permanent residence within the ~~Municipality City~~ during their term of office; and shall not hold any other public office or employment that is incompatible with the office of member of Council under the common law of the State of Ohio.

Sec. 3.04 Vacancies in Council.

(A) A member of the Council shall be deemed to have vacated his office upon a declaration of the Council that such member shall:

(1) Not possess or has failed to maintain the qualifications to the office of member of Council as provided in Section [3.03](#) of this Charter;

(2) Have resigned;

(3) Have failed to attend three consecutive regular meetings of the Council, unless any of such absences shall have been excused by a majority vote of the other members of the Council, which excuse shall be granted within 30 days after the date of the meetings;

(4) Have been recalled as provided in Section [10.03](#) of this Charter;

(5) Have died; or

(6) Have been removed from office for malfeasance, misfeasance, or nonfeasance as provided by the general laws of Ohio.

(B) Upon the occurrence of any of the events described in Division (A) (1) through (A) (6) of this section, the Council shall declare the office of the affected member of Council to be vacated by a motion adopted by a majority vote of the remaining members of the Council. The Council shall provide written notice of its intention to consider whether to declare a vacancy in the Council to any affected Council member accused of conduct which gives rise to his removal for the reasons stated in division (A) (1), (A) (3), ~~(A) (4)~~ or (A) (6) of this section. Such notice shall set forth the proffered grounds for removal and the time, date, and place of the hearing, and shall be served upon such accused member by personal service or by mailing or leaving a copy of the notice at his or her usual place of residence at least ten days before the date of the hearing. The accused member shall have the right to appear, in person or by attorney, to contest the declaration of a vacancy. The remaining members of the Council shall, within 60 days after a vacancy is declared, fill the vacancy created by such declaration by appointing a person qualified to hold the office of member of Council. The appointment shall be made by a motion adopted by a majority vote of the remaining members of the Council. If the vacancy occurs subsequent to seven days before the date when candidates for the office of member of Council must file their nominating petitions or if two years or less remain in the term of the incumbent who created the vacancy, the person appointed by the Council shall serve for the unexpired term. If the vacancy occurs at least seven days prior to the date when candidates for the office of Council must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, the person appointed by the Council shall serve until a successor is elected at the next regular [municipal-city](#) election for the remainder of the unexpired term. The person elected for the unexpired term at the next regular [municipal-city](#) election shall take office on the first day of January following his election.

(C) No action of the Council shall be invalidated because any member who voted on the action shall later be determined to have vacated his office due to the occurrence of any of the events described in division (A) of this section.

Sec. 3.05 Election Contests; Determination of Qualification.

The Council shall be the sole judge of the qualifications of its members; however, the general laws of Ohio governing the matter of election contests shall be applicable under this Charter.

Sec. 3.06 Compensation of Council Members.

The salaries of members of the Council shall be established by Council by ordinance or resolution to be adopted no later than July 1, of each odd numbered year, ~~commencing in the year 1979.~~ The salaries so established shall be effective for a two year period beginning January 1, of the year immediately following the adoption of the ordinance or resolution establishing them and shall apply to all members of the Council whether they are beginning their terms or are in mid-term. In the event Council shall fail to establish salaries as required in this section, the salaries in effect for the prior two year period shall remain in effect until changed in accordance with this section. ~~The initial salary of members of the Council under this Charter shall be that salary established for such office and in effect on January 1, 1979, and if none have been established, the Council first elected under this Charter shall establish such salaries within 90 days.~~ Additional compensation may be established for the office of Mayor in the same manner as provided for establishing the compensation of the members of the Council.

Sec. 3.07 Council Organization and Rules; Meetings of Council.

(A) The Council shall be a continuing body, but shall meet for purposes of organization no later than the first Tuesday in January of each even-number-year, or if such day shall fall upon a legal holiday, then on the next following business day. At the organizational meeting, the newly elected members of Council shall take the oath of office, and the Council shall proceed to elect a ~~Mayor and~~ Vice Mayor, and the Council may transact such other business as may come before it.

(B) Council shall adopt, by motion adopted by a majority vote of its members, the rules of the Council, which shall not conflict with this Charter, and which shall remain in effect until amended, changed or repealed by a motion adopted by a majority vote of the members of Council. The rules of Council shall go into immediate effect unless a later date is specified in the rules or the motion adopting the rules. The rules of Council shall provide for the number, composition, and manner of appointments of committees of Council, if any; the frequency, dates, and times of regular meetings of the Council, provided that at least ~~two~~ one regular meetings of the Council shall be scheduled each month; and such other matters as Council shall determine to be necessary or desirable for the proper functioning and government of the Council.

(C) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of the Council upon at least 24 hours notice to the Mayor and each member of the

Council, which notice may be served personally or left at the usual place of residence. Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting.

(D) Any regular or special meeting of the Council may be adjourned or recessed to another time, date, or place without giving the notice required in division (C) of this section.

(E) All meetings of the Council and of other boards and commissions of the Municipality-City shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies. In the event the courts of Ohio having jurisdiction within the Municipality-City shall determine the general laws pertaining to requirements for open meetings of public bodies do not apply to municipal or city corporations that have adopted a Charter under Article XVIII of the Constitution of Ohio, then the Council shall determine the requirements for open meetings of the Council and other boards and commissions of the Municipality-City by ordinance or resolution.

(F) A majority of the members of the Council, or the remaining members of the Council, shall constitute a quorum, except that a lesser number may meet to compel the attendance of absent members.

Sec. 3.08 Mayor; Vice Mayor.

(A) ~~Until December 31, 2003, at each organizational meeting of the Council held in even-numbered years, the Council shall, by a motion adopted by a majority vote of its members, select one of its members to serve as Mayor and another of its members to serve as Vice Mayor, each to serve two year terms of office. For a term commencing on January 1, 2004, and thereafter, the~~ The Mayor shall be elected by separate ballot from the Municipality-City at large for a four-year term. At each organizational meeting of Council held ~~on or~~ after January 1, 2004, Council shall, by a motion adopted by a majority vote of its members, select one of its members to serve as Vice Mayor to serve a two-year term of office.

(B) The Mayor, in addition to his powers, duties and functions as a member of the Council, shall: preside at all meetings of the Council; serve as the official head of the Municipality-City for all ceremonial purposes; exercise judicial functions as conferred upon mayors of municipal city corporations by the general laws of Ohio; be recognized as the head of municipal-city government for military purposes; and shall perform all other powers, duties and functions imposed upon the Mayor by this Charter, ordinances or resolutions adopted by the Council, or by the general laws of Ohio to the extent such laws are consistent with this Charter and ordinances and resolutions adopted by the Council.

(C) The Vice Mayor, in addition to his powers, duties and functions as a member of the Council, shall preside at all meetings of the Council when the Mayor is absent; perform the powers, duties, and functions of the Mayor during the temporary absence or disability of the

Mayor; and perform such other powers, duties, and functions as are imposed upon the Vice Mayor by this Charter or ordinances or resolutions adopted by the Council.

(D) In the event of a vacancy in the office of the Mayor, the Vice Mayor shall ~~become~~ serve as the acting Mayor ~~and shall serve as Mayor~~ until the next regular ~~municipal~~ municipal election. At such election, a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term.

(Amended 11-5-02)

Sec. 3.09 Clerk of Council.

The Council shall appoint, by motion adopted by a majority vote of its members, a person to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of the Council and may be removed without cause by a motion adopted by a majority vote of the members of Council. The Clerk of Council may hold other office or position of employment in the ~~Municipality~~ City. The Clerk of Council shall have those powers, duties, and functions as are provided in this Charter, by the rules of Council or by ordinance or resolution. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members and to the public as may be provided by this Charter, the rules of Council or by ordinance or resolution. The Clerk of Council shall be subject to the supervision of and control by the officers of the Council. The Council shall establish the compensation of the Clerk of Council by ordinance or resolution, and the Clerk's compensation shall be in addition to any compensation received for any other office or position of employment with the ~~Municipality~~ City. The compensation of the Clerk may be changed at any time.

Article IV LEGISLATIVE PROCEDURE

Sec. 4.01 Form of Action by Council.

Action of Council shall be by ordinance, resolution, or motion. Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among Council members, for appointments made by the Council, and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this section.

Sec. 4.02 Introduction of Ordinances and Resolutions.

Any member of Council may introduce any ordinance or resolution, at a regular or special meeting, which shall be in written or printed form and shall contain a concise title.

Sec. 4.03 Form of Ordinances and Resolutions.

(A) The form and style of ordinances and resolutions shall be determined by the rules of Council.

(B) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title; however, appropriation ordinances may contain the various subjects, accounts, and amounts for which monies are appropriated. Ordinances and resolutions which are codified, recodified, or published in book form are not subject to the limitation of containing one subject.

Sec. 4.04 Reading Ordinances and Resolutions.

Each ordinance and resolution shall be read by title only on ~~three~~ two separate days, unless this requirement is dispensed with by a vote of at least two-thirds of the members of the Council. If the rule requiring ordinances to be read on ~~three~~ two separate days is dispensed with, the ordinance or resolution shall be read once by title. Any reading of an ordinance or resolution shall be in full upon the adoption of a motion, as to each reading, by a majority vote of the members of the Council. The amendment of an ordinance or resolution before its passage shall not require additional readings of the ordinance or resolution.

Sec. 4.05 Vote Required for Passage.

The vote on the question of passage of each ordinance, resolution and motion shall be taken by "yeas" and "nays" and entered on the journal, and none shall be passed without concurrence by a majority vote of the members of Council. Each emergency ordinance or resolution shall require the affirmative vote of at least two-thirds of the members of Council for its enactment. If an emergency ordinance or resolution shall fail to receive the required two-thirds affirmative vote, but receives the necessary majority for passage as nonemergency legislation, it shall become effective as nonemergency legislation.

Sec. 4.06 Content of Emergency Legislation.

Each emergency ordinance or resolution shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare, or to meet an emergency in the government of the ~~Municipality~~ City, and shall contain a statement of the necessity for the emergency. No ordinance or resolution granting a franchise or fixing rates to be charged by an investor owned public utility, involving taxation, or cases of zoning and planned developments shall be passed as an emergency measure.

(Amended 11-8-16.)

Sec. 4.07 Effective Date of Legislation.

(A) Ordinances or resolutions for the following purposes shall take effect immediately upon passage unless a later time is specified therein:

- (1) Appropriation of money for the current expenses of the ~~Municipality~~ City.
- (2) Improvements petitioned for by the owners of a majority of the front ~~footage~~ or footage or of the area of the property benefited and to be assessed.
- (3) Submission of any question to the electorate or the determination to proceed with an election.
- (4) Approval of a revision, codification, recodifications, rearrangement of ordinances and/or resolutions, or their publication in book form.
- (5) Any emergency ordinance or resolution.

(B) All other ordinances and resolutions shall go into effect 30 days after their passage by the Council.

Sec. 4.08 Authentication.

Each ordinance and resolution shall be authenticated by the signature of the Mayor and the Clerk of Council. The failure or refusal of such officers to authenticate shall not invalidate an ordinance or resolution.

Sec. 4.09 Recording Legislation.

Each ordinance and resolution shall be recorded in a book or other record prescribed by Council. The Clerk of Council or a duly authorized representative of the Clerk shall, upon request of any person and upon the payment of a fee if established by Council, certify true copies of any ordinance or resolution, which copies shall be admissible as evidence in any court.

Sec. 4.10 Amendment of Ordinances and Resolutions.

(A) Each ordinance or resolution, or section or subsection thereof, that is revised or amended shall set forth those portions, sections or subsections as revised or amended, and shall repeal the portions, section, or subsections so revised or amended. This requirement shall not prevent the amendment of an ordinance or resolution by the addition of new sections or subsections without setting forth the full text of the former ordinance or resolution; nor shall this section prevent repeals by implication.

(B) Except in the case of a codification, recodification, or the publication, in book form, of ordinances and resolutions, a separate vote shall be taken on each ordinance or resolution proposed to be amended.

Sec. 4.11 Zoning Measures.

(A) Ordinances or resolutions establishing, amending, revising, changing, or repealing zoning classifications, districts, uses, or regulations shall be initiated by a member of Council. Immediately after the first reading of the ordinance or resolution, the Presiding Officer of Council shall set a date for a public hearing before a joint meeting of Council and the Planning Commission, not earlier than 15 days after the first reading. The Clerk of Council shall cause a notice of the public hearing to be published once in a newspaper or advertising tabloid of general circulation within the [MunicipalityCity](#), said publication to be made at least seven days prior to the date of the public hearing. When the amendment, revision, change, or repeal involves ten or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by certified mail with return receipt requested at least seven days before the date of the public hearing, to the owners of the property within, contiguous to, and directly across the street from the affected parcel or parcels. Such notice shall be sent to the addresses of owners appearing on the County Auditor's current tax list and to other lists as may be required by Council. The failure to send or deliver the notice shall not invalidate any ordinance or resolution.

(B) Immediately after the public hearing referred to in division (A) of this section, a copy of each ordinance or resolution establishing, amending, revising, changing, or repealing zoning classifications, districts, uses, or regulations shall be referred to the Planning Commission. Within 15 days after receipt of referral, the Planning Commission shall return to the Clerk of Council the written recommendations of a majority of the members of the Commission. The ordinance or resolution shall be given its second ~~and third~~ readings at [the](#) subsequent regular or special meetings of the Council. ~~unless such additional readings are dispensed with as provided for by Section 4.04 of this Charter.~~

(C) A concurring vote of at least two-thirds of the members of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Commission, but in no event shall an ordinance or resolution be considered as having passed unless it receives at least a majority vote of the members of Council.

Sec. 4.12 Adoption of Codes by Reference.

Council may adopt or incorporate by reference codes prepared by the State or any department, board, or other agency or political subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, electrical, building, and other matters as Council may deem appropriate. The ordinance or resolution adopting any standard ordinance or code shall make reference to the date and source of the standard ordinance or code without reproducing it at length in the ordinance or resolution. If the Council desires to modify, by additions to or deletions from such codes or standard ordinances, such modifications shall be clearly stated in an ordinance or resolution. Subsequent amendments

or changes to codes, standard codes, or ordinances may also be adopted and incorporated by reference. When adopted by reference, publication of the standard ordinance or code shall not be required, but copies of same shall be kept in the office of the Clerk of Council to be available to interested persons.

Sec. 4.13 Codification of Ordinances and Resolutions.

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of the ~~Municipality~~ City to be revised, codified, remodified, rearranged, or published in book form. Such revisions, codification, recodification, rearrangement, or publication of ordinances and resolutions in book form shall immediately be effective upon approval by a majority vote of the members of Council, and may contain new matter therein. The Clerk of Council shall cause a notice of such proposed revision, codification, recodification, rearrangement, or publication of ordinances in book form to be published in a newspaper or advertising tabloid of circulation in the ~~Municipality~~ City or on the city's website or appropriate digital platform and no further publication shall be necessary. A current service supplementing such revision, codification, recodification, rearrangement, or publication of ordinances and resolutions in book form shall be maintained in the manner prescribed by the Council.

Sec. 4.14 Publication of Ordinances and Resolutions.

(A) All ordinances and resolutions adopted by the Council shall be published by the Clerk of Council by one of the following methods:

(1) Publishing the full text of the ordinance or resolution one time in a newspaper or advertising tabloid of general circulation in the ~~Municipality~~City; or

(2) Posting the full text of the ordinance or resolution in three public places in the ~~Municipality~~City, as determined by the Council, within ten days after its passage for a period of 30 days.

(3) Posting the full text of the ordinance or resolution on the city's website, within ten days after its passage for a period of 30 days.

(B) The Clerk of Council shall make and retain a certificate as to the manner of publication, the name of the newspaper or tabloid in which the publication was made and the date of the publication or the date and places where postings were made, and that certificate shall be prima facie evidence that publication has been made as required by division (A) of this section. Failure to make or retain or an error in the certificate required by this division shall not invalidate any ordinance or resolution.

(C) Failure to publish or post, or to maintain such posting, as required by division (A) of this section or an error therein, shall not invalidate an ordinance or resolution, and in such events the Clerk of Council may authorize publication as permitted by division (A) of this section at a later date.

Article V
THE MUNICIPAL-CITY MANAGER

Sec. 5.01 Appointment, Removal and Qualifications of the Municipal-City Manager.

(A) The Council shall appoint, by a motion adopted by a majority vote of its members, an officer of the Municipality-City who shall have the title of "Municipal-City Manager" (hereinafter referred to as the "Manager"). ~~At the time of appointment, the Manager need not be a resident of the Municipality or of the State of Ohio, but the Manager shall become a resident of the Municipality within six months after his or her appointment. The Council may waive the residence requirement for an additional period of 6 months by the adoption of a motion to that effect by a majority vote of its members.~~

(B) In making the appointment of a Manager, the Council shall consider the training, education, and experience of applicants for the office, together with other relevant considerations.

(C) The Manager shall serve at the pleasure of the Council and may be suspended or removed by the Council, without cause, in the manner provided in this section. Before removing the Manager, the Council shall issue a written order suspending the Manager by the adoption of a motion by a majority vote of its members, and in that event, the Manager shall be immediately suspended from his powers, duties, and functions. The order of suspension shall state, in general terms, the reasons for the suspension of the Manager. The Manager may request a public hearing on the matter of his suspension before the Council by filing a written request with the Clerk of Council not more than five days after the issuance of a written order of suspension by the Council. If such a request is filed by the Manager, the Mayor shall set the time, date, and place for holding the public hearing regarding the suspension of the Manager, which hearing shall not be less than 20 days nor more than 30 days after the Manager files his request for the hearing. If a request for hearing is not filed by the Manager, or if a request is filed, after the hearing and full consideration, the Council may restore the Manager to his powers, duties, and functions, or may issue a written order for the removal of the Manager from his or her public office, by the adoption of a motion by a majority vote of the members of the Council. A removal of the person holding the office of Manager need not be for cause, since the Manager shall serve at the pleasure of the Council. Unless the Manager is removed for conduct constituting misfeasance, malfeasance, or nonfeasance in office, the Manager shall be paid all compensation that would have accrued to him through the date of his removal, including the period of his suspension, and an additional sum equal to two months salary as termination pay. In the event of the resignation of the Manager, the Council may, in addition to other compensation, pay a sum not to exceed four months salary as termination pay. The Manager's contract shall be in compliance with this Charter.

(D) During a vacancy in the office of Manager, or during any period of suspension of the Manager, the Council shall appoint a person to serve as "Acting Manager" by the adoption of a motion by a majority vote of its members. The Acting Manager shall have all the powers, duties, and functions of the Manager during his tenure as Acting Manager. The Acting Manager may

hold other appointive office or position of employment with the [Municipality-City](#) and shall receive compensation as established by the Council by the adoption of a motion by a majority vote of its members.

Sec. 5.02 Council-Manager Relations.

(A) Members of the Council shall not interfere with the performance of [administrative](#) employees of the [Municipality-City](#), and shall communicate with such employees concerning their public duties solely through the Manager; however, the Council, committees of the Council, and members of the Council may meet and discuss the affairs of the [Municipality-City](#) with such [administrative](#) employees under any of the following circumstances:

~~(1) For the purpose of general inquiry;~~

~~(2)~~ Preliminary to and during the conduct of an investigation authorized by the Council, concerning matters relevant to the investigation; or

~~(3)~~ Concerning matters affecting a member of the Council in his private capacity as a citizen and resident of the [Municipality-City](#).

(B) Neither the Council, a committee of the Council, nor a member of the Council shall directly give any order or direction to an employee who is subordinate to the Manager, except under the circumstances described in division (A) ~~(1) through (A) (2)~~ of this section of the Charter.

(C) Any member of the Council who violates the provisions of divisions (A) and (B) of this section may be subject to a public reprimand by a majority vote of the members of the Council.

(D) This section shall not apply to Council relations with any official or member of a board or commission of the [Municipality-City](#).

Sec. 5.03 Powers, Duties and Functions of the Manager.

(A) The Manager shall be the chief executive, administrative, and law enforcement officer of the [Municipality-City](#). The Manager shall be responsible to the Council for the administration of all [municipal-city](#) affairs placed in his charge by or under this Charter, the ordinances or resolutions of the [Municipality-City](#) and State law. The Manager shall have the following powers, duties, and functions:

(1) Enforcing the provisions of this Charter, the ordinances and resolutions of the [Municipality-City](#), and the laws of the State of Ohio that are applicable to the [Municipality-City](#) under this Charter to the extent that such laws are consistent with this Charter and the ordinances and resolutions of the [Municipality-City](#).

(2) Appointing, removing, and disciplining employees of the [Municipality-City](#), and such administrative officers of the [Municipality-City](#) who are not appointed by the

Council, in the manner provided by this Charter and the ordinances and resolutions of the [MunicipalityCity](#).

(3) Responsibility for the preparation of annual budgets and appropriation measures required by the general laws of Ohio; including the submission of such budget and appropriation measures to the Council for their consideration and the administration of the encumbrance and expenditure of funds of the [MunicipalityCity](#), other than the accounting and auditing functions to be performed by the Director of Finance.

(4) Preparing and submitting to the council an annual report of the activities of the [MunicipalityCity](#), which report shall be made available to the public not later than March 31.

(5) Keeping the Council informed of the current and future financial and operating condition and needs of the [MunicipalityCity](#).

(6) Execution on behalf of the [MunicipalityCity](#) of all contracts, bonds, notes, or other instruments binding the [MunicipalityCity](#), except as otherwise provided in Section [8.02](#) of this Charter.

(7) Directing the administration of all departments, divisions, and offices subject to his supervision and control.

(8) Requiring reports and information of subordinate officers and employees of the [MunicipalityCity](#) as he deems necessary in the orderly operation of the [MunicipalityCity](#), or when requested to do so by the Council or any board or commission of the [MunicipalityCity](#).

(9) Performing all powers, duties, and functions conferred upon the Manager by this Charter, the ordinances and resolutions of the [MunicipalityCity](#) and the general laws of Ohio to the extent such laws are consistent with this Charter and the ordinances and resolutions of the [MunicipalityCity](#); and to take all actions which may be implied from or necessary to perform such powers, duties, and functions.

(B) Unless otherwise prohibited by this Charter or the ordinances and resolutions of the [MunicipalityCity](#), the Manager may serve as the head of any administrative department or division, except the departments of law and finance, upon approval of the Council by the adoption of a motion by a majority vote of its members.

(C) The Manager may designate, by a letter filed with the Clerk of Council, a qualified administrative officer of the [MunicipalityCity](#) to perform the powers, duties, and functions of the Manager during the temporary absence or disability of the Manager. If the Manager fails to make such designation, the Council may, by the adoption of a motion by a majority vote of its members, appoint a qualified administrative officer of the [MunicipalityCity](#) to perform the powers, duties, functions of the Manager during the temporary absence or disability of the Manager.

Article VI ADMINISTRATIVE DEPARTMENTS

Sec. 6.01 Department of Law.

(A) There is hereby created a Department of Law to be headed by Director of Law. The Director of Law shall be appointed by the Council, after receiving a written recommendation by the Manager, and by a motion adopted by a majority vote of its members, shall serve at the pleasure of the Council, and may be removed by Council, without cause, by a motion adopted by a majority vote of the members of the Council. The Director of Law shall cooperate with the Manager.

(B) The Director of Law shall be an attorney-at-law duly authorized to practice law in the State of Ohio. The Director of Law may serve as legal counsel to any school district, county, township, other municipality, or other political subdivision, district, or unit of the federal, state, or local governments, and may receive additional compensation therefor; however, he shall not be required to serve as legal counsel for a school district by virtue of his office as Director of Law. The Director of Law may also engage in the private practice of law, and he may hold other public or private employment.

(C) The Director of Law shall be the legal advisor, prosecuting attorney, and counsel for the MunicipalityCity, and, subject to the direction of Council, shall represent the MunicipalityCity in all proceedings in court or before any administrative board or body. The Director of Law shall perform all other powers, duties, and functions now or hereafter imposed on Law Directors of cities under the laws of Ohio; and shall perform other duties as required by this Charter, ordinance, or resolution, or as directed by the Council.

(D) The Council may provide for assistants and special counsel to the Director of Law. All assistants shall be appointed by the Director of Law. The assistants shall be responsible to the Director of Law and, when authorized, may exercise all or any part of the powers, duties, and functions granted to the Director of Law under this section. Special counsel may be employed by Council to perform powers, duties, and functions authorized by and in the manner provided by Council.

Sec. 6.02 Department of Finance.

(A) There is hereby created a Department of Finance to be headed by the Director of Finance. The Director of Finance shall be appointed by the Council, after receiving a written recommendation by the Manager, and by a motion adopted by a majority vote of its members, shall serve at the pleasure of the Council, and may be removed by the Council, without cause, by a motion adopted by a majority vote of the members of the Council.

(B) The Director of Finance shall be chief fiscal officer of the MunicipalityCity, and shall perform the powers, duties, and functions now or hereafter given to City Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this Charter. The Director of Finance, in addition to the powers, duties, and functions prescribed by this Charter,

shall have other powers, duties, and functions as required by ordinance or resolution, or as directed by the Council. The Director of Finance shall keep the financial records of the [Municipality City](#), establish the accounting systems, financial records, and reports used by the offices, departments, divisions, bureaus, boards, and commissions of the [Municipality City](#); assist the Manager in the preparation and submission of appropriation measures, estimates, budgets, capital programs, and other financial matters; provide full and complete information concerning the financial affairs and status of the [Municipality City](#) as requested by the Manager or Council; and provide full and complete information and assistance concerning the finances or accounting systems or records of any office, department, division, bureau, board, or commission of the [Municipality City](#) as requested by the Manager.

Sec. 6.03 Other Departments.

(A) In addition to the administrative offices and departments specifically established and created by this Charter, the administrative offices, departments, divisions, bureaus, and other sub-units of the [Municipality City](#) existing under the laws of Ohio and ordinances and resolutions of the [Municipality City](#) on the effective date of this Charter shall continue, with their existing powers, duties and functions, until they are abolished, merged, combined, or otherwise altered or reorganized by Council, by ordinance or resolution. The Council may also create new departments, divisions, or sub-units thereof by ordinance or resolution.

(B) Each department, division, bureau, or other sub-unit shall be organized and have those powers, duties, and functions as are provided under this Charter; under the ordinances or resolutions of the [Municipality City](#); and under the laws of Ohio to the extent such laws do not conflict with the provisions of this Charter or the ordinances and resolutions of the [Municipality City](#).

(C) Unless otherwise provided by this Charter, the heads of all administrative departments shall be appointed by the Council by a motion adopted by a majority vote of its members, [after receiving a written recommendation by the Manager, and](#) shall serve at the pleasure of the Council, and may be removed by the Council, without cause, by a motion adopted by a majority vote of the members of the Council. Department heads shall have the title of "Director of" followed by the name of the department, unless the Council provides for some other title. All department heads appointed pursuant to this section shall be directly responsible to the Manager, and shall be subject to the direction and control of the Manager. Two or more departments may be headed by the same person. Compensation of department heads appointed under this section shall be established by the Council, by ordinance or resolution, after consultation with the Manager, and such compensation may be changed at any time.

(D) The Council may, by ordinance or resolution, authorize the Manager to adopt administrative rules concerning the government or powers, duties, and functions of any department, division, or other sub-unit thereof, subject to criteria provided in the ordinance or resolution.

Article VII BOARDS AND COMMISSIONS

Sec. 7.01 Planning Commission.

(A) There is hereby created a Planning Commission for the ~~Municipality~~City consisting of seven members. The Mayor shall be a full voting member of the Planning Commission by virtue of holding the office of Mayor. On or before the first day of February of each year, the Council shall designate, by a motion adopted by a majority vote of its members, one of its members to serve as a full voting member of the Planning Commission, and such person shall serve so long as he or she is a member of the Council and until a successor is designated by the Council. In addition to the members hereinbefore provided (the Mayor and one member of the Council), there shall be five citizen members of the Planning Commission appointed to three year terms of office by the Council by a motion adopted by a majority vote of the members of the Council. ~~;~~ ~~however, the first citizen members appointed pursuant to this Charter shall be appointed so that two shall serve for a term of three years, two shall serve for a term of two years, and one shall serve for a term of one year. Thereafter, each citizen member shall be appointed to serve a term of three years.~~ Such citizen members of the Commission shall also be full voting members.

(B) The powers, duties and functions of the Planning Commission shall be provided by this Charter and the ordinances and resolutions of the ~~Municipality~~City; but until such ordinances or resolutions shall be passed, it shall possess powers, duties, and functions as are provided by the laws of Ohio, to the extent that such laws do not conflict with the provisions of this Charter.

(C) Take action by motion, and a majority vote of the attending quorum of the Planning Commission shall be necessary to take any action. A majority of the members shall constitute a quorum.

Sec. 7.02 Board of Zoning Appeals.

(A) There is hereby created a Board of Zoning Appeals consisting of five members who shall hold no other office or position of employment with the ~~Municipality~~City. The members of the Board of Zoning Appeals shall be appointed by the Council by the adoption of a motion by a majority vote of its members and shall serve for five year terms of office. ~~;~~ ~~however, the first members appointed under this Charter shall be appointed so that one shall serve for a term of five years, one shall serve for a term of four years, one shall serve for a term of three years, one shall serve for a term of two years and one shall serve for a term of one year. Thereafter, all members shall serve for a term of five years.~~

(B) The Board of Zoning Appeals shall have those powers, duties, and functions as provided by this Charter and as provided by the ordinances and resolutions of the ~~Municipality~~City.

(C) Take action by motion, and a majority vote of the attending quorum of the Board of Zoning Appeals shall be necessary to take any action. A majority of the members shall constitute a quorum.

Sec. 7.03 Civil Service.

(A) ~~Until the Municipality attains city status, the~~ The employees of the ~~Municipality~~ City shall have that tenure, if any, as provided by the laws of Ohio pertaining to the general statutory plan of government for ~~villages~~ cities, except as those laws may conflict with the provisions of this Charter, or the ordinances and resolutions of the ~~Municipality~~ City.

(B) ~~After the Municipality attains city status, the~~ Council shall establish a Civil Service Commission by ordinance or resolution fixing its membership, the method of appointment, terms of office, powers, duties, and functions; however, appointments and promotions in the classified civil service shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. All compensated positions of employment shall be in the classified civil service except the following offices and positions which shall be in the unclassified or exempt service:

- (1) Members of the Council, the Mayor and Vice Mayor.
- (2) The Clerk of Council and other employees of the Council.
- (3) The Manager and assistants to the Manager.
- (4) The Director of Finance and deputies to the Director of Finance.
- (5) The Director of Law, Assistant Directors of Law and special legal counsel.
- (6) All heads of departments and divisions.
- (7) Professional engineers employed by the ~~Municipality~~ City.
- (8) Members of boards and commissions established by this Charter or by Council.
- (9) Volunteer members of the fire service, members of the auxiliary police unit within the police force.
- (10) The Secretary of each board and commission established by this Charter or by Council; however, if such Secretary holds other employment within the classified civil service of the ~~Municipality~~ City, this section shall not exempt such person from any requirement of competitive examination to hold such other employment.

(11) Persons of exceptional professional or scientific qualifications engaged as consultants.

(12) Unskilled laborers as defined and authorized by the Civil Service –Commission.

(13) Temporary employees who are not employed for more than 90 continuous days or for more than 90 days in one year.

(14) Special categories of employees employed under federal or state programs, as determined by the Civil Service Commission.

Sec. 7.04 Board of Park Trustees.

(A) There is hereby created a Board of Park Trustees under this Charter consisting of ~~four~~ five members appointed by the Council by the adoption of a motion by a majority vote of the members of the Council. Members of the Board of Park Trustees shall serve four year terms of office. ~~; however, the members first appointed under this Charter shall be appointed so that one shall serve for four years, one shall serve for three years, one shall serve for two years, and one shall serve for one year. Thereafter, all members shall serve for a term of four years.~~ Members of the Board of Park Trustees shall not hold any other office or position of employment with the ~~Municipality~~ City.

(B) The Board of Park Trustees shall have those powers, duties, and functions provided by this Charter and the ordinances and resolutions of the ~~Municipality~~ City; and those powers, duties, and functions conferred under the provisions of the laws of Ohio pertaining to similar boards in statutory plan ~~municipalities~~ cities where such ~~municipalities~~ cities are owners or trustees of property donated to such ~~municipalities~~ cities for park purposes; however, such statutory powers shall be administered in a manner consistent with this Charter and the ordinances and resolutions of the ~~Municipality~~ City, and in the case of a conflict between the Charter or ordinances and resolutions of the ~~Municipality~~ City and such statutes, the provisions of the Charter or the ordinances and resolutions shall prevail.

Sec. 7.05 Board of Tax Appeals.

The Council may, by ordinance or resolution, establish a Board of Tax Appeals to function as an appeal board and to perform other duties in regard to the administration of the ~~municipal~~ city income tax. The membership of the Board, their term of office, method of appointment, and the Board's powers, duties, and functions shall be provided by ordinance or resolution.

Sec. 7.06 Other Boards and Commissions.

The Council may create, change, and abolish other boards and commissions as it determines to be necessary, and may provide for their organization, membership, method of appointment, terms of office of members, and powers, duties and functions by ordinance or resolution.

Sec. 7.07 Organization; Vacancies.

(A) Unless otherwise provided in this Charter, each board and commission, whether created by this Charter or by ordinance or resolution, shall:

(1) Organize at its first meeting each year by electing a chairman ~~and~~, vice chairman, ~~and secretary~~. The chairman and vice chairman shall each be a member of the board or commission, ~~and~~ ~~© secretary~~ Secretary may be elected from within or without the membership of the board or commission shall be the Clerk of Council. The secretary shall keep an accurate and complete record of the proceedings of the board or commission, and shall file a copy of its proceedings ~~with the Clerk of Council~~ for public inspection.

(2) Take action by motion, and a majority vote of the members of the board or commission shall be necessary to take any action. A majority of the members shall constitute a quorum.

(3) Adopt rules for the conduct and government of the board or commission; however, the rules may not conflict with the provisions of this Charter or ordinances and resolutions of the Municipality City.

(B) All members of boards and commissions, whether the board or commission is created by this Charter or by ordinance or resolution, shall be electors of the Municipality City at the time of their appointment and during their tenure in office. Council may establish compensation for members of boards and commissions by ordinance or resolution.

~~(C)~~ ~~©~~ Unless otherwise provided in this Charter, a vacancy during the term of any member of a board or commission created by this Charter or by ordinance or resolution shall be filled for the unexpired term in the manner authorized for an original appointment.

Article VIII FINANCE, TAXATION, AND DEBT

Sec. 8.01 General.

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds, notes, assessments, and other fiscal matters of the Municipality City shall be applicable to the Municipality City, except as modified by or inconsistent with the provisions of this Charter, or when provision therefor is made in the Constitution of Ohio.

Sec. 8.02 Contracts.

(A) The Manager shall be the contracting officer of the Municipality City. The Manager may authorize an administrative officer or employee of the Municipality City to act as a purchasing agent and to award contracts that do not exceed an amount established by ordinance, ~~or~~

resolution, or by the Ohio Revised Code, but the Manager shall remain responsible for the supervision and direction of the purchasing agent.

(B) The Council shall establish, by ordinance, ~~or~~ resolution, or by the Ohio Revised Code, an amount at which competitive bidding shall be required and the procedure to be followed in the competitive bidding process. No expenditure of funds by the Municipality City in excess of such amount shall be authorized unless the requirements established in such ordinance, ~~or~~ resolution, or by the Ohio Revised Code, have been met; except that contracts for the following may be awarded without competitive bidding, if approved by a motion adopted by the Council by a majority vote of its members:

- (1) The purchase or lease of real property or interests in real property;
- (2) To secure professional services of attorneys, engineers, architects and other professional consultants;
- (3) Where competition is not practicable;
- (4) In the case of a real and present emergency;
- (5) To purchase goods, services or materials from another governmental agency or unit, whether at the local, state, or federal level of government; or
- (6) To purchase or lease used equipment or material where the vendor thereof offers such equipment or material by the invitation of written bids or by auction.

(C) ~~Contracts awarded after competitive bidding shall be awarded to the~~ Contracts awarded after competitive bidding shall be awarded by the City Council to the lowest, most responsive and most responsible bidder, as reviewed and recommended by the Manager ~~lowest and best bidder, as determined by the Manager~~. All bids may be rejected by the Manager City Council as recommended by the City Manager. No officer or employee of the Municipality City shall divide any order or contract to avoid the requirement of competitive bidding. When it becomes necessary to make alterations or modifications in connection with any work, services, or improvements covered by a contract awarded by competitive bidding, such modifications or alterations shall first be authorized in a written order signed by the Manager, and no such order shall be effective until the price to be paid for the work, services, material, supplies, or equipment has been agreed upon in writing and signed by the contractor and the Manager.

(D) No contract, agreement, or other contractual obligation involving the expenditure of money shall be entered into or authorized unless the Director of Finance or an authorized representative of the Director of Finance shall first certify:

- (1) That the money required for such contract, agreement, obligation or expenditure is in the Municipality's City's treasury or in the process of collection; and

(2) That the money has been appropriated by Council for the specified purpose, and it remains unencumbered.

(E) Said certification as to the availability and the appropriation of funds shall be filed and recorded in the accounting records of the [MunicipalityCity](#), and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be void and unenforceable against the [MunicipalityCity](#) unless the Council shall authorize its payment as a moral obligation by the passage of an ordinance or resolution.

(F) The Manager may adopt administrative rules concerning the procedures to be followed in regard to the awarding of contracts. Such rules shall be consistent with this Charter and the ordinances and resolutions of the [MunicipalityCity](#).

Sec. 8.03 Conflicts of Interest.

The general laws of Ohio shall be applicable under this Charter concerning prohibited interests by officers and employees of the [MunicipalityCity](#) in any contract or expenditure made by the [MunicipalityCity](#). Willful violation of such laws shall constitute malfeasance in office, and an offending officer or employee may be removed from office or the position of employment held with the [MunicipalityCity](#). If the contractor knows or should reasonably have known of such prohibited interest at the time the contract was made, the Manager or the Council by a motion adopted by a majority vote of its members, may void the contract.

Article IX NOMINATIONS AND ELECTIONS

Sec. 9.01 Nominations.

(A) Nomination for the office of member of Council shall be made by petition, signed by qualified electors of the [MunicipalityCity](#) not less in number than one percent nor greater in number than two percent of the number of persons who voted at the last preceding regular [municipal-city](#) election.

(B) Forms of petitions shall be as designed and provided by the election authorities of the State, and the [MunicipalityCity](#) shall reimburse any costs incurred by the election authorities in printing petition forms that are different from the standard forms due to the provisions of this Charter.

(C) Group petitions shall not be permitted for the nomination of members of the Council.

(D) A candidate for the office of member of the Council may designate a sponsoring committee of not more than five electors of the [MunicipalityCity](#), whose names and addresses shall appear on each copy of that candidate's petition.

(E) No person shall sign more petitions of candidates for the office of Council member than the number of Council members to be elected.

(F) The petition shall be accompanied by a declaration of candidacy and shall be filed with the election authorities not later than the time required by the general laws of Ohio for candidates for [municipal-city](#) offices who are to be nominated by petition. No primary election shall be held for the nomination of candidates for the office of member of Council.

Sec. 9.02 Elections.

(A) Members of Council shall be elected at nonpartisan elections to be held at the times and to be otherwise conducted in the manner provided by the election laws of Ohio, unless otherwise provided for in this Charter.

(B) The Council may, by a two-thirds vote of its members, at any time, order a special election by ordinance or resolution, the purpose of which shall be set forth in the ordinance or resolution; and which may include the referral of a proposed or pending ordinance or resolution to the voters for their approval or rejection.

(C) All regular and special elections conducted on issues shall be conducted in the manner and at the times provided by the election laws of Ohio, except as otherwise provided in this Charter.

(D) The provisions of the general laws of Ohio pertaining to write-in candidates shall apply under this Charter, except that no provision shall be made for writing in the name of a candidate unless fewer persons have been nominated by petition, as provided under Section [9.01](#) of this Charter, than there are members of Council to be elected.

Sec. 9.03 Public Information on Issues.

The Council shall have the power to appropriate and authorize the expenditure of public funds to provide information to the members of the public in connection with elections on proposed tax levies and bond issues for the purpose of the [MunicipalityCity](#), and other issues affecting the [MunicipalityCity](#) and not involving the election of candidates to a public office, or the recall of a member of the Council.

Article X INITIATIVE, REFERENDUM, AND RECALL

Sec. 10.01 Initiative.

~~(A)~~—[\(A\) Ordinances and Resolutions shall be subject to initiative as provided by the laws of the State of Ohio, and this Charter, provided however, that the Charter prevails as to issues directly addressed within the Charter.](#)

[\(B\)](#) Any proposed ordinance or resolution may be submitted to the Council by petition signed by electors equal in number to ten percent of the number of votes cast in the last preceding regular municipal election. All petitions or papers constituting a part of a petition circulated with respect to any proposed ordinance or resolution shall be uniform in character and shall contain the proposed ordinance or resolution in full and have printed thereon the names and addresses of at

least five electors who shall be officially regarded as filing the petition and constitute a committee of the petitioners for the purposes hereinafter stated. ~~All actions taken by the committee of the petitioners shall be in writing and signed by at least three members thereof.~~

~~(BC)~~ -The circulator of any petition paper shall be an elector of the City of Brookville. Each signer of a petition shall sign his name in ink and shall place on the petition paper after his name, his place of residency by street and number, and the date he signed the petition. The signature to any such petition paper need not be all appended to one petition, but to each paper there shall be attached an affidavit signed by the circulator thereof stating the number of signers to such part of the petition, that the circulator is an elector of the City, that the signatures on the petition paper were affixed in the presence of the circulator, and that the circulator believes each signature appended to the paper is the genuine signature of the person whose name it purports to be.

~~The circulator of any petition paper shall be an elector of the Municipality. Each signer of a petition shall sign his name in ink or indelible pencil and shall place on the petition paper after his name, his place of residency by street and number, or by other description sufficient to identify the place. The signatures to any such petition paper need not all be appended to one paper, but to each paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition, that the circulator is an elector of the Municipality, that the signatures on the petition paper were affixed in the presence of the circulator, and that the circulator believes each signature appended to the paper is the genuine signature of the person whose name it purports to be.~~

~~(C)(D)~~ All papers comprising a petition shall be assembled and filed with the Clerk of Council as one instrument. Within ten days from the filing of a petition, the Clerk of Council shall ascertain whether it is signed by the required number of qualified electors in the manner and form prescribed and that it conforms to all requirements of this Charter. Upon the completion of his examination, the Clerk of Council shall endorse upon the petition a certificate of the results thereof.

(E) All papers comprising a petition shall be assembled and filed with the Clerk of Council in one instrument. Within ten days from the filing of a petition, the Clerk of Council shall transmit the petition to the Montgomery County Board of Elections together with a certified copy of the proposed ordinance or resolution. The Montgomery County Board of Elections shall examine all signatures on the petition to determine the number of electors of the City who signed the petition. The Montgomery Board of Elections shall return the petition to the Clerk of Council within ten days after receiving it, together with a statement attesting to the number of electors who signed the petition. The Clerk of Council shall determine that the petition meets all other requirements of the Charter. Upon the completion of his examination, the Clerk of Council shall endorse on the petition a certificate of the results thereof.

(F) If the Clerk of Council's certificate shows that the petition is insufficient, he shall at once notify each member of the committee of the petitioners, hereinbefore provided for, and the petition may be amended by such committee at any time within ten days from the date of the Clerk of Council's certificate of examination, by filing with the Clerk of Council an additional petition paper or papers in the same manner as provided for the original petition.

(G) Upon the filing of such an amendment, the Clerk of Council shall within, ten days thereof, examine the amended petition and attach thereto his certificate of the results. If the petition is still insufficient, or if no amendment shall have been filed, the Clerk of Council shall notify each member of the committee of the insufficiency. The final finding of the insufficiency of a petition shall not prejudice the right to file a new petition for the same purpose.

(H) If the certificate of the Clerk of Council shows the petition to be sufficient, he shall submit the proposed ordinance or resolution to the Council at its next regular meeting, and the Council shall at once read the ordinance or resolution and refer the same to an appropriate committee, which may be a committee of the whole Council. Provision shall be made for public hearings upon the proposed ordinance or resolution before the committee to which it is referred. Thereafter, the committee shall report the proposed ordinance or resolution to the Council with its recommendations thereon, not later than sixty days after the date on which the proposed ordinance or resolution was submitted to Council by the Clerk of Council.

(I) Upon receiving the proposed ordinance or resolution from its committee, the Council shall at once proceed to consider it and take final action thereon within 30 days from the date such committee reports its recommendations on the proposed ordinance or resolution. If the Council rejects the proposed ordinance or resolution, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed amendment which was filed with the Clerk of Council and presented in writing by the petitioner's committee at a public hearing before the committee to which such proposed ordinance was referred, or during the consideration thereof by the Council. The committee of the petitioners shall certify the form of the proposed ordinance or resolution to be submitted to a vote of the electors to the Clerk of Council within ten days after final action on such proposed ordinance or resolution by the Council.

(J) The Clerk of Council shall determine if the form of the ordinance is in either its original form or in a form as filed with the Clerk of Council under division (I) of this section as hereinbefore provided, and if such determination is negative, shall take no further action. If the determination is affirmative, the Clerk shall present such proposed ordinance or resolution to the Council at its next regular meeting. The Council shall provide for submitting the proposed ordinance or resolution to the electors on the next primary or general election to be held within the City, provided that such election day shall occur at least 45 days after the receipt of the proposed ordinance or resolution from the Clerk of Council; however, the Council may provide for submitting the proposed ordinance or resolution to the electors at a special election on a date fixed by the Council, upon a two-thirds vote of the members of the Council.

(K) Ordinances or resolutions initiated under this section may be new enactments or may amend or repeal existing ordinances or resolutions. Ordinances or resolutions adopted under this section need not be published and may be amended or repealed by a three-fourths vote of the members of the Council or by a vote of the electors. -

~~(D) If the Clerk of Council's certificate shows that the petition is insufficient, he shall at once notify each member of the committee of the petitioners, hereinbefore provided for, and the petition may be amended by such committee at any time within ten days from the date of the Clerk of Council's certificate of examination, by filing with the Clerk of Council an additional petition paper or papers in the same manner as provided for the original petition.~~

~~(E) Upon the filing of such an amendment, the Clerk of Council shall, within ten days thereafter, examine the amended petition and attach thereto his certificate of the results. If still insufficient, or if no amendment shall have been filed, the Clerk of Council shall file the petition in his offices and shall notify each member of the committee of the insufficiency. The final finding of the insufficiency of a petition by the Clerk of Council shall not prejudice the right to file a new petition for the same purpose.~~

~~(F) If the certificate of the Clerk of Council shows the petition to be sufficient, he shall submit the proposed ordinance or resolution to the Council at its next regular meeting, and the Council shall at once read and refer the same to an appropriate committee, which may be a committee of the whole Council. Provision shall be made for public hearings upon the proposed ordinance or resolution before the committee to which it is referred. Thereafter the committee shall report the proposed ordinance or resolution to the Council with its recommendations thereon, not later than 60 days after the date on which the proposed ordinance or resolution was submitted to the Council by the Clerk of Council.~~

~~(G) Upon receiving the proposed ordinance or resolution from its committee, the Council shall at once proceed to consider it and shall take final action thereon within 30 days from the date such committee reports its recommendations on the proposed ordinance or resolution. If the Council rejects the proposed ordinance or resolution, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed amendment which was filed with the Clerk of Council and presented in writing by the petitioner's committee at a public hearing before the committee to which such proposed ordinance was referred, or during the consideration thereof by the Council. The committee of the petitioners shall certify the form of the proposed ordinance or resolution to be submitted to a vote of the electors to the Clerk of Council within ten days after final action on such proposed ordinance or resolution by the Council.~~

~~(H) The Clerk of Council shall determine if the form of the ordinance is in either its original form or in a form as filed with the Clerk under division (G) of this section as hereinbefore provided, and if such determination is negative, shall take no further action. If the determination is affirmative, the Clerk shall present such proposed ordinance or resolution to the Council at its next regular meeting. The Council shall provide for submitting the proposed ordinance or resolution to the electors on the next primary or general election to be held within the~~

~~Municipality, provided that such election day shall occur at least 45 days after the receipt of the proposed ordinance or resolution from the Clerk of Council; however, Council may provide for submitting the proposed ordinance or resolution to the electors at a special election on a date fixed by the Council, upon a two-thirds vote of the members of the Council.~~

~~(I) Ordinances or resolutions initiated under this section may be new enactments or may amend or repeal existing ordinances or resolutions. Ordinances or resolutions adopted under this section need not be published and may be amended or repealed by a three-fourths vote of the members of the Council or by a vote of the electors.~~

Sec. 10.02 Referendum.

(A) Ordinances and resolutions shall be subject to referendum as provided by the laws of the State of Ohio and this Charter, provided however, that the Charter prevails as to issues directly addressed within the Charter.

(B) Any ordinance or resolution passed by the Council, except for ordinances and resolutions that take effect under the provisions of division (A) of Section 4.07 of the Charter, shall be subject to referendum under this section if, within 30 days after its passage, a petition signed by electors equal in number to ten percent of the number of votes cast at the last proceeding regular municipal election is filed with the Clerk of Council requesting that such ordinance or resolution, or any specified part thereof, shall be submitted to a vote of the electors. Such ordinance or resolution, or any specified part thereof, shall not become effective, and it shall be submitted to a vote of the electors of the City at the next primary or general election, provided that such election day shall occur at least 90 days after receipt of the certificate by the Clerk of Council that the referendum petitions filed have been found to be sufficient; however, the Council may provide for referring such ordinance or resolution, or specified part thereof, to the electors at a special election on a date fixed by the Council upon a two-thirds vote of the members of Council.

(C) Referendum petitions shall be prepared, circulated, and filed in the manner and form prescribed in foregoing sections of this Charter for an initiative petition for an ordinance or resolution, however, such petitions may be amended once only. Within ten days from the filing of a petition, the Clerk of Council shall transmit the petition to the Montgomery County Board of Elections. The Montgomery County Board of Elections shall examine all signatures on the petition to determine the number of electors who signed the petition. The Montgomery County Board of Elections shall return the petition to the Clerk of Council within ten days after receiving it, together with a statement as to the number of electors who signed the petition. If the Clerk of Council finds that the amended petitions are insufficient, or in the event the Clerk of Council finds the original petitions are insufficient and amended petitions are not filed within the time allowed, the Clerk of Council shall certify a finding of insufficiency to the petitioner's committee, and further referendum petitions may not be filed on such ordinance or resolution, or part thereof. If the original or amended petitions are found to be sufficient, the Clerk of Council shall certify such finding to the Council, and the Council shall refer such ordinance or resolution, or part thereof, to the electors as provided in division (B) of this section.

~~Any ordinance or resolution passed by the Council, except for ordinances and resolutions that take effect under the provisions of division (A) of Section 4.07 of this Charter, shall be subject to referendum under this section if, within 30 days after its passage, a petition signed by electors equal in number to ten percent of the number of votes cast at the last preceding regular municipal election is filed with the Clerk of Council requesting that such ordinance or resolution, or any specified part thereof, be submitted to a vote of the electors. Such ordinance or resolution, or such specified part thereof, shall not become effective, and it shall be submitted to a vote of the electors of the Municipality at the next regular primary or general election conducted in the Municipality, provided that such election day shall occur at least 45 days after receipt of the certificate by the Clerk of Council that the referendum petitions filed have been found to be sufficient; however, the Council may provide for referring such ordinance or resolution, or specified part thereof, to the electors at a special election on a date fixed by the Council upon a two-thirds vote of the members of the Council.~~

~~(B) Referendum petitions shall be prepared and filed in the manner and form prescribed, and may be amended as provided in the foregoing sections of this Charter for an initiative petition for an ordinance or resolution; however, such petitions may be amended once only. If the Clerk of Council finds that the amended petitions are insufficient, Or in the event he finds the original petitions are insufficient and amended petitions are not filed within the time allowed, the Clerk shall certify a finding of insufficiency to the petitioner's committee, and further referendum petitions may not be filed on such ordinance or resolution, or part thereof. If the original or amended petitions are found to be sufficient, the Clerk of Council shall certify such finding to the Council, and the Council shall refer such ordinance or resolution, or part thereof, to the electors as provided in division (A) of this section.~~

Sec. 10.03 Recall.

(A) The electors shall have the power to remove from office, by recall election, any member of the Council if the member has served at least six months of his term.

(B) The circulator of any petition paper shall be an elector of the City.

(C) Petitions for the recall of a member of the Council shall be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part petition shall contain the name and office of the person whose removal is sought, and may contain a statement in not more than 200 words of the reasons for the recall. The petition shall be signed by electors of the City equal in number to 25% of the number of votes cast at the last regular municipal election. The Clerk of Council shall transmit the petition to the Montgomery County Board of Elections to determine the number of valid signatures on the petition. Within ten days after the day on which the petition is filed, the Clerk of Council shall determine whether or not the petition meets the requirements of this section. If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of the certificate to the

person filing the petition, and make a record of such delivery. Such person shall be allowed a period of 20 days after the day on which such delivery was made in which to make the petition sufficient by amendment. If the Clerk of Council shall find the petition, or an amended petition, sufficient, the Clerk of Council shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery.

(D) If the petition for recall is sufficient, and if the person whose removal from Council is sought does not resign within five days after the sufficiency of the petition is determined, an election shall be held at the next primary or general election occurring more than ninety days from the date of the finding of the sufficiency of the petition for recall. At the recall election, this question shall be placed on the ballot: “ Shall (naming the council member) be allowed to continue as a member of the Council of the City of Brookville? “ with provision on the ballot for voting affirmatively or negatively on such question. If a majority of votes cast at such election shall be voted affirmatively, such council member shall remain in office. If a majority of votes cast shall be voted negatively, such council member shall be considered as removed, his office deemed vacant, and the vacancy shall be filled as provided in this Charter. The council member removed by such recall election shall not be eligible for appointment to any vacancy directly or indirectly created by his recall, but he may seek election as a candidate for the office of member of Council at a subsequent election. No person shall be subjected to a second recall election for at least one year after a prior election held for his recall

(B) — Petitions for the recall of a member of the Council shall be filed with the Clerk of the Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought, and may contain a statement in not more than 200 words of the reasons for the recall. The petition shall be signed by electors of the Municipality equal in number to 25% of the number of votes cast at the last regular municipal election. Within ten days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements of this section. If the Clerk of Council shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of the certificate to the person who filed the petition with him, and make a record of such delivery. Such person shall be allowed a period of 20 days after the day on which such delivery was made in which to make the petition sufficient by amendment. If the Clerk of Council shall find the petition, or an amended petition, sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery.

Article XI

GENERAL PROVISIONS

Sec. 11.01 Oath of Office.

(A) Every police officer, fire fighter/EMS and department head employee of the Municipality City shall, before entering upon his duties, take and subscribe to the following oath or affirmation to be given by the Mayor or other person authorized to administer oaths:

"I do solemnly swear (or affirm) that I will support the Constitutions of the United States and of the State of Ohio, and will obey the laws thereof, and I will, in all respects, uphold and enforce the provisions of the Charter and ordinances and resolutions of the [MunicipalityCity](#), and will faithfully discharge the duties of upon which I am about to enter."

(B) Oaths of officers and employees shall be filed with and maintained by the Clerk of Council.

~~(C) If the officer sought to be recalled shall not resign within five days after the day on which the notice of the Clerk was delivered to him, the Council shall thereupon fix a day for holding a recall election, not less than 60 days nor more than 75 days after the date of such delivery of the notice to the officer sought to be recalled. At the recall election, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as a member of the Council of the Municipality of Brookville?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to any vacancy directly or indirectly created by his recall, but he may seek election as a candidate for the office of member of Council at subsequent elections. No person shall be subjected to a second recall election for at least one year after a prior election held for his recall.~~

Sec. 11.02 Removal from Office.

Whenever any provision of this Charter, or an ordinance or resolution, provides that conduct of officials or employees of the [MunicipalityCity](#) shall constitute malfeasance, misfeasance, or nonfeasance, such officials or employees may be removed from their office or position of employment with the [MunicipalityCity](#) in the manner provided by the general laws of Ohio or if no such laws exist, in the manner provided by ordinance or resolution of the [MunicipalityCity](#).

~~Sec. 11.03 Succession.~~

~~The Municipality of Brookville, under this Charter, is hereby declared to be the legal successor of the Municipality of Brookville under the laws of Ohio pertaining to special statutory plan villages; and shall have title to all records and property, real and personal, owned by its predecessor, including all monies on deposit and all taxes in process of collection, together with all accounts receivable and rights of action. The Municipality shall be liable for all outstanding orders, contracts, and debts of its predecessor, and for any other obligations for which it may be held liable by any court with jurisdiction. All contracts entered into by the Municipality or for its benefit prior to the effective date of this Charter shall continue in full force and effect.~~

~~Sec. 11.04 Effect of Charter on Existing Laws and Rights.~~

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~~(A) — The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right, liability, pending suit, or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears in this Charter, all acts of Council of the Municipality, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until amended or repealed.~~

~~(B) — No action or proceeding pending against the Municipality or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.~~

Sec. 11.05 Retirement Systems.

The laws of Ohio governing the retirement of officers and employees of the Municipality City shall be applicable under this Charter.

Sec. 11.06 Amendment or Repeal of Charter.

This Charter may be amended or repealed by the voters as provided by the Constitution of Ohio.

Sec. 11.07 Effect of Partial Invalidity.

A determination that any article, section, division, or part of any article, section or division of this Charter is invalid shall not invalidate nor impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

Article XII TRANSITIONAL PROVISIONS

Sec. 12.01 Effective Date of Charter.

~~This Charter shall be submitted to the electors of the Municipality at an election to be held November 7, 1978. If approved~~ Approved by a majority of those voting, the Charter shall take effect on January 1, 1979.

~~Sec. 12.02 Continuance of Present Officials; Abolition of Offices.~~

~~(A) — Except as otherwise provided by this Charter, all persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until other provisions have been made in accordance with this Charter for the performance or discontinuance of the duties of the office. When that provision shall have been made, the term of any officer shall expire and the office shall be abolished. The powers conferred and the duties imposed upon any officer, body, commission, board, department, or division of the Municipality~~

under the laws of Ohio or under any municipal ordinance, resolution, or contract in force at the time this charter takes effect shall, if the office, body, commission, board, department, or division is abolished by this Charter, be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers, and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.

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(B)—On January 1, 1979, the office of Mayor under the statutory plan of government for the Village of Brookville is abolished and the term of office of the person then holding that office is terminated and ended; however, the person holding the office of Mayor under the statutory plan of government for the Village of Brookville on January 1, 1979, is hereby designated as a member of the Council and Mayor under this Charter, with all powers, duties, and functions of a member of Council and the Mayor under this Charter, to serve until December 31, 1979.

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(C)—The persons holding office as members of the Council under the general statutory plan of government for the Village of Brookville are hereby designated, together with the person designated in division (B) hereof, as members of the Council under this Charter, with all the powers, duties, and functions of members of Council under this Charter, to serve until December 31, 1979.

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(D)—The person holding the office of Village Administrator under the general statutory plan of government for the Village of Brookville on January 1, 1979, is hereby designated to serve as the Acting Manager under this Charter, with all the powers, duties, and functions of the Manager under this Charter, to serve until a Manager is appointed pursuant to this Charter. The office of Village Administrator under the general statutory plan of government for the Village of Brookville shall be abolished on January 1, 1979, and the tenure of the person holding such office shall be terminated and ended on that date.

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(E)—The person holding the office of Village Clerk-Treasurer under the general statutory plan of government for the Village of Brookville on January 1, 1979, is hereby designated to serve as the Acting Director of Finance and Acting Clerk of Council under this Charter, with all the powers, duties, and functions of the Director of Finance and Clerk of Council under this Charter, until a Director of Finance and Clerk of Council is appointed pursuant to this Charter. The office of Village Clerk-Treasurer under the general statutory plan of government shall be abolished on January 1, 1979, and the term of office of the person holding such office shall be terminated and ended on that date.

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(F)—The person holding the office of or employed as the Village Solicitor under the general statutory plan of government for the Village of Brookville on January 1, 1979, is hereby designated to serve as the Acting Director of Law under this Charter, with all the powers, duties, and functions of the Director of Law under this Charter, until a Director of Law is appointed pursuant to this Charter. The office of Village Solicitor under the general statutory plan of government shall be abolished on January 1, 1979, and the term of tenure of the person holding such office shall be terminated and ended on that date.

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(G)—The persons serving as members of the Planning Commission, Board of Zoning Appeals and Board of Park Trustees under the general statutory plan of government for the Village of

~~Brookville on January 1, 1979, shall continue to perform the powers, duties, and functions then existing for such boards and commission, until such time as the membership of the Planning Commission, Board of Zoning Appeals and Board of Park Trustees, as created by this Charter, are appointed; and after such appointments, such boards and commissions under the general statutory plan of government shall be abolished and the terms of office of members of such boards and commissions under the general statutory plan of government shall terminate and end.~~

~~Sec. 12.03 Continuance of Present Employees.~~

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Every employee of the Municipality on January 1, 1979, shall continue in such employment, subject in all respects to the provisions of this Charter and ordinances, resolutions, rules, or regulations enacted or promulgated under the Charter.~~

CODIFIED ORDINANCES OF BROOKVILLE