

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2022- __

By: _____

Sponsor: Mayor Cyril M. Kleem
Councilwoman Erika Coble

AN ORDINANCE

AMENDING SECTION 327.03, CREATION OF A SHADE TREE COMMISSION, OF CHAPTER 327, TREES AND WEEDS, OF TITLE FIVE, OTHER PUBLIC SERVICES, IN PART 3, STREETS, UTILITIES, AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA TO CHANGE THE NUMBER OF MEMBERS SERVING ON THE SHADE TREE COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, Section 327.03 of the Codified Ordinances establishes the criteria for membership of the Shade Tree Commission; and

WHEREAS, Section 327.03 currently provides for seven members of the Shade Tree Commission – the Director of Public Service, City Engineer, Chair of the Public Service Committee, one additional member of City Council, along with three public members; and

WHEREAS, the Commission will soon begin work on updating the Tree Master Plan; and

WHEREAS, Council and the Mayor find that the Commission would better serve the community with additional points of view and areas of specialized interests by expanding the total number of members from seven to nine, by removing the City Engineer from the Commission, and by adding three additional public members.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Codified Ordinance Section 327.03, which has heretofore read as follows:

327.03 CREATION OF A SHADE TREE COMMISSION.

There is hereby created and established a Shade Tree Commission for the City. The members of the Commission shall serve without compensation and the Commission shall be comprised of the following individuals:

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(a) City members - The Director of Public Service, the City Engineer, the Chairman of the Public Service Committee of Council and one Council member elected by a majority of the members elected to Council; and

(b) Public members - Three residents of the City to be appointed by the Mayor with the approval of Council who shall serve upon the Commission for a term of three years, except that the term of two of the members appointed to the Commission when it is first formed shall be for one and two years respectively. Should a vacancy occur during the term of any public member, a successor shall be appointed for the unexpired portion of the term by the Mayor.

shall be, and the same is hereby amended to, read as follows:

327.03 SHADE TREE COMMISSION.

There is hereby created and established a Shade Tree Commission for the City. The members of the Commission shall serve without compensation and the Commission shall be comprised of the following individuals:

(a) City members - The Director of Public Service, the Chairman of the Public Service Committee of Council and one Council member elected by a majority of the members elected to Council; and

(b) Public members – As of May 2, 2022, three residents of the City, appointed by the Mayor with the approval of Council, are serving as members of the Shade Tree Commission for a term of three years, except that the term of two of the members appointed to the Commission is for one and two years respectively.

Three additional public members whom are residents of the City shall be appointed by the Mayor with the approval of Council, to serve upon the Commission for a term of three years, except that the term of two of the additional members appointed to the Commission is for one and two years respectively.

Should a vacancy occur during the term of any public member, a successor shall be appointed for the unexpired portion of the term by the Mayor.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the duties of the Commission require that the additional public members be appointed in order to assist with the revision of the Master Tree Plan. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED:

President of Council

ATTEST: _____
Clerk of Council

APPROVED:

Mayor

APPROVED AS TO FORM:

Director of Law