

RESOLUTION NO.: 2019-R58 (AMENDED AUGUST 27, 2019)

SPONSOR: MAYOR NEUGEBAUER

INTRODUCED: JUNE 25, 2019

ASSIGNED TO: CHARTER

**A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 3.3-D (D) OF THE CHARTER OF THE CITY OF GREEN TO AUTHORIZE THE MAYOR TO MAKE SHORT-TERM INTERIM OR ACTING APPOINTMENTS OF DIRECTORS WHEN NECESSARY, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Green's Charter requires a review of the Charter's provisions every seven (7) years; and

WHEREAS, Mayor Neugebauer, pursuant to the terms of the Charter, appointed a Charter Review Commission to review the Charter and recommend amendments; and

WHEREAS, the Charter requires Green City Council to submit the proposed amendments to the electors of the City of Green at the next regular municipal or Ohio General Election unless the proposed amendment is rejected by three-fourths ( $\frac{3}{4}$ ) vote of the members of Council; and

WHEREAS, Green City Council determines that the amendments should be submitted to the electors of the City of Green on November 5, 2019; and

WHEREAS, the Charter Review Commission unanimously recommended that Green City Council **submit to the City's electorate a proposal to** amend Section 3.3 D of the Charter to authorize the Mayor, without the approval of Council, to make short-term interim or acting appointments of Directors when necessary; ~~and, to provide that acting appointments shall expire~~ **after** ninety (90) days ~~following their effective date~~ unless Council, by majority vote, extends the appointment for an additional period determined by Council; ~~and, to provide that interim appointments shall expire~~ **after** six (6) months ~~following their effective date~~ unless Council, by majority vote, extends the appointment for an additional period determined by Council; ~~and, to provide that~~ **if such acting or interim Director appointment** is allowed to expire without extension by Council beyond the respective periods set forth above, the individual previously so appointed shall thereafter be ineligible to be reappointed into the same position, on either an acting Director or interim Director basis, without approval by majority vote of Council; and, to provide that the Mayor may remove acting or interim Directors at any time without approval of Council; ~~and, to provide that~~ **an acting or interim Director of Law** does not need to be a resident of Green.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:**

**SECTION ONE:**

The Charter Review Commission has recommended that the electors of the City of Green consider a proposal that Section 3.3 D of the Charter of the City of Green shall be amended to read as follows:

**~~3.3. POWERS OF THE MAYOR~~**

**D. Appointment, ~~and~~; Confirmation, ~~and~~ Removal of Directors and Other Employees.**

~~The~~ Except for the Director of Law, the Mayor shall appoint, or engage pursuant to contract, persons who shall serve as ~~directors~~ Directors of the ~~City~~ administrative-city departments. Such persons shall be subject to confirmation by a majority vote of the members of Council and shall serve at the pleasure of the Mayor and Council. Such ~~directors~~ Directors may be removed by the Mayor upon approval of a two-thirds (2/3) vote of the members of Council.

Subject to the general and Civil Service provisions of this Charter, the Mayor shall appoint all employees of the City unless this Charter denies the appointing power to the Mayor or grants the appointing power to another office or body.

Except as provided otherwise in this Charter, the Mayor shall have the authority to appoint an interim or acting Director when necessary. An acting Director is a person appointed on a temporary basis to perform the duties of a Director who is on leave, with the expectation that the Director will return to their regular position in the future. An interim Director is a person appointed on a temporary basis to perform the duties of a Director who has resigned, been removed, placed on leave, or otherwise vacated the position, with the expectation that the Director will not return to the position.

Appointment of an acting Director shall not require the approval of Council. Acting Director appointments shall expire ninety (90) days following their effective date unless a Director is appointed prior to that time pursuant to Section 3.3(D) or Section 6.4(D), where applicable, or unless Council, by majority vote, extends the acting Director appointment for an additional period determined by Council. Acting Directors may be removed by the Mayor at any time without the approval of Council.

Appointment of an interim Director shall not require the approval of Council. Interim Director appointments shall expire six (6) months following their effective date unless a Director is appointed prior to that time pursuant to Section 3.3(D) or Section 6.4(D), where applicable, or unless Council, by majority vote, extends the interim Director appointment for an additional period determined by Council.



Interim Directors may be removed by the Mayor at any time without the approval of Council.

In the event any acting Director appointment or interim Director appointment is allowed to expire without extension by Council beyond the respective periods set forth above, the individual previously so appointed shall thereafter be ineligible to be reappointed into the same position, on either an acting Director or interim Director basis, without approval by majority vote of Council.

The qualification set forth in Section 6.4A(3)(a) shall not apply to the appointment of an interim or acting Director of Law.

## SECTION TWO:

The proposed amendments to Section 3.3 D of the Charter of the City of Green shall be placed before the qualified electors of the City of Green for their approval on the ballot of the November 5, 2019 election.

## SECTION THREE:

Green City Council requests the following ballot language:

~~"Shall Section 3.3D of the Charter of the City of Green be amended to authorize the Mayor, without the approval of Council, to make short-term interim or acting appointments of Directors when necessary; and, to provide that acting appointments shall expire ninety (90) days following their effective date unless Council, by majority vote, extends the appointment for an additional period determined by Council; and, to provide that interim appointments shall expire six (6) months following their effective date unless Council, by majority vote, extends the appointment for an additional period determined by Council; and, to provide that the Mayor may remove acting or interim directors at any time without approval of Council; and, if such acting or interim Director is allowed to expire without extension by Council beyond the respective periods set forth above, the individual previously so appointed shall thereafter be ineligible to be reappointed into the same position, on either an acting Director or interim Director basis, without approval by majority vote of Council; and, to provide that the Mayor may remove acting or interim Directors at any time without approval of Council; and, to provide an acting or interim Director of Law does not need to be a resident of Green and to provide a procedure for extending such appointments as well as for removing interim or acting Directors?"~~

\_\_\_\_\_ FOR THE AMENDMENT

\_\_\_\_\_ AGAINST THE AMENDMENT

**SECTION FOUR:**

The Clerk of Council of the City of Green shall certify a copy of this Resolution to the Board of Elections of Summit County, along with a copy of the proposed ballot language no later than September 6, 2019, as required by law.

**SECTION FIVE:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meeting of this Council and any deliberations of this City and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION SIX:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: 8-27-19  
Molly Kapeluck  
Molly Kapeluck, Clerk

Bob Young  
Bob Young, Council President

APPROVED: Aug. 27, 2019  
Gerard M. Neugebauer  
Gerard M. Neugebauer, Mayor

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MAY FIN LAW PLAN ENG  
SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: Aug. 27, 2019

ON ROLL CALL: Babbitt -AYE Dyer -AYE  
Speight -AYE Yeargin -AYE

Humphrey -AYE Shaughnessy -AYE  
Young -AYE Adopted 7-0

Suburbanite publication on Sept. 6 and Sept. 13, 2019  
Molly Kapeluck  
Molly Kapeluck, Clerk