

RESOLUTION NO.: 2019-R52 (AMENDED AUGUST 13, 2019)

SPONSOR: MAYOR NEUGEBAUER

INTRODUCED: JUNE 25, 2019

ASSIGNED TO: CHARTER

A RESOLUTION TO AMEND THE APPROPRIATE ARTICLE(S) AND SECTION(S) OF THE CHARTER OF THE CITY OF GREEN RELATING TO THE NON-SUBSTANTIVE CHANGES THROUGHOUT THE CHARTER, PER CHARTER SECTION 12.10 CHARTER CORRECTIONS, 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 Review Commission unanimously recommends and have agreed that City Council amend the appropriate Articles and Sections of the Charter of the City of Green that relate to the non-substantive changes throughout the Charter, a copy of which is attached hereto and incorporated herein as **Amended** Exhibit "A".

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 unanimously recommends the attached 2019 Index of Non-Substantive Changes be implemented throughout the revised Charter of the City of Green.

SECTION TWO:

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 THREE:

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

Resolution 2019-R52 (AMENDED AUGUST 13, 2019)

APPROVED: Aug. 27, 2019

Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

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SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: August 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

08/08/2019 ~~06/20/2019~~ Approved as to form and content by William G. Chris, Director of Law, Interim WGC

**2019 Charter Review Commission
Index of Non-Substantive Changes**

Amended 2019-R52
EXHIBIT "A"

1. Change all references from masculine/feminine pronoun he/she to gender neutral terms.
2. Remove all stricken lines through the Charter.
3. **ARTICLE III.** 3.3 B 4th paragraph, change Journal to journal.
4. 3.3 C fifth to last paragraph added, "The Mayor shall, *except for the individual elected or appointed as the Director of Law, and ...*"
5. **3.4 A** the term acting Mayor should be lower case.
6. In all references to Council members or members of Council, it should be two words, not one word.
7. **4.9 B**, first paragraph, change first sentence to read, "All legislative action of Council shall be by resolution or ordinance introduced in written **form whether electronic** or printed ~~form~~."
8. **4.9 C**, will have non-substantive change in the third paragraph to the word journal instead of Journal.
9. **Article VI.** In title change "ADMINISTRATIVE" to "CITY."
10. **Article VI section 6.1** formatting changes only, no new language:
 - 6.1 ESTABLISHMENT OF **CITY** DEPARTMENTS
 - A. The following departments are hereby created and established ~~as Administrative departments~~ by this Charter.
 - (1) Department of Finance
 - (2) Department of Law
 - (3) Department of Planning
 - (4) Department of Public Safety
 - (5) Department of Public Service
 - Council may create additional departments as necessary. (Amended November 8, 2005.)** Moved for clarification purposes from 6.2, fourth paragraph.
 - B. Abolishment of City Departments

Council may consolidate, divide and re-assign the operating divisions of **the city** departments created by this Charter or by Council to assure operating and management efficiency. Council may not abolish a city department created by this Charter but may abolish a city department created by Council.
 11. **Article 6.2** Change title from "GENERAL PROVISIONS" to "DIRECTORS."

Each city department shall be headed by a director (hereinafter, a "Director").

The qualifications, education, and experience of each Director, excepting that of the Director of Law, shall be certified by the Director of Law ~~and. The qualifications, education, and experience~~

~~of the Director of Law shall be certified by Council. N~~ no binding offer of employment may be made to a Director appointee prior to such certification.

12. **6.3 Director of Finance.** The formatting of the language has been changed to letters and numbers for consistency among all Director language sections in Article 6.

A. Qualifications

The Director of Finance shall have:

- (1) an undergraduate degree in accounting or a related field, including a minimum of twenty-four (24) semester hours or thirty-six (36) quarter hours of accounting, taxation, and/or auditing courses;
- (2) a minimum of five (5) years' experience in accounting which includes a minimum of two (2) years' experience in the practice and/or auditing of municipal or governmental accounting; and
- (3) a minimum of two (2) years management or supervisory experience.

B. Powers and Duties

The Director of Finance shall:

- (1) be the fiscal officer of the City;
- (2) be responsible for the collection, disbursement, and custody of all funds and shall establish and maintain those records and procedures necessary to perform his duties;
- (3) perform such other functions as may be assigned by ordinance or resolution or by order of the Mayor; and
- (4) perform all other duties performed by city treasurers and city auditors under the general laws of the State of Ohio.

13. **6.4 Director of Law.** The formatting of the language has been changed to letters and numbers for consistency among all Director language sections in Article 6.

B. Powers and Duties

The Director of Law shall:

- (1) be the legal advisor on all legal matters coming before the City and shall represent or direct the representation of the City in all litigation, cases, or suits coming before the City;
- (2) prepare or review all contracts, ordinances, resolutions, and other documents or instruments as required by the Mayor and Council;
- (3) have other powers and duties performed by directors of law of general statutory plan cities under the general laws of the State of Ohio; and
- (3) perform other duties specified by city solicitors by the laws of the State of Ohio.
- (4)

Nothing in this Charter shall preclude the City from contracting for additional legal services as may be periodically required.

14. **6.7 Director of Public Service.** The formatting of the language has been changed to letters and numbers for consistency among all Director language sections in Article 6.

A. Qualifications

The Director of Public Service shall be selected on the basis of his administrative and executive qualifications. ~~He~~The Director of Public Service shall have a minimum of five (5) years management or supervisory experience.

B. Powers and Duties

The Director of Public Service shall make all the necessary rules and regulations for the governing of the Department of Public Service and the operation of the divisions thereof. The Department shall include, but not be limited to, divisions of Cemeteries, Custodial Services, Health and Environment, Highways, and Parks and Recreation., ~~and Zoning and Inspection.~~

ARTICLE VIII. FINANCE AND TAXATION

~~8.2 D. LEFT AS A QUESTION BY THE COMMISSION. BRING UP TO COUNCIL?~~

8.2 (D)

Public funds of the City of Green from whatever source are public monies, and may only be expended for a public purpose or when necessary to further a public purpose; and, that the following shall be prohibited uses of public funds:

(a) To benefit a campaign committee, political action committee, legislative campaign fund, political party, campaign fund, political committee, separate segregated fund, or a candidate;

(b) To promote discrimination on the basis of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, or any other status that is protected by federal, state, or local law or ordinance; or

(c) To expressly advocate for the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage or defeat of an initiative municipal ballot issue, or

(d) To provide a private individual with a personal and direct financial benefit.

D. Fourth, all funds collected under the provisions of any municipal income tax in the City, as well as revenues collected annually from other sources (i.e., real estate taxes, hotel bed taxes, intergovernmental fees, licenses, permit fees, etc.) shall be deemed "public monies" which, in accord with directives of the Ohio Attorney General and the Ohio Auditor, may only be expended for a "public purpose" and may not be expended to benefit private parties or for charitable purposes. Public monies may be expended to purchase coffee, meals, refreshments or other amenities (i.e., flowers, token retirement gifts, or meritorious service awards) for municipal officers, employees or other persons when such expenditures are necessary to further a public purpose and such expenditures are not manifestly arbitrary or unreasonable. However, no funds from the Income Tax Revenue Fund or other public monies within the control of the City shall be allocated, expended, encumbered, loaned, awarded, or otherwise disbursed or committed which will inure or which are intended to inure to the private or personal benefit of any individual or class of individuals. **Neither the City of Green nor the recipients of its funds may use such funds in a manner contrary to the provisions in Section 9.03 of the Ohio or the Ohio Revised Code.**