

RESOLUTION NO.: 2019-R61 (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 4.6 OF THE CHARTER OF THE CITY OF GREEN TO ~~PROVIDE~~ ADJUST THE TIMING FOR COUNCIL TO FILL VACANCIES ON COUNCIL THAT OCCUR BETWEEN A NOVEMBER GENERAL ELECTION AND THE END OF DECEMBER OF THAT SAME YEAR, 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 (¾) 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 electorate a proposal to** amend Section 4.6 of the Charter to provide that in the event of a vacancy ~~on~~ in the office of a Council member **occurring** between a November general election and December 31 of that same year, the time periods set forth in the Charter for Council to fill the vacancy shall be tolled, and therefore, not begin to run until January 1 of the following year.

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

SECTION ONE:

~~Section 4.6 of the~~ **The Charter Review Commission has recommended that the electors of the City of Green shall consider a proposal that Section 4.6 of the Charter of the City of Green be amended to read as follows:**

4.6.VACANCIES

Whenever the office of a Council member shall become vacant for any reason, whether occurring by death, disqualification, recall, removal, or resignation, such vacancy shall be filled by a majority vote of the remaining members of Council from among qualified electors making application in accordance with the provisions set forth below. Except as provided below, Council shall fill the vacancy not less than thirty (30) days, nor more than forty-five (45) days after it occurs. If the Council shall

fail to fill the vacancy within forty-five (45) days after it has occurred, the power of Council to do so shall lapse, and the Mayor shall make an appointment to fill the vacancy, from among qualified electors making application in accordance with the provisions set forth below. (Amended November 6, 2012) Such appointee shall have qualifications as specified in Section 4.3 for a candidate for election to the office that has become vacant. Such appointee shall hold office for the balance of the unexpired term of the member in whose office the vacancy has occurred, or until the beginning of the term of a successor duly elected for the unexpired term at the next regular Municipal election held following the vacancy in said office, further provided that said election shall occur more than ninety (90) days subsequent to the vacancy in said office. The ~~Councilmember~~ Council member newly elected pursuant to this provision shall assume office on January 1 following his the Council member's election, and shall serve for the unexpired term of the Council member in whose office the vacancy occurred.

In the event a vacancy shall occur in the office of a Council member between a November General Election and December 31 of that year, the above time periods to fill the vacancy shall be tolled, and-, therefore, not to begin to run, until January 1 of the following year.

Applicants for a Ward ~~Councilmember~~ Council member vacancy shall submit a letter of qualifications together with petitions signed by fifty (50) electors of the ward in which the vacancy occurred. A person applying for a ~~Councilmember~~ Council member At Large vacancy shall submit a letter of qualifications together with petitions signed by seventy-five (75) electors of the City at-large. The date of petition, and the dates of all signatures on such petitions, shall be after the date of vacancy in the office for which the petitions are being submitted.

Any vacancy in the office of President of Council, whether occurring by death, disqualification, recall, removal, resignation, or by succession to the office of Mayor, shall be filled by the Vice President of Council for the remainder of the unexpired term of President of Council. The vacancy so created in the office of Vice President of Council shall be filled by a Council member elected by the majority of the remaining members of Council, without first appointing a replacement Council member. The successor shall hold office for the balance of the unexpired term of Vice President of Council. If the vacancy created by the accession of Vice President of Council shall not be filled by the Council within thirty (30) days from the date such vacancy occurs, the power of Council to do so shall lapse, and the Mayor shall appoint one (1) of the remaining members of Council to fill this vacancy.

SECTION TWO:

The proposed amendments to Section 4.6 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 4.6 of the Charter of the City of Green be amended to provide *that* in the event a vacancy shall occur in the office of a Council member between a November General Election and December 31 of ~~that~~ *the same* year, the ~~above~~ time periods *provided for Council* to fill ~~the~~ *such* vacancy shall be tolled, and therefore, not to begin to run, until January 1 of the following year?"

_____ **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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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

08/22/2019 06/20/2019 Approved as to form and content by William G. Chris, Director of Law, Interim WGC