RESOLUTION NO.: **2019-R63** *(AMENDED AUGUST 27, 2019)*
SPONSOR: **MAYOR NEUGEBAUER**
INTRODUCED: **JUNE 25, 2019** **ASSIGNED TO: _____**

A RESOLUTION *SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL* TO AMEND SECTION 6.2 OF THE CHARTER OF THE CITY OF GREEN TO ~~BE CONSISTENT WITH SECTION 3.3(D) WHICH REQUIRES~~ *REQUIRE* PERSONS APPOINTED BY THE MAYOR AS DIRECTORS OF CITY DEPARTMENTS TO BE CONFIRMED BY A MAJORITY VOTE OF THE MEMBERS OF COUNCIL, 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 amend Section 6.2 of the Charter to be consistent with Section 3.3(D) which requires **that** persons appointed by the Mayor as Directors of City Departments ~~to~~ **must** be confirmed by a majority vote of the members of Council.

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

SECTION ONE:
~~Section 6.2 of the~~ **The** Charter **Review Commission has recommended that the electors** of the City of Green ~~shall~~ **consider a proposal that Section 6.2 of the Charter of the City of Green** be amended **to read** as follows:

> *6.2.DIRECTORS*
>
> ~~**GENERAL PROVISIONS**~~
> ~~**Each of the five (5) departments created by this Charter shall be headed by a Director, who shall serve at the pleasure of the Mayor and Council. Each Director shall be appointed by the Mayor with the approval of a two-thirds (2/3) vote of the members of Council.**~~
> ~~**A Director need not be a resident of Green. at the time of appointment. However, any such appointee, employed by the City on a full-time basis, must establish, within**~~

~~one (1) year of his appointment, his voting residency within the boundaries of the City. For purposes of this requirement, a~~ A full-time Director shall be employed a minimum of thirty-six (36) hours per week.

Each city department shall be headed by a director (hereinafter, a "Director"). The qualifications, education, and experience of each Director ~~appointee,~~ excepting that of the Director of Law, shall be certified by the ~~City's legal counsel. The qualifications, education, and experience of the~~ Director of Law ~~shall be certified by the Mayor. No~~ **and no** binding offer of employment may be made to a Director appointee prior to such ~~certifications~~ **certification**.

~~Council may not abolish or combine the administrative departments created by this Charter, but may consolidate, divide and re-assign the operating divisions to various departments to assure operating and management efficiency. Council may create additional administrative departments as necessary. (Amended November 8, 2005) The~~ Council shall have the responsibility for the development of job descriptions for all Director positions created by this Charter~~, or established by future action of~~ or Council. Such job descriptions shall indicate specific job duties, organizational responsibilities, and limits of authority. ~~Each Director shall serve until removed by the Mayor. The dismissal of any Director shall require the approval of a two-thirds (2/3) vote of the members of Council. (Amended November 3, 1998)~~

Directors appointed by the Mayor pursuant to this Charter shall require a majority vote of approval by Council and shall serve at the pleasure of the Mayor and Council.

Except as otherwise specified in this Charter, the dismissal of a Director shall require a two-thirds (~~⅔~~2/3) vote of Council in concurrence.

SECTION TWO:
The proposed amendments to Section 6.2 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 6.2 of the Charter of the City of Green be amended to** ~~be consistent with Section 3.3(D) which requires~~ *require* **persons appointed by the Mayor as** ~~Directors of the City Departments~~ *a Director of a City Department* t**o be confirmed by a majority vote of the members of Council?**"

_____ **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: _____

_____   _____
Molly Kapeluck, Clerk   Bob Young, Council President

APPROVED: _____, 2019

_____
Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: _____, 2019

ON ROLL CALL: Babbitt   Dyer   Humphrey   Shaughnessy
                         Speight   Yeargin   Young

Suburbanite publication on _____ and _____

_____
Molly Kapeluck, Clerk

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