



**City of Green**  
**2019 Charter Review Commission**  
**P.O. Box 278 ♦ Green ♦ Ohio ♦ 44232-0278**  
**Phone (330) 896-6603/6614 ♦ Fax (330) 896-6606**

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DATE: Monday, June 3, 2019

RE: 2019 Charter Review Commission Recommendations

TO: The Honorable Green City Council Members

We, the members of the 2019 Green Charter Review Commission, would like to acknowledge the citizens who wrote Green's original Charter. It has always been a valuable, strong base for this City. As a group, we took seriously our responsibility of reviewing the Charter.

We also appreciate the Administration's assistance during this process. Past Charter Review Commission members are also thanked for their efforts. We would like to thank the Citizens of Green, the City's Administration and Council for their input into this important process, including Nichole Baldinger and Sharon Salem. Parker Doerrer also deserves a thank you for his time spent as a student municipal representative. Bill Hanna and William Chris merit extra gratitude for their dedication, support, input and review. The participation of all during this review proves the level of dedication, concern and professionalism held by all parties involved.

With this letter and attachments we submit to you our proposed changes to the Charter of the City of Green and request you submit the proposed changes to the electors in the November 2019 General Election.

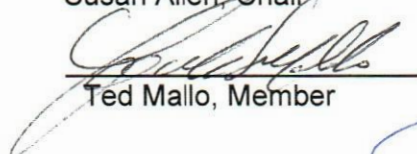
During public meetings, members of the Charter Review Commission engaged in much discussion among themselves, residents of the City and the Administration seeking and considering differing viewpoints on these recommended changes. However, let there be no misunderstanding; we are united in our support for this revised Charter.

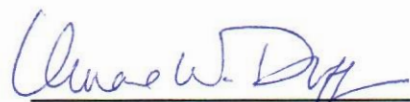
Also attached is a list of proposed changes considered non-substantive. These are items this Commission believe can be changed with Council approval per the Charter, Section 12.10 CHARTER CORRECTIONS.

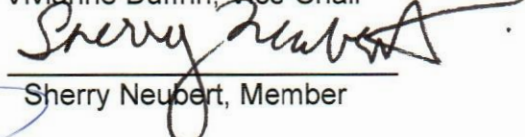
If you have any questions, please feel free to contact any of the Charter Review Commission members listed below. We would also ask that you inform us of all meetings at which our recommendations will be discussed.


Sincerely,

  
Susan Allen, Chair

  
Ted Mallo, Member

  
Vivianne Duffrin, Vice-Chair

  
Sherry Neupert, Member

  
Christopher J. Meager, Member

**Attachments**

pc: Mayor Neugebauer  
Molly Kapeluck  
William Chris, Interim Director of Law  
File



## 2019 Charter Review Commission

### Index of Adopted Changes Corrected version 6/5/19.

#### **ARTICLE III. THE MAYOR**

##### **3.2 QUALIFICATIONS.** *First sentence:*

"Immediately prior to their election or appointment, the Mayor shall be a qualified elector of the City of Green, and, for at least two (2) continuous years-*immediately prior to the Mayor's election or appointment, the Mayor shall be*" a resident of the City of Green...."

Ted Mallo moved to approve. Vivianne Duffrin seconded. Roll call: All approved. Adopted at 5/1/19 Commission meeting.

#### **ARTICLE IV. COUNCIL**

##### **4.3 QUALIFICATIONS.** *The second sentence, first paragraph to read:*

"During a Council member's term, the Council member shall remain a resident and qualified elector of the City if elected at-large, or of the ward from which the Council member was elected, if elected from a single ward." The second paragraph would start, "A Council member shall not be otherwise...."

CJ Meager moved to approve. Sherry Neubert seconded. Roll call: All approved. Adopted at 5/1/19 Commission meeting.

#### **ARTICLE VI. ADMINISTRATIVE CITY DEPARTMENTS**

**(ADMINISTRATIVE replaced by CITY and suggested to Council on list of non-substantive changes, 5/29/19 meeting)**

##### **6.2 DIRECTORS** *first paragraph after heading as follows:*

"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 the Mayor.\*~~ N no binding offer of employment may be made to a Director appointee prior to such certifications."

\*CJ Meager wanted an explanation with the above language change. He and the Commission believe it is inappropriate for the Mayor to certify and elected Director of Law.

CJ Meager moved to approve. Ted Mallo seconded. Roll call. All approved. Adopted at 6/3/19 Commission meeting.

##### **6.2 DIRECTORS** *fifth and sixth paragraphs, to conform language to 3.3 D: as follows:*

"Directors appointed by the Mayor pursuant to this Charter shall require ~~two-thirds (2/3)~~ 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 two-thirds (2/3) vote ~~approval~~ of Council."

CJ Meager moved to approve. Sherry Neubert seconded. Roll call. All approved. Adopted at 5/29/19 Commission meeting.

## **6.4 DIRECTOR OF LAW**

### **"A. Qualifications**

The Director of Law shall:

- (1) be an attorney who is licensed, during the term of the Director of Law's appointment, to practice law in the State of Ohio;
- (2) have a minimum of five (5) years of employment or public practice experience in municipal and/or other governmental law (Amended November 8, 2005); and
- (3) for a Director of Law first elected or appointed after January 1, 2020 shall:
  - (a) for at least two (2) continuous years immediately prior to the Director of Law's election or appointment, and, during the Director of Law's term, be a qualified elector and resident of the City;
  - (b) be an attorney who is licensed, during the term of the Director of Law's election or appointment, to practice law in the State of Ohio and maintain the qualifications for a Certificate of Good Standing from the Supreme Court of Ohio during the Term of the Director of Law's appointment or election to office; and
  - (c) have a minimum of five (5) years of employment or public practice experience in municipal and/or other governmental law. (Amended November 8, 2005).

For the purposes of this Section 6.4.A.(3)(c), "employment or public practice experience in municipal and/or other governmental law" shall mean either (i) experience as a director of law or assistant director of law for an Ohio municipality, or substantially equivalent position for the State of Ohio or one of its political subdivisions or agencies, or (ii) substantially equivalent experience as an attorney representing the State of Ohio or one or more of its instrumentalities, municipalities, political subdivisions or agencies in civil matters, including but not limited to representation of such entities in state or federal court or agency proceedings."

CJ Meager moved to approve. Sherry Neubert seconded. Roll call. Approved. Adopted at 5/29/19 Commission meeting.

*Language below continues as part of 6.4 immediately after above:*

"The Director of Law shall not otherwise be employed by the City and shall hold no other public office other than that of a notary public, member of the Ohio National Guard or Reserve Corps of the United States.

The Director of Law shall be a part-time or full-time position with such compensation (and benefits, if any) as fixed by ordinance or resolution of Council as provided herein."

CJ Meager moved to approve. Ted Mallo seconded. Roll call. All approved. Adopted at 5/29/19 Commission meeting.

*Section A, the last paragraph before B will read:*

"If required by ordinance or resolution of City Council, the Director of Law shall certify to the Director of Finance on a biweekly or other periodic basis determined by Council that the Director of Law has complied with the workweek requirements as set forth by ordinance or resolution of Council."

Ted Mallo moved to approve. CJ Meager seconded. Roll call. All approved. Adopted at 5/22/19 Commission meeting.



#### **6.4 DIRECTOR OF LAW.....**

C. Election; ~~ed Resident~~ Term of Office

~~"The Director of Law shall represent the people of Green, the City and Green City Council in accordance with the ethical standards for Ohio attorneys as set forth in the Ohio Rules for Professional Conduct adopted by the Supreme Court of Ohio."~~

CJ Meager moved to approve the above, first sentence of the first paragraph of 6.4 C. Sherry Neubert seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

~~"In the event there is a conflict of interest, the conflict shall be resolved in accordance with the Ohio Rules for Professional Conduct adopted by the Supreme Court of Ohio in his duty of loyalty, a separate attorney shall be retained to resolve the conflict."~~

CJ Meager moved to approve the above, second sentence of the first paragraph of 6.4 C. Ted Mallo seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

~~"The Director of Law shall be an elector of the City of Green and the position shall be an elected position to coincide with the election of the Mayor unless an election is required to fill a vacancy in the office of the Director of Law as provided in Section 6.4.D. of this Charter."~~

CJ Meager moved to approve the above, third sentence of the first paragraph of 6.4 C. Ted Mallo seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

~~"The Director of Law shall serve a four-year term not to exceed two consecutive elected terms but may be appointed in the event of a vacancy pursuant to Section 4.56.4(D) of this Charter with a three-fourths (3/4ths) approval of Council."~~

CJ Meager moved to approve the above, fourth sentence of the first paragraph of 6.4 C. Ted Mallo seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

~~"Any partial term to fill a vacancy shall not count as a four (4) year term with respect to the foregoing term limits."~~

CJ Meager moved to approve the above, fifth sentence of the first paragraph of 6.4 C. Ted Mallo seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

~~"All other inconsistent provisions of this Charter are negated and subordinate to this provision. The Director of Law shall be nominated pursuant to Section 5.3 and 5.4 of the Charter in the same manner as the Mayor requiring the same number of signatures as Council members at Large. (Issue 14, 2018 General Election) For the office of the Director of Law, there shall be no primary election unless four (4) or more persons file nominating petitions."~~

CJ Meager moved to approve the above, second paragraph of 6.4 C. Sherry Neubert seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

#### **6.4 D Vacancy in Office**

~~"Whenever the office of the Director of Law shall become vacant for any reason, whether occurring by death, disqualifications, recall, removal, or resignation, such vacancy shall be filled by a three-fourths (3/4ths) majority vote of Council from among qualified electors making application in accordance with the provisions set forth below."~~

CJ Meager moved to approve the above, first paragraph of 6.4 D. Ted Mallo seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

"Council shall fill the vacancy not less than thirty (30) days, nor more than forty-five (45) days after it occurs. In the event a vacancy shall occur in the office of the Director of Law 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 begin to run until January 1 of the following year."

CJ Meager moved to approve the above, second paragraph of 6.4 D. Ted Mallo seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

6.4 D Third paragraph as follows:

"~~If the Council shall fail to fill the vacancy within said forty-five (45) day period~~ days after it has occurred, the power of Council to do so shall lapse, and the Mayor may make an ~~appointment to fill the vacancy~~, from among qualified electors making application in accordance with the provisions set forth below, or fill the vacancy as an interim or acting appointment pursuant to Section 3.3 D of the Charter."

CJ Meager moved to approve the above, third paragraph of 6.4 D. Ted Mallo seconded. Roll call. All approved. Adopted at the 6/3/19 Commission meeting.

6.4 D Fourth paragraph as follows:

~~"Except for interim appointments,~~ Such appointee shall have the qualifications as specified in Section 6.4 A of this Charter for a candidate for election to the office of Director of Law, except that an interim or acting appointee need not be an elector of the City. An appointee shall hold office for the balance of the unexpired term, 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." **This paragraph above is replaced by the paragraph below.**

CJ Meager moved to approve the above, fourth paragraph of 6.4 D. Ted Mallo seconded. Roll call. All approved. Adopted at the 6/3/19 Commission meeting.

~~"Except for interim appointments,~~ Such appointee shall have the qualifications as specified in Section 6.4 A of this Charter for a candidate for election to the office of Director of Law, except that an interim or acting appointee need not be an elector of the City. An appointee, *other than an appointee subject to Section 3.3 D of this Charter*, shall hold office for the balance of the unexpired term, 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."

Later in the meeting Rocco Yeargin brought up the language in the same paragraph (6.4 D fourth paragraph) which lead to further discussion and an addition to the language first adopted. This second version is the version being submitted to Council.

CJ Meager moved to approve the above, fourth paragraph of 6.4 D. Ted Mallo seconded. Roll call. All approved. Adopted at the 6/3/19 Commission meeting.



6.4 D Fifth and Sixth paragraphs as follows:

"The Director of law newly elected pursuant to this provision shall assume office the following January 1.

Applicants for a Director of Law vacancy shall submit a letter of qualifications together with petitions to Council signed by a minimum of 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."

CJ Meager moved to approve the above, fifth and sixth paragraphs of 6.4 D. Ted Mallo seconded. Roll call. All approved. Adopted at the 6/3/19 Commission meeting.

**8.3 LIMITATION ON TOTAL MUNICIPAL INCOME TAX** to read as follows:

"Where a resident of the City is subject to income tax in another municipality or joint economic development district such resident shall not pay City income tax that exceeds the tax imposed at the higher of the two tax rates."

CJ Meager moved to approve the above. Sherry Neubert seconded. Roll call. All approved. Adopted at the 6/3/19 Commission meeting.

**9.1 CHARTER AMENDMENT** *Added after first paragraph:*

"The City expressly reserves to itself the right to dictate ballot language for all proposed Charter amendments submitted to the electorate in accordance with this Charter." **This paragraph above is replaced by the paragraph below.**

CJ Meager moved to approve the above additional second paragraph to 9.1. Sherry Neubert seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

"The City expressly reserves to ~~itself~~ Council the right to dictate ballot language for all proposed Charter amendments submitted to the electorate in accordance with this Charter."

Later in the meeting a second motion was made to adopt the change as shown above. CJ Meager moved to approve the above second paragraph to 9.1. Sherry Neubert seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

**9.1 CHARTER AMENDMENT** third paragraph as follows:

"In any ordinance placing a proposed Charter amendment on the ballot, Council may prescribe a brief summary of the same, which, if prescribed, shall be accurate, shall not be misleading, and shall be without material omission or argument. Council may dictate that the summary so prescribed be placed upon the ballot."

Ted Mallo moved to approve. CJ Meager seconded. Roll call. All approved. Adopted at the 6/3/19 Commission meeting.

**10.1 INITIATIVE** *Added after first paragraph:*

"The City expressly reserves to itself the right to dictate ballot language for all proposed initiative issues submitted to the electorate in accordance with this Charter." **This paragraph above is replaced by the paragraph below.**

CJ Meager moved to approve the above additional second paragraph to 10.1. Ted Mallo seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

"The City expressly reserves to ~~itself~~ Council the right to dictate ballot language for all proposed initiative issues submitted to the electorate in accordance with this Charter."  
**This paragraph above is replaced by the paragraph below as adopted at the 6/3/19 Commission meeting.**

Later in the meeting on 5/29/19 a second motion was made to adopt the change as shown above. CJ Meager moved to approve the above second paragraph to 10.1. Ted Mallo seconded. Roll call. All approved. Adopted at the 5/29/19 Commission meeting.

"The City expressly reserves to ~~itself~~ Council the right to dictate ballot language for all proposed initiative issues submitted to the electorate in accordance with this Charter and may dictate that the summary so prescribed be placed upon the ballot."

CJ Meager moved to approve the addition to the second paragraph in 10.1. Sherry Neubert seconded. Roll call. All approved. Adopted at the 6/3/19 Commission meeting.

10.1 INITIATIVE third paragraph as follows:

"In any ordinance placing a proposed initiative on the ballot, Council may prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. Council may dictate that the summary so prescribed be placed upon the ballot."

CJ Meager moved to approve. Ted Mallo seconded. Roll call. All approved. Adopted at the 6/3/19 Commission meeting.

**Article XII, 12.8 Removal of Officials** *language was added to the last paragraph. It reads:*

"The Director of Law or special counsel engaged by the Director of Law, shall prosecute the removal proceedings before Council and any review thereof by the courts. "In the event the person sought to be removed from office is the Director of Law, a special counsel engaged by the Mayor, with the approval of a majority of Council shall prosecute the removal proceedings before Council and any review thereof by the courts. If..."

CJ Meager moved to approve. Ted Mallo seconded. Roll call. All approved. Adopted at 5/22/19 Commission meeting.



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

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 4<sup>th</sup> paragraph, change Journal to journal.
4. **3.4 A** the term acting Mayor should be lower case.
5. In all references to Council members or members of Council, it should be two words, not one word.
6. **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."
7. **4.9 C**, will have non-substantive change in the third paragraph to the word journal instead of Journal.
8. **Article VI.** In title change "ADMINISTRATIVE" to "CITY."
9. **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 **efficiently. (should this word be efficiency?)** Council may not abolish a **city** department created by this Charter but may abolish a city department created by Council.
10. **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.



11. **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.

12. **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.

13. **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. HeThe 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 of the Ohio Revised Code.~~