

RESOLUTION NO.: 2019-R65 (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 6.4 D (D) OF THE CHARTER OF THE CITY OF GREEN TO ~~PROVIDE~~ SPECIFY THE PROCEDURE FOR FILLING A VACANCY IN THE OFFICE OF THE DIRECTOR OF LAW, 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, in November 2018, the electors of the City of Green approved an initiated Charter Amendment known as Issue 14, which made the Director of Law position an elected position and, among other things, provided that a vacancy in the office of Director of Law should be filled as provided in Section 4.6 of the Charter, with the approval of three-fourths ($\frac{3}{4}$) of Council; and

WHEREAS, the Charter Review Commission unanimously recommended that Green City Council **submit to the City electorate a proposal to** amend Section 6.4 D of the Charter to **add confirm and codify** that a vacancy in the office of the Director of Law be filled by a three-fourths ($\frac{3}{4}$) majority vote of Green City Council from among the qualified electors making application in accordance with provisions in the Charter; and, Council shall fill the vacancy not less than thirty (30) days, or more than forty-five (45) days after it occurs, and that otherwise 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 in the charter; and, that any such 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, and further providing that said election shall occur more than ninety (90) days subsequent to the vacancy in the office; and, that applicants for a Director of Law vacancy shall submit a letter of qualifications together with petitions signed by a minimum of seventy-five (75) electors of the City At-Large, with the date of the petition and the dates of all signatures on such petitions, after the date of vacancy; **all in accordance with Section 4.6 of the Charter and Issue 14.**

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

SECTION ONE:

~~Section 6.4 D of the~~ **The Charter Review Commission has recommended that the electors of the City of Green shall consider a proposal that Section 6.4(D) of the Charter of the City of Green be amended to read as follows:**

6.4 DIRECTOR OF LAW

D. VACANCY IN OFFICE

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

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.

If Council shall fail to fill the vacancy within their said forty-five (45) day period, 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. D.~~ of the Charter.

Such appointee shall have the qualifications as specified in Section 6.4 ~~A. A.~~ of this Charter for a candidate for the election to the office of the 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. D.~~ of the 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.

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~~ 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.

SECTION TWO:

The proposed amendments to Section 6.4 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 6.4 D of the Charter of the City of Green Charter be amended to add that a vacancy in the office of the Director of Law be filled by a three-fourths (3/4) majority vote of Green City Council from among the qualified electors making application in accordance with provisions in the Charter; and, Council shall fill the vacancy not less than thirty (30) days, or more than forty-five (45) days after it occurs, and that otherwise 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 in the Charter; and, that any such 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, and further providing that said election shall occur more than ninety(90) days subsequent to the vacancy in the office; and, that applicants for a Director of Law vacancy shall submit a letter of qualifications together with petitions signed by a minimum of seventy-five (75) electors of the City At-Large, with the date of the petition and the dates of all signatures on such petitions, after the date of vacancy?”~~

“Shall Section 6.4 D of the Charter of the City of Green Charter be amended to put into effect and provide a procedure for filling a vacancy in the office of the Director of Law, consistent with the conversion of that position to an elected position pursuant to Issue 14, adopted by the City’s electors in 2018, so that a vacancy would be filled by the approval of three-fourths (3/4) of Green City Council from among the qualified applicants and reserving to the Mayor the authority to fill the vacancy if Council does not timely appoint a qualified candidate?”

_____ FOR THE AMENDMENT

_____ AGAINST THE AMENDMENT

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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