

RESOLUTION NO.: 2018-R28
SPONSOR: COUNCILMAN SHAUGHNESSY
INTRODUCED: MARCH 13, 2018 **ASSIGNED TO:** _____

A RESOLUTION TO PROHIBIT THE EXPENDITURE OF CITY FUNDS IN OPPOSITION TO ANY VALIDLY FILED REFERENDUM FILED PURSUANT TO CITY OF GREEN CHARTER §10.2, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Green charter grants the electors of the City the right and power to approve or reject any ordinance or resolution or other measure passed by Council; and

WHEREAS, the City of Green Council passed by a 4 to 3 vote 2018-R09, a resolution authorizing the mayor to enter into a settlement agreement regarding litigation with Nexus; and

WHEREAS, the settlement agreement requires the City, inter alia, to cooperate with Nexus to defend against and oppose any efforts by third parties to challenge the agreement; and

WHEREAS, the use of city funds to oppose the right of the electors to challenge the actions of their elected officials through a validly filed referendum would necessarily pit the City of Green against its own citizens.

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

SECTION ONE:

The City of Green shall not spend funds to oppose any validly filed referendum initiated by the electors of the City of Green and filed pursuant to Green City Charter §10.2. Nothing in this section shall prohibit the expenditure of funds to challenge the validity of a referendum filed pursuant to Green City Charter §10.2.

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 and for the further reason that the right of the electors to challenge their elected officials should not be opposed with money belonging to them. 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

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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

Chris Humphrey, Council President

APPROVED: _____, 2018

Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: _____, 2018

ON ROLL CALL: Babbitt Dyer Humphrey Shaughnessy
 Speight Yeargin Young

Suburbanite publication on _____ and _____

Molly Kapeluck, Clerk

03/08/2018 Approved as to form and content by Diane A. Calta, Director of Law _____