

RESOLUTION NO.: 2019-R01 (*AMENDED JANUARY 15, 2019*)
SPONSOR: COUNCIL AS A WHOLE
INTRODUCED: JANUARY 8, 2019 **ASSIGNED TO:** _____

A RESOLUTION ESTABLISHING THAT THE POSITION OF LAW DIRECTOR SHALL BE A PART-TIME POSITION AND THAT THE LAW DIRECTOR SHALL COMMIT NO LESS THAN AN AVERAGE OF 20 HOURS PER WEEK TO HIS OR HER DUTIES SET FORTH IN ARTICLE 6.4 OF THE CITY OF GREEN CHARTER; AND, SETTING THE SALARY OF THE LAW DIRECTOR BEGINNING JANUARY 1, 2020 AND FUTURE TERMS FOLLOWING, AND DECLARING AN EMERGENCY.

WHEREAS, by initiative petition, the electorate made changes to the City of Green's Charter by adding Section 6.4(C) which requires that the position of Law Director be an elected position filled by a qualified elector of the City of Green; and

WHEREAS, this Council has authority to describe the position of Law Director pursuant to Section 6.2 of the City Charter, and to fix the compensation for the position pursuant to Section 4.13 of the Charter; and

WHEREAS, this legislation is necessary to inform candidates who seek election to the position of Law Director that the position is part-time, and the salary associated with the position; and

WHEREAS, the deadline to submit petitions of candidacy to the Summit County Board of Elections for this position is February 6, 2019; and

WHEREAS, 1986 Ohio Op. Atty. Gen. 86-106 states, "A statute or validly adopted rule, effective before the commencement of the term of an officer, that provides for periodic increases in salary to take place automatically during the officer's term, does not violate the prohibition of Ohio Constitution Article II Section 20 against interim changes in compensation"; and

WHEREAS, Ohio Revised Code Section 731.07 does not prohibit the payment of increased costs in continuing to provide identical benefits to an officer at the commencement of his term of office; and

WHEREAS, the Ohio Public Employees Retirement System (PERS) currently makes a 3% annual adjustment in state retiree pension payments; and

WHEREAS, it is the desire of Green City Council to establish that the Position of Law Director is a part-time position and set the salary of the Law Director in a manner that complies with Attorney General Opinion 86-106 and ORC Section 731.07.

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

SECTION ONE:

Commencing January 1, 2020, the position of Law Director shall be a part-time position and the Law Director shall commit no less than an average of 20 hours per week to his or her duties set forth in Article 6.4 of the City of Green Charter. The Law Director shall not be prohibited from handling other legal work, or to be limited in his or her general practice of law, simply by virtue of his or her status as Law Director for the City of Green.

SECTION TWO: The salary for the Law Director for the term commencing on January 1, 2020 shall be **FIFTY-FIVE THOUSAND DOLLARS (\$55,000.00)** ~~Sixty Thousand Dollars (\$60,000.00)~~ and include the option of medical insurance benefits in the manner provided in Section 258.02 of the Codified Ordinances of the City of Green.

SECTION THREE: For each following year of the 2020 to 2023 term, and for each year of all future terms until this section is changed by a subsequent action of Green City Council, the annual salary of the Law Director shall be determined by multiplying the Law Director's then current salary by the constant 1.03 (103 %). The resulting salary amount shall be rounded to the nearest whole dollar.

SECTION FOUR:

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 FIVE:

Green City 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 it is necessary to fix the compensation and hours of the position of elected Law Director at the earliest possible time prior to the February 6, 2019 deadline for submitting petitions of candidacy for the position to the Summit County Board of Elections. 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.

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Resolution 2019-R01 (AMENDED JANUARY 15, 2019)

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

01/10/2019 ~~01/04/2019~~ Approved as to form and content by William Chris, Interim Director of Law _____