

RESOLUTION NO.: 2019-R62 (AMENDED AUGUST 27, 2019)

SPONSOR: MAYOR NEUGEBAUER

INTRODUCED: JUNE 25, 2019

ASSIGNED TO: CHARTER

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF GREEN A PROPOSAL TO AMEND SECTION 5.4 OF THE CHARTER OF THE CITY OF GREEN TO SET MEMORIALIZE EXISTING REQUIREMENTS FOR NOMINATING PETITIONS FOR 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, the Charter Review Commission unanimously recommended that Green City Council amend Section 5.4 of the Charter to require **that** a nomination petition for the office of the Director of Law ~~to~~ contain not less than seventy-five (75) nor more than two hundred twenty-five (225) signatures of registered electors of the City of Green, the same requirements ~~as the Mayor~~ **applicable to a Council member At Large, codifying the decision of the electors of the City of Green at the November 2018 election at which Issue 14 was adopted, making the Director of Law an elected position.**

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

SECTION ONE:

The Charter Review Commission has recommended that the electors of the City of Green consider a proposal that Section 5.4 of the Charter of the City of Green ~~shall~~ be amended to read as follows:

5.4 NOMINATING PETITIONS

Although a primary election may not be necessary, as provided by this Charter, each person desiring to become a candidate for the nomination for any City office shall, not later than 4:00 p.m. of the ninetieth (90th) day before the date set by Section 5.3 of this Charter, file with the Board of Elections, a nominating petition and a petition requiring signatures of registered electors as follows: not less than fifty (50) nor more than one-hundred fifty (150)

for the office of Ward ~~Councilmember~~ ~~Councilmember~~ **Council member**; not less than seventy-five (75) nor more than two-hundred twenty-five (225) for the office of ~~Councilmember~~ **Council member** At Large; and, not less than one-hundred fifty (150) nor more than three-hundred fifty (350) for the office of Mayor; ~~and, not less than seventy-five (75) nor more than two-hundred twenty-five (225) for the office of the Director of Law.~~

Such petitions may contain the names and addresses of five (5) registered electors of the City designated in advance by the candidate as a nominating committee. Such committee may fill vacancies caused by the death or withdrawal of the candidate as set forth in this section of the Charter.

If a person nominated by petition, in accordance with this section of the Charter, for the offices of Mayor ~~or Councilmember~~, Council member or Director of Law, and who faces a nonpartisan primary contest for nomination by the electorate, should die or withdraw due to illness or loss of elector status not less than thirty-five (35) days before the day of such primary election, the vacancy so created may be filled only by the nominating committee designated in the nominating petition of such affected candidate.

If a person is either nominated in the primary election as a candidate at the next regular Municipal election for one (1) of the offices named in this section, or certified as a candidate for the next regular Municipal election without the necessity of a primary election in accordance with the provisions of this Article, and such candidate dies or withdraws due to illness or loss of elector status not less than thirty-five (35) days before such regular Municipal election, the vacancy so created may be filled only by the nominating committee of five (5) persons designated in the nominating petition filed by the affected candidate prior to the Primary Election.

To fill the vacancy created by the death or withdrawal of a candidate for any of the offices named in this section, a majority of the members of the nominating committee designated by the nominating petition of the affected candidate shall file with the Board of Elections, not less than thirty (30) days before either the primary election, or the regular Municipal election, a sworn, notarized statement, signed by a minimum of three (3) members of such committee, designating the person they select to fill such vacancy. Such statement must be accompanied by the written acceptance of the person so certified as their candidate choice. (Amended November 3, 1998)

SECTION TWO:

The proposed amendments to Section 5.4 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 5.4 of the Charter of the City of Green be amended ~~to pursuant~~ to the passage of Issue 14 in November 2018 and therefore require that a nomination petition for the office of the Director of Law ~~to must~~ contain not less than seventy-five (75) nor more than two hundred twenty-five (225) signatures of registered electors of the City of Green?"

_____ **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: 8-27-19

Molly Kapeluck
Molly Kapeluck, Clerk

Bob Young
Bob Young, Council President

APPROVED: Aug. 27, 2019

Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

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MAY FIN LAW PLAN ENG
SVCE FIRE PARK ZONE HR

ENACTED EFFECTIVE: Aug. 27, 2019

ON ROLL CALL: Babbitt -Aye Dyer -Aye
Speight -Aye Yeargin -Aye

Humphrey -Aye Shaughnessy -Aye
Young -Aye Adopted 7-0

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Suburbanite publication on Sept. 6 and Sept. 13, 2019

Molly Kapeluck
Molly Kapeluck, Clerk

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

WGC