

ORDINANCE NO.: 2018-20
SPONSOR: COUNCILMEN SHAUGHNESSY, SPEIGHT, DYER
INTRODUCED: AUGUST 14, 2018

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUMMIT COUNTY BOARD OF ELECTIONS TO SUBMIT A PROPOSED CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF GREEN, TO MAKE THE CITY OF GREEN'S LAW DIRECTOR AN ELECTED POSITION WITH A REQUIREMENT OF RESIDENCY WITHIN THE CITY OF GREEN, TO BE VOTED UPON AT THE NOVEMBER 6, 2018 GENERAL ELECTION, AND DECLARING AN EMERGENCY.

WHEREAS, on August 7, 2018, the City of Green proposed an amendment to the Charter of the City of Green; and

WHEREAS, the City of Green Law Director is currently an appointed position and the Law Director need not be a resident of the City of Green; and

WHEREAS, the proposed amendment to Article 6 Section 4 will make the City of Green Law Director an elected position and will create a requirement of residency within the City of Green in order to be eligible to serve as Law Director; and

WHEREAS, the Charter of the City of Green and the Ohio Constitution Article XVIII, Section 9, requires Green City Council to pass an Ordinance requesting the Board of Elections to submit the proposed Charter Amendment to the citizens of the City of Green for consideration; and

WHEREAS, the Charter of the City of Green and the Ohio Constitution Article XVIII, Section 8 and 9, requires the proposed Charter Amendment to be submitted to the citizens of the City of Green for approval at an election to be held no less than sixty (60) days and no more than one hundred twenty (120) days from the date that Green City Council passes an Ordinance requesting the issue to be submitted on the ballot; and

WHEREAS, Green City Council must take immediate action if this matter is to be put before the voters at the general election scheduled for November 6, 2018.

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

SECTION ONE:

Green City Council authorizes and directs the Summit County Board of Elections to submit the following proposed Charter Amendment to the electors of the City of Green at the general election scheduled for November 6, 2018 between the hours of 6:30 a.m. and 7:30 p.m., Eastern Standard Time of said day, of a proposal to amend the Charter of the City of Green.

SECTION TWO:

The proposed Charter Amendment is: **An Amendment to the City of Green Charter 6.4c, to elect the City of Green Law Director and to require residency within the City of Green.**

*Note the Charter does not contain a Section 6.4c.

C. ELECTED RESIDENT. THE LAW DIRECTOR SHALL REPRESENT THE PEOPLE OF GREEN, THE CITY OF GREEN, AND CITY COUNCIL IN ACCORDANCE WITH THE ETHICAL STANDARDS FOR OHIO ATTORNEYS. IN THE EVENT THERE IS A CONFLICT OF HIS DUTY OF LOYALTY, A SEPARATE ATTORNEY SHALL BE RETAINED TO RESOLVE THE CONFLICT. THE LAW DIRECTOR 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. THE LAW DIRECTOR SHALL SERVE A FOUR-YEAR TERM NOT TO EXCEED TWO ELECTED TERMS, BUT MAY BE APPOINTED IN THE EVENT OF A VACANCY PURSUANT TO SECTION 4.6 OF THE CHARTER WITH A 3/4's APPROVAL OF GREEN CITY COUNCIL. ALL OTHER INCONSISTENT PROVISIONS OF THE CHARTER ARE NEGATED AND SUBORDINATE TO THIS PROVISION.

THE LAW DIRECTOR SHALL BE NOMINATED PURSUANT TO SECTION 5.3 OF THE CHARTER IN THE SAME MANNER AS THE MAYOR REQUIRING THE SAME NUMBER OF SIGNATURES AS GREEN CITY COUNCIL MEMBERS AT LARGE.

SECTION THREE:

That it is the desire and request of this Council that the ballot for said question shall be substantially in the following form:

PROPOSED CHARTER AMENDMENT

CITY OF GREEN

A Majority Affirmative Vote Is
Necessary For Passage

Shall Article 6 Section 4 of the Charter of the City of Green be amended to make the City of Green's Law Director an elected position and require residency within the City of Green?

YES

NO

SECTION FOUR:

That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Board of Elections of Summit County, Ohio immediately upon passage of this Ordinance.

SECTION FIVE:

That the Clerk of Council is hereby directed and authorized to have the full text of the above proposed Charter amendment published once a week for not less than two (2) consecutive weeks in a newspaper of general circulation in the City of Green with the first publication being at least fifteen (15) days prior to the election at which said amendment is to be submitted to the electors of the City of Green or in such a manner as is permitted by law.

SECTION SIX:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings to the public, in compliance with all legal requirements.

SECTION SEVEN:

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 member 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: August 28, 2018

Nichole Baldinger
Nichole Baldinger, Clerk of Council, Interim

Chris Humphrey
Chris Humphrey, Council President

APPROVED: Aug. 28, 2018

Gerard M. Neugebauer
Gerard M. Neugebauer, Mayor

ENACTED EFFECTIVE: Aug 28, 2018

ON ROLL CALL: Babbitt Aye Dyer Aye Humphrey Aye Shaughnessy Aye
 Speight Aye Yeargin Aye Young Aye

Adopted 7-0

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Suburbanite publication on August 31 and September 7, 2018

Nichole Baldinger

Nichole Baldinger, Clerk of Council, Interim

08/09/2018 Approved as to form and content by William G. Chris, Director of Law, Interim _____