

RESOLUTION NO.: 2019-R67 (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 9.1 OF THE CHARTER OF THE CITY OF GREEN TO EXPRESSLY RESERVE TO THE CITY THE RIGHT TO DICTATE BALLOT LANGUAGE FOR ALL PROPOSED CHARTER AMENDMENTS, 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 9.1 of the Charter of the City of Green **to** expressly reserve to the City the right to dictate ballot language for all proposed charter amendments submitted to the electorate in accordance with the Charter; and, ~~may~~ **to authorize but not** require Green City Council to prescribe a brief summary or summaries of any proposed Charter amendment(s), which ~~shall~~ **must** be accurate, ~~shall~~ **must** not be misleading, and ~~shall~~ **must** be without material omission or argument; and, ~~to further provide that Council~~ **may** require that the summary proposed, ~~or in lieu thereof, a full copy of the proposed amendment,~~ be placed upon the ballot.

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

**SECTION ONE:**

~~Section 9.1 of the~~ **The Charter Review Commission has recommended that the electors of the City of Green shall consider a proposal that Section 9.1 of the Charter of the City of Green be amended to read as follows:**

### **9.1 CHARTER AMENDMENT**

This Charter may be amended in accordance with the terms and provisions of the Constitution of the State of Ohio.

**The City expressly reserves to Council the right to dictate ballot language for all proposed Charter amendments submitted to the electorate in accordance with this Charter.**

**In any ~~Ordinance~~ ordinance placing a proposed Charter amendment on the ballot, Council may prescribe a brief summary of the same, which, if prescribed, shall be accurate, shall not be misleading, and shall be without material omission or argument. Council may dictate that the summary so prescribed be placed upon the ballot.**

**If two (2) or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one (1) of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.**

### **SECTION TWO:**

The proposed amendments to Section 9.1 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 9.1 of the Charter of the City of Green be amended to expressly reserve to the City the right to dictate ballot language for all proposed Charter amendments submitted to the electorate in accordance with the Charter; and, ~~may to authorize but not~~ require Green City Council to prescribe a brief summary ~~or summaries~~ of any proposed Charter amendment(s), which ~~shall must~~ be accurate, ~~shall must~~ not be misleading, and ~~shall must~~ be without material omission or argument; and, ~~may to authorize Council to~~ require that ~~the such~~ summary ~~proposed, or in lieu thereof, a full copy of the proposed amendment,~~ be placed upon the ballot?”**

\_\_\_\_\_ FOR THE AMENDMENT

\_\_\_\_\_ AGAINST THE AMENDMENT

**Resolution 2019-R67 (AMENDED AUGUST 27, 2019)**

**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 \_\_\_\_\_

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Molly Kapeluck, Clerk

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