

Good evening. My name is Carl Mickelson, from 5741 Rick Drive, City of Green. I am one of the 14 authors of the original Green City Charter. I would like to summarize some of the problems that will be introduced into the Green City Charter if Issue 14 should pass on November 6th.

However, before I present this summary I refer to the full text of the proposed Charter text change. The full language embedded in Section Two of Green Ordinance 2018-20, is included here, without recitation, in its pertinent part.

“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.”

Critical analysis of this ordinance has identified multiple negative impacts that the proposal will have on the rules of Green governance defined in our City Charter.

1. “The Law Director shall represent the people of Green” is in direct conflict with Ohio Revised Code Title VII, Sections 733.51 and 733.54 (<http://codes.ohio.gov/orc/733.51v1> and <http://codes.ohio.gov/orc/733.54v1>). These ORC sections define the powers, duties, and responsibilities of a City Law Director. Nowhere in the ORC is a Law Director permitted to directly represent the people of a city.
2. Retention of additional attorney(s) to resolve conflicts of loyalty, really just another way to say “conflicts of interest”, represents an un-necessary cost to the taxpayer.
3. Failure to define the specific sections of the existing Charter that are “negated and subordinate” to the current proposal
 - a. will lead to confusion and possible litigation over the resulting language in the Charter;
 - b. could compromise the Mayor’s ability to select and confirm other city directors;
 - c. could result in the election of a Law Director with no experience in municipal or governmental law.

As an author of the original Charter, I propose that this issue be taken up by the next Green Charter Review Commission, scheduled for 2019, where the subject can be studied using the public, open, transparent process we defined in the original Charter.

I urge the voters of Green to research this issue in detail, study the impact of the proposed language on our Charter, and to vote NO on Issue 14 on November 6th.

For additional information, please visit <http://www.GreenIssue14.org>.