

**RESOLUTION NO.:** 2019-R69  
**SPONSOR:** MAYOR NEUGEBAUER  
**INTRODUCED:** JUNE 25, 2019 **ASSIGNED TO:** \_\_\_\_\_

**A RESOLUTION TO AMEND SECTION 12.8 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE FOR THE REMOVAL 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 12.8 of the Charter to provide that in the event the person sought to be removed from office is the Director of Law, the Mayor shall engage in a special counsel, with the approval of a majority of Council, who shall prosecute the removal proceedings before Council and any review thereof by the Courts.

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

**SECTION ONE:**

Section 12.8 of the Charter of the City of Green shall be amended as follows:

**12.8 REMOVAL OF OFFICIALS**

The Director of Law or Special Counsel engaged by the Director of Law, shall prosecute the removal proceedings before Council and any review thereof by the courts. **In the event the person sought to be removed from office is the Director of Law, a special counsel engaged by the Mayor, with the approval of a majority of Council shall prosecute the removal proceedings before Council and any review thereof by the courts.** If a person accused is not finally removed, the City shall pay the reasonable costs of the defense of such person and any compensation withheld pending the appeal of the action of Council.

**SECTION TWO:**

The proposed amendments to Section 12.8 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 12.8 of the Charter of the City of Green to provide that in any event the person sought to be removed from office is the Director of Law, the Mayor shall engage in special counsel, with the approval of a majority of Council, who shall prosecute the removal proceedings before Council and any review thereof by the Courts?”**

\_\_\_\_\_ **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: \_\_\_\_\_

\_\_\_\_\_  
Molly Kapeluck, Clerk

\_\_\_\_\_  
Bob Young, Council President

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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

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