

RESOLUTION NO.: 2012-R17
SPONSOR: MAYOR NORTON AND COUNCIL AS A WHOLE
INTRODUCED: JUNE 12, 2012 ASSIGNED TO: RULES & PERSONNEL

A RESOLUTION TO AMEND SECTION 4.6 OF THE CHARTER OF THE CITY OF GREEN TO PROVIDE NEW TIME LIMITS FOR CITY COUNCIL TO FILL A VACANCY ON COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Green's Charter requires a review of the Charter's provisions every seven years; and

WHEREAS, Mayor Norton, pursuant to the terms of the Charter, appointed a Charter Review Commission, which was unanimously approved by City Council, to review the Charter recommend amendments; and

WHEREAS, the Charter Review Commission recommended that Section 4.6 be amended to indicate that City Council shall fill any vacancy on City Council not less than thirty (30) days, nor more than forty-five (45) days after it occurs; 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 proposed amendment to Section 4.6 of the Charter should be submitted to the electors of the City of Green on November 6, 2012.

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

SECTION ONE:

Section 4.6 the Charter of the City of Green shall be amended as follows:

4.6 VACANCIES

Whenever the office of a Council member shall become vacant for any reason, whether occurring by death, disqualification, recall, removal, or resignation, such vacancy shall be filled by a majority vote of the remaining members of Council from among qualified electors making application in accordance with the provisions set forth below. **Council shall fill the vacancy not less than thirty (30) days, nor more than forty-five (45) days after it occurs.** If the Council shall fail to fill ~~such the~~ vacancy within ~~thirty (30)~~ **forty-five (45)** days after it has occurred, the power of Council to do so shall lapse, and the Mayor shall make an appointment to fill ~~such the~~ vacancy, from among qualified electors making application in accordance with the provisions set forth below. Such appointee shall have qualifications as specified in Section 4.3 for a candidate for election to the office that has become vacant. Such appointee shall hold office for the balance of the unexpired term of the member in whose office the vacancy has occurred, or until the beginning of the term of a successor duly elected for the unexpired term at the next regular Municipal election held following the vacancy in said office, further provided that said election shall occur more than ninety (90) days subsequent to the vacancy in said office. The

Resolution 2012-R17

Councilmember newly elected pursuant to this provision shall assume office on January 1 following his election, and shall serve for the unexpired term of the Council member in whose office the vacancy occurred.

SECTION TWO:

The proposed amendment to Section 4.6 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 6, 2012 election.

SECTION THREE:

Green City Council requests the following ballot language:

“Shall Section 4.6 of the Charter of the City of Green be amended to provide that City Council shall fill any vacancy on City Council not less than thirty (30) days, nor more than forty-five (45) days after it occurs?”

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, 2012, 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: July 10, 2012

Molly Stevens
Molly Stevens, Clerk

Joel Reed
Joel Reed, Council President

Page 3
Resolution 2012-R17

APPROVED: July 11, 2012

[Signature]
Richard G. Norton, Mayor

COPIED _____
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: July 11, 2012

ON ROLL CALL: Colopy -yea France -yea Humphrey -yea Knodel -yea
Neugebauer -yea Reed -yea Summerville -yea Adopted 7-0

Suburbanite publication on July 15 and July 22, 2012

[Signature]
Molly Stevens, Clerk

6/05/2012 Approved as to form and content by Stephen J. Pruneski, Law Director [Signature] 6/7/12