

# CITY OF GREEN

Summit County, Ohio

# CHARTER



EFFECTIVE: November 3, 1992

AMENDED: November 5, 2019



# **CHARTER *of the* City of Green, Ohio**

## **AMENDMENTS**

The Charter of the City of Green, Ohio, was proposed on August 13, 1992, was approved by voters on November 3, 1992, and became effective on January 1, 1993.

Following a review of the Charter during 1998, various amendments were considered by voters on November 3, 1998.

Amendments relating to elected officials' qualifications and the process to be used when filling a permanent vacancy in the office of the Mayor, were adopted by voters on November 2, 1999.

Following a review of the Charter during 2005, various amendments were considered by voters on November 8, 2005.

An amendment relating to the appointment of an alternate member to the Planning and Zoning Commission was adopted by voters on November 2, 2010.

Following a review of the Charter during 2012, various amendments were considered by voters on November 6, 2012.

Non-substantive changes were adopted by City Council via legislation on February 25, 2014. See Resolution 2014-R02.

Non-substantive changes were adopted by City Council via legislation on August 27, 2019. See Resolution 2019-R52.

Following a review of the Charter during 2019, various amendments were considered by voters on November 5, 2019.

The sections of the Charter that have been amended as a result of voter approval are followed by the date that voters approved the amendment.



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## **PREAMBLE**

We the people of the City of Green, in the County of Summit, and State of Ohio, in order to secure for ourselves and our successors the maximum benefits of municipal home rule and local self-government under the Constitution and laws of the State of Ohio, do hereby ordain and adopt this Charter.

## **ARTICLE I. NAME AND BOUNDARIES**

The municipality now existing and known as the City of Green, in the County of Summit, and State of Ohio, shall continue, within the same boundaries, to be a body politic and corporate, under the name of the City of Green, hereinafter referred to as the City.

## **ARTICLE II. POWERS OF THE CITY**

### **2.1 GENERAL PROVISIONS**

The City shall have all powers possible for a City to have under the Constitution of the State of Ohio and laws of the State of Ohio as fully and completely as though they were specifically enumerated in this Charter.

### **2.2 RULE OF CONSTRUCTION**

The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention in this Charter of particular powers shall not be construed as limiting in any way the general power granted in this Article.

### **2.3 INTERGOVERNMENTAL RELATIONS**

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) state of the United States or any state civil division or agency, or the United States or any of its agencies. (Amended November 3, 1998)

### **2.4 FORM OF GOVERNMENT**

The municipal government provided for the City by this Charter shall be known as "Mayor-Council" form of government.

## **ARTICLE III. THE MAYOR**

### **3.1 TERM OF OFFICE**

The term of the Mayor shall be four (4) years, beginning January 1 next following their election, and the Mayor shall hold office until their successor is elected and qualified.

The Mayor may serve for two (2) successive four (4) year terms, after which the Mayor shall be ineligible for re-election as Mayor until a period of not less than four (4) years shall have elapsed. Any partial term to fill a vacancy lasting more than two (2) years shall count as a four (4) year term, and against the limit. (Amended November 5, 2019)

### **3.2 QUALIFICATIONS**

Immediately prior to their election or appointment, the Mayor shall be a qualified elector of the City of Green, and, for at least two (2) continuous years immediately prior to the Mayor's election or appointment, the Mayor shall be a resident of the City of Green. (Amended November 5, 2019) During their term, the Mayor shall remain a resident and qualified elector of the City.

The Mayor shall not be otherwise employed by the City and shall hold no other public office than that of Notary Public or member of the Ohio National Guard or Reserve Corps of the United States. The Mayor shall have an office in the administration building of the City and shall be considered a full-time elected official to properly conduct the business of the City. (Amended November 3, 1998; November 2, 1999) The Mayor shall devote their entire time and effort during regular business hours and all other times as are necessary to properly conduct the business of the City. (Amended November 6, 2012)

### **3.3 POWERS OF THE MAYOR**

#### **A. Judicial**

The Mayor shall have full judicial powers pursuant to the Constitution of the State of Ohio, the statutes of the State of Ohio, and the ordinances of the City of Green, Ohio.

#### **B. Legislative**

The Mayor shall be entitled to a seat in, but not on, Council and shall attend or be represented at all meetings of Council. He shall have the right to recommend ordinances, resolutions, and motions, and the right to participate in the discussion of all matters coming before Council but shall not vote in Council.

At the request of the Mayor, the heads of the respective departments shall be given an opportunity to participate in the deliberations of Council on legislation pertaining to their departments but shall have no vote.

Every ordinance or resolution passed by Council shall be signed by the Clerk of Council and shall be presented to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, the Mayor shall sign it and file it with the Clerk of Council. If the Mayor disapproves any ordinance or resolution, the Mayor shall return it, unsigned, to the Clerk of Council within ten (10) days after its passage. In case the Mayor disapproves any emergency ordinance or resolution, the Mayor shall return it, unsigned, to the Clerk of Council within twenty-four (24) hours of its passage. Whenever the Mayor shall return an ordinance or resolution, unsigned, to the Clerk of Council, the Mayor shall document their objections to the said ordinance or resolution in writing. The Mayor's objections shall be entered in full on the journal of Council.

The Mayor may approve or disapprove the whole, or any part, of any ordinance appropriating money, but otherwise their approval or disapproval shall be addressed to the entire ordinance or resolution.

If the Mayor, within the time specified after its passage, does not sign or disapprove an ordinance or resolution so presented to the Mayor, such ordinance or resolution shall take effect in the same manner as if the Mayor had signed it within the time specified. When the Mayor has disapproved an ordinance or resolution or an item of it as herein provided, the Council may, but not later than its next regular meeting, reconsider the ordinance or resolution or part thereof disapproved by the Mayor. If, upon such reconsideration, the ordinance, resolution, or item is approved by an affirmative vote of a two-thirds (2/3) vote of the members of Council, such ordinance or resolution shall take effect, notwithstanding the disapproval of the Mayor.

C. Executive

The Mayor shall be chief executive officer of the City, responsible for carrying out and fulfilling the intent and purpose of any and all legislation duly passed by Council. The

Mayor shall supervise the administration of all the affairs of the City and the conduct and administration of all departments and divisions thereof, except the Council and as otherwise provided in this Charter.

The Mayor shall be the chief conservator of the peace within the City and shall see that all laws, resolutions, and ordinances are enforced therein.

The Mayor shall be the contracting officer of the City and shall award and execute all contracts on behalf of the City (except as otherwise provided in this Charter and except that Council may also authorize contracts). When awarding contracts, the Mayor shall follow the procedures established by Council by ordinance or resolution, which procedures may include but shall not be limited to matters pertaining to competitive bidding. The Mayor shall follow the procedures established by the general laws of the State of Ohio until Council shall provide for such procedures by ordinance or resolution.

The Mayor shall, unless otherwise provided by ordinance, or other provisions of this Charter, execute on behalf of the City all authorized conveyances, evidences of indebtedness, and all other instruments to which the City is a party and shall, where required, attach thereto the official seal of this office, which shall be the Seal of the City.

The Mayor shall keep the Council advised of the condition and needs of the City and shall recommend to the Council such measures as they may deem necessary or expedient for the safety and welfare of the City. During the month of January of each year, the Mayor shall prepare and present to Council, a State of the City report, summarizing the accomplishments of the preceding year, together with proposed programs for succeeding years.

The Mayor shall, except for the individual elected or appointed as the Director of Law, and except where this Charter provides that others shall perform such function, appoint and remove all directors of city departments and all subordinate officers and employees in the city departments, subject to the provisions of paragraph D below, and the civil service provisions of this Charter.

The Mayor shall be the official and ceremonial head of the City.

The Mayor shall perform such other duties as may be prescribed by this Charter or required of them by Council.

Pursuant to the general laws of the State of Ohio, the Mayor shall submit, and Council shall adopt, with or without revision, the tax budget and annual and other appropriation measures at the times fixed by the general laws.

The operating and capital needs of the City shall be considered in the budget and appropriation measures. The Mayor shall cause such other reports to be prepared as the Mayor shall determine to be necessary or as requested by Council.

- D. Appointment: Confirmation of Directors and Other Employees  
Except as set forth in Section 6.4 of this Charter, the Mayor shall appoint, or engage pursuant to contract, persons who shall serve as Directors of the city administrative departments. Such persons shall be subject to confirmation by a majority vote of the members of Council and shall serve at the pleasure of the Mayor and Council. Such Directors may be removed by the Mayor upon approval of a two-thirds (2/3) vote of the members of Council.

Subject to the general and Civil Service provisions of this Charter, the Mayor shall appoint all employees of the City unless this Charter denies the appointing power to the Mayor or grants the appointing power to another office or body.

- E. Appointment of Members of Boards, Commissions and Other Bodies  
Unless otherwise provided and subject to the provisions of this Charter, the Mayor shall appoint all members of City Boards, Commissions, and other bodies.

### **3.4 VACANCY IN THE OFFICE OF MAYOR**

- A. Temporary Vacancy

When the Mayor is temporarily absent from the City or is temporarily unable for any reason to perform the duties of the office, the President of Council shall act as Mayor, with all the duties, rights and powers of the Mayor during the period of the Mayor's absence or inability to perform the Mayor's duties. If

both the Mayor and the President of Council are temporarily absent or unable to perform their duties, the Vice President of Council shall act as Mayor. When the President or Vice President of Council shall become acting mayor, in accordance with the provisions of this section, the acting mayor shall not cease to be a Council member.

B. Permanent Vacancy

In the event of the death, disqualification, recall, removal, or resignation of the Mayor, the President of Council shall thereupon become Mayor and shall serve until a successor is elected and qualified. In the event the President of Council shall decline the office of Mayor, the President of Council shall remain as President of Council. The Council shall then appoint a Council member to fill the vacancy in the office of Mayor. Such appointment shall be made by an affirmative vote of a two-thirds (2/3) vote of the members of Council. In this event the President of Council or another Council member shall become Mayor, in accordance with the provisions of this section shall not cease to be a Council member and shall retain full voting privileges.

C. Election to Fill Permanent Vacancy

In the event of a permanent vacancy in the office of Mayor as set forth in Section 3.4 B., Council shall schedule a special election to fill the vacancy, provided that such election shall occur more than ninety (90) days subsequent to the vacancy and at least ninety (90) days prior to the next regular Municipal election following the vacancy. Council shall establish filing deadlines at the time of setting the date for the election which shall provide candidates no less than thirty (30) days to prepare and file petitions of candidacy.

D. Primary Election to Fill Permanent Vacancy

In the event that four (4) or more persons file petitions of candidacy to fill the vacancy, Council shall schedule a special primary election at least thirty (30) days prior to the date of election scheduled pursuant to Section 3.4 C. The two persons receiving the highest vote totals in the special primary election shall be designated candidates for such office.

E. Term of Office

The person newly elected Mayor pursuant to Section 3.4 C. and D. shall assume office immediately upon certification of the results of the election by the Summit County Board of Elections and shall serve as Mayor for the unexpired term of the Mayor in whose office the vacancy occurred.

F. Miscellaneous

The full-time requirement for the Mayor set forth in Section 3.2 shall not apply to the Council member who temporarily fills the office of Mayor pursuant to Section 3.4 A. or Section 3.4 B.

The Council member who temporarily fills the office of Mayor pursuant to Section 3.4 A. or Section 3.4 B. shall not be entitled to receive the current salary of the Mayor but shall continue to be compensated in accordance with the current rate for that person's position on Council. (Amended November 2, 1999)

## **ARTICLE IV. COUNCIL**

### **4.1 COMPOSITION AND TERMS OF OFFICE**

Council shall be composed of seven (7) members. One (1) member shall be elected by the electors of each of four (4) wards herein provided and three (3) members shall be elected by the electors of the City at-large. The members elected from wards shall be known as Ward Councilmembers. The members elected from the City at large shall be known as Councilmembers At Large.

All Members of Council shall have the same rights, powers, and responsibilities, subject to the provisions of Section 4.13 of this Charter.

The term of a Council member shall be four (4) years, beginning January 1 next following a Council member's election, and a Council member shall hold office until their successor is elected and qualified.

Council terms shall be staggered. Ward Council members shall be elected every four (4) years beginning with the regular Municipal election occurring in November 1993. Council members At Large shall be elected every four (4) years beginning with the regular Municipal election occurring in November 1995.

A Council member may serve for two (2) successive four (4) year terms, after which they shall be ineligible for re-election or reappointment as a Council member until a period of not less than four (4) years shall have elapsed. Any partial term to fill a vacancy lasting more than two (2) years shall count as a four (4) year term, and against the limit. (Amended November 5, 2019)

## **4.2 WARDS**

The City shall be divided into four (4) wards, which shall be as nearly equal in population as is practicable. In the absence of more restrictive case law to the contrary, the population in the largest and the smallest among the wards shall not vary by more than twenty percent (20%) of the population of the smallest ward. Each ward shall be composed of contiguous and compact territory bounded by streets, roads, streams, railroads, and/or census block lines.

Council shall have the power to change ward boundaries but shall not have the power to change the number of wards. After each recurring United States census, but more often if Council finds it necessary because of population changes, Council shall re-draw the boundaries of the four (4) wards subject to the population requirement of this section.

## **4.3 QUALIFICATIONS**

Immediately prior to their election or appointment, each Council member shall be a qualified elector of the City of Green, and, for at least two (2) continuous years immediately prior to each Council member's election or appointment, a resident of the City of Green. (Amended November 5, 2019) During a Council member's term, the Council member shall remain a resident and qualified elector of the City if elected at-large, or of the ward from which the Council member was elected, if elected from a single ward.

A Council member shall not be otherwise employed by the City and shall hold no other public office than that of Notary Public or member of the Ohio National Guard or Reserve Corps of the United States. (Amended Nov. 3, 1998; Nov. 2, 1999)

## **4.4 POWERS**

All legislative powers of the City and other powers granted to Council under this Charter, together with all such powers conferred upon municipalities by the Constitution and laws of the State of Ohio, shall be vested in Council.

#### **4.5 OFFICERS**

At the organizational meeting of Council in January of each year as provided by this Charter, Council shall by simple majority vote, elect from among its members a President of Council, and a Vice President of Council, each to serve for a term of one (1) year.

Any Council member so elected may serve for two (2) consecutive one (1) year terms, after which they shall be ineligible for reelection to either of these Council offices until a period of not less than one (1) year has elapsed.

The President of Council, or, in their absence, the Vice President of Council, shall preside at all meetings of Council. The President and Vice President of Council, by virtue of holding these offices, shall not be deprived of their powers and rights or be relieved of any of their duties or obligations as members of Council.

#### **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. Except as provided 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 the vacancy within 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 the vacancy, from among qualified electors making application in accordance with the provisions set forth below. (Amended November 6, 2012) 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 Council member newly elected pursuant to this provision shall assume office on January 1 following the Council member's election and shall serve for the unexpired term of the Council member in whose office the vacancy occurred.

In the event a vacancy shall occur in the office of a Council member between a November General Election and December 31 of that year, the above time periods to fill the vacancy shall be tolled and, therefore, not begin to run, until January 1 of the following year. (Amended November 5, 2019)

Applicants for a Ward Council member vacancy shall submit a letter of qualifications together with petitions signed by fifty (50) electors of the ward in which the vacancy occurred. A person applying for a Council member At Large vacancy shall submit a letter of qualifications together with petitions signed by seventy-five (75) electors of the City at-large. The date of petition, and the dates of all signatures on such petitions, shall be after the date of vacancy in the office for which the petitions are being submitted.

Any vacancy in the office of President of Council, whether occurring by death, disqualification, recall, removal, resignation, or by succession to the office of Mayor, shall be filled by the Vice President of Council for the remainder of the unexpired term of President of Council. The vacancy so created in the office of Vice President of Council shall be filled by a Council member elected by the majority of the remaining members of Council, without first appointing a replacement Council member. The successor shall hold office for the balance of the unexpired term of Vice President of Council. If the vacancy created by the accession of Vice President of Council shall not be filled by the Council within thirty (30) days from the date such vacancy occurs, the power of Council to do so shall lapse, and the Mayor shall appoint one (1) of the remaining members of Council to fill this vacancy.

#### **4.7 ORGANIZATIONAL MEETING**

Within the first seven (7) days of January of each year, Council shall meet for the purpose of organization. The Mayor, or a person appointed by the Mayor, shall call this meeting and shall preside as temporary chairman only until the President of Council shall be elected.

#### **4.8 REGULAR AND SPECIAL MEETINGS**

After the organizational meeting, Council shall meet at such times as may be prescribed by its rules, regulations, by-laws, or by resolution or ordinance, except that it shall hold regularly scheduled meetings at least once during each calendar month. Such Council meetings shall be known as regular meetings. All other Council meetings shall be known as special meetings.

Special meetings of the Council may be called as provided by its rules, regulations, by-laws, or by resolution or ordinance. In the absence of any such provisions, special meetings may be called by a vote of Council taken at any regular or special meeting thereof or shall be called by the Clerk of Council upon the written request of the Mayor or the President of Council, or by any three (3) members of Council. Notice in writing of each special meeting called at the request of the Mayor or the President of Council, or by three (3) members of Council, shall state the date and time of the meeting and subject or subjects to be considered at such meeting. No subject or subjects, other than those listed in this written notice shall be considered at such special meetings. The written notice required by this section shall be served by the Clerk of Council upon the Mayor and each Council member, either personally or by leaving a copy thereof at their usual place of residence, not less than twenty-four (24) hours proceeding the time for the meeting. In the event that a special meeting is called by a vote of Council taken at any regular or special meeting from which any Council member was absent, written notice of such special meeting shall be given such absentee in the manner provided here.

Service of such notice may be waived by an instrument in writing signed prior to the hour of such meeting, and the Mayor and any Council member shall be deemed conclusively to have waived such notice by their attendance at any such meeting.

All regular and special meetings of Council shall be held at the City administration building or at such other places in the City as Council may direct, providing that notice of the change in location shall be posted at the administration building no later than one (1) hour prior to the meeting.

#### **4.9 LEGISLATIVE PROCEDURES**

##### **A. Quorum and Rules**

A majority of Council shall constitute a quorum to conduct business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by resolution or ordinance.

Council shall adopt, and publish in written form, its own rules, regulations, or by-laws and shall keep minutes of all its proceedings. The rules, regulations, by-laws, and journal shall be open for public inspection at all reasonable times. The vote

on any ordinance or resolution shall be by roll call, and the vote of each Council member shall be recorded upon the journal of Council.

B. Resolutions and Ordinances

All legislative action of Council shall be by resolution or ordinance introduced in written form whether electronic or printed. Each proposed resolution or ordinance shall contain no more than one subject, which subject shall be clearly expressed in its title. This rule shall not apply to appropriation measures that contain the various subjects and accounts for which moneys are to be appropriated and codification or re-codification of ordinances and resolutions.

No resolution or ordinance shall be revised or amended unless the resolution or ordinance superseding it contains the entire resolution or ordinance as revised or amended, or the section or sections so revised or amended. The original resolution or ordinance, or section or sections thereof, shall be considered to be repealed.

An affirmative vote of a simple majority of the members of Council shall be required for the enactment of every resolution or ordinance, unless a larger number be required by the provisions of this Charter. Every resolution and every ordinance shall be read at three (3) different regular Council meetings, unless any or all readings are dispensed with by a three-fourths (3/4) vote of the members of Council. Ordinances and resolutions shall be deemed to have been read if a written or printed copy of the ordinance or resolution shall have been furnished to each Council member prior to its introduction and if the title thereof is fully read, provided that such ordinance or resolution shall be read in full if so directed by motion approved by affirmative vote of a simple majority of Council.

Each resolution or ordinance providing for:

1. the appropriation of money; or
2. improvements petitioned for by a majority of the owners of the adjacent property to be benefited and specially assessed therefor; or
3. any emergency resolution or ordinance necessary for the immediate preservation of public peace, health, welfare,

or safety; shall take effect, unless a later date be specified therein, upon its passage and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage over veto by the Mayor, as the case may be.

No other resolution or ordinance shall become effective until thirty (30) days after its passage and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage over veto by the Mayor, as the case may be.

No action of Council authorizing:

1. The surrender or joint exercise of any of its powers; or
2. The granting of any franchise; or
3. The enactment, amendment, or repeal of any zoning or building resolution or ordinance; or
4. An increase of utility rates; or
5. The changing of any ward boundaries; or
6. Any change in the boundaries of the City; shall be taken until a public hearing on said action shall have occurred, no later than seven (7) days before final enactment by Council.

No retroactive utility rate increases shall be authorized by Council.

C. Committee Deliberations.

All proposed ordinances and resolutions, except those of a purely ceremonial nature, and those of a procedural nature, shall be referred by the President of Council to one (1) or more of the standing committees of Council as appropriate to the subject matter, unless this requirement is waived by a vote of two-thirds (2/3) of the members of Council.

The committee(s) shall consider the proposed legislative action separately and/or jointly and shall report their recommendations to Council for final disposition.

The recommendations reported by such committee(s) shall be in writing and shall be accompanied by the original documents, if any, upon which such report is based. Such report and supporting documentation shall be entered or referred to upon the journal of Council.

If any matter referred to committee has not been reported upon for two (2) successive regular Council meetings, such matter may be brought before Council, with or without an accompanying committee report, upon the vote of a two-thirds (2/3) vote of the members of Council.

Nothing in this provision shall preclude any standing committee from proposing an ordinance or resolution on their own initiative. Intentional failure to follow this section pertaining to committees which results in gross abuse of corporate power shall invalidate any action taken by the Council as a whole.

#### **4.10 EMERGENCY PROCEDURES**

- A. Each emergency resolution and ordinance shall contain a statement of the necessity for such emergency action, and its enactment shall require the affirmative vote of three-fourths (3/4) of the members of Council.
  
- B. No such action of Council authorizing:
  - 1. The surrender or joint exercise of any of its powers; or
  - 2. The granting of any franchise; or
  - 3. The enactment, amendment, or repeal of any zoning or building resolution or ordinance; or
  - 4. An increase of utility rates; or
  - 5. The changing of any ward boundaries; or
  - 6. Any change in the boundaries of the City; shall be taken as an emergency measure unless authorized by a three-fourths (3/4) vote of the members of Council.

#### **4.11 PUBLICATION OF ORDINANCES AND RESOLUTIONS**

Council shall have the power to determine the method of publication of its adopted ordinances and resolutions, and of any other of its proceedings, which other proceedings it deems proper to publish. Such publication shall be by posting for a minimum period of two (2) weeks, the ordinance and resolution in at least five (5) public places within the City, and the publication of a concise summary of the ordinance or resolution in at least any one (1) newspaper of general circulation in the City once a week for two (2) consecutive weeks. Until such time as Council provides for the method of publication, such public notice shall be given in the manner provided by the general laws of the State of Ohio.

#### **4.12 CLERK OF COUNCIL**

The Clerk of Council shall be appointed by Council and shall serve at the pleasure of Council. The Clerk of Council shall keep the journal of Council, an accurate and complete record of all proceedings of Council; authenticate by their signature and have custody of all laws, ordinances, and resolutions of Council; have custody of all official documents, reports, papers, and files of Council; and perform other such duties as Council shall require.

The Clerk may also hold another municipal appointive office within the classified or unclassified service of the City but shall not hold any municipal elective office while serving as Clerk of Council.

During the temporary absence or disability of the Clerk of Council, Council shall by affirmative vote of a simple majority of its members appoint a like-qualified individual to perform the duties of that office.

#### **4.13 COMPENSATION AND BONDS**

Council shall fix the compensation of the Mayor, members of Council, and each officer and employee, or member of any board or commission of the City, whether elected or appointed, except as specifically otherwise provided in this Charter. Not less than thirty (30) days prior to the final date for filing nominating petitions for the primary election, in years of a regular Municipal Election, Council shall fix the compensation of the Mayor and all members of Council for the two (2) year period commencing January 1 of the following year. Such compensation shall not thereafter be changed with respect to such period. Neither the Mayor, nor any Council member, shall benefit from an increase in compensation while serving within the term of office in which an increase was approved. The compensation of every other officer, employee, and member of any board or commission of the City, as fixed by Council, may at any time be changed by ordinance or resolution of Council.

The Mayor, Finance Director, and such other officers, employees, or members of any board or commission as Council may require, shall give bond in such amount and with such surety as may be approved by Council. The premium on such bonds shall be paid by the City.

#### **4.14 FRANCHISES**

Council may by ordinance grant an exclusive franchise to any person, firm, or corporation to construct or operate a public utility on, across,

under, or above any public street or public real estate within the City for a period not in excess of twenty-five (25) years. Council may prescribe in any such ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem beneficial to the public interest. The right of Council to grant such franchise shall be limited by the provisions of Section 4.9 and Section 4.10 of this Charter.

Such franchise may be amended or renewed in the manner and subject to the provisions established here for original grants.

All such grants, amendments, and renewals shall be made subject to the continuing right of Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration, or removal of structures and equipment used in such streets or public real estate as shall, in the opinion of Council, be required by the public interest.

#### **4.15 COUNCIL RELATIONSHIP TO ADMINISTRATIVE OFFICERS**

Neither Council, nor any of its committees, nor any of its several members, shall in any manner take part in the discipline of, or give orders to, any subordinates and employees in the administrative service of the City responsible to the Mayor, but must deal directly with the Mayor. Council may inquire into the conduct of any office or department and into the performance of any contract or any of the affairs of the City.

### **ARTICLE V. NOMINATIONS AND ELECTIONS**

#### **5.1 EFFECT OF STATE LAW**

All elections in the City shall be nonpartisan, without party affiliation appearing on the ballot. Except as otherwise provided in this Charter, the laws of the State of Ohio shall govern the nomination and election of the elective officers of the City. Elections shall be held and conducted, and the results thereof ascertained and certified, as provided by the general laws of the State of Ohio, and by the election authorities and procedure provided by law.

## **5.2 REGULAR, PRIMARY, AND SPECIAL MUNICIPAL ELECTIONS**

Municipal elections for the purpose of the election of officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November in odd numbered years. Elections so held shall be known as regular Municipal elections. An election conducted for the purpose of nominating persons as candidates for elective office as provided in this Charter, to be voted upon at the next regular Municipal election, shall be known as a primary election. Other elections shall be held as may be required by law or provided for in this Charter. Such other elections shall be known as special Municipal elections. At any time, by resolution, the Council may order a special Municipal election, the purpose of which shall be set forth in the resolution.

## **5.3 NOMINATIONS**

There shall be no primary election for a municipal office unless the number of persons filing nominating petitions exceeds one (1) more than two (2) times the number of offices available for nomination. For the office of Mayor, there shall be no primary election unless four (4) or more persons file nominating petitions.

For the office of Council member At Large, if there are three (3) offices available, there shall be no Primary Election unless eight (8) or more persons file a nominating petition.

For the office of a Ward Council member, there shall be no primary election for such ward unless four (4) or more persons file a nominating petition for such ward.

For purposes of this provision affecting the necessity for a primary election, the term "nominating petition" shall include only those petition and nomination papers which the Board of Elections shall have reviewed, examined, and certified as to their sufficiency and validity.

In the event it is necessary to hold a primary election, such nonpartisan primary election shall be held in the City on the eighth Tuesday prior to such Municipal election. Those persons receiving the highest vote totals, and equal in number to twice the number of offices for which such election is held, shall be designated candidates for such office, subject to applicable provisions of this Charter. Each candidate shall file a separate petition. Group petitions shall not be used for any elective office in the City.

Forms provided by the Board of Elections, if appropriate, or by the City, for the nomination of nonpartisan candidates for such office, shall be used and filed with the Board of Elections as required by state law. (Amended November 3, 1998)

#### **5.4 NOMINATING PETITIONS**

Although a primary election may not be necessary, as provided by this Charter, each person desiring to become a candidate for nomination for any City office shall, not later than 4:00 p.m. of the ninetieth (90<sup>th</sup>) day before the date set by Section 5.3 of this Charter, file with the Board of Elections, a nominating petition and a petition requiring signatures of registered electors as follows: not less than fifty (50) nor more than one-hundred fifty (150) for the office of Ward Council member; not less than seventy-five (75) nor more than two-hundred twenty-five (225) for the office of Council member At Large; not less than one-hundred fifty (150) nor more than three-hundred fifty (350) for the office of Mayor; and not less than seventy-five (75) nor more than two-hundred twenty-five (225) for the office of the Director of Law. (Amended November 5, 2019)

Such petitions may contain the names and addresses of five (5) registered electors of the City designated in advance by the candidate as a nominating committee. Such committee may fill vacancies caused by the death or withdrawal of the candidate as set forth in this section of the Charter.

If a person nominated by petition, in accordance with this section of the Charter, for the offices of Mayor Council member or Director of Law, and who faces a nonpartisan primary contest for nomination by the electorate, should die or withdraw due to illness or loss of elector status not less than thirty-five (35) days before the day of such primary election, the vacancy so created may be filled only by the nominating committee designated in the nominating petition of such affected candidate.

If a person is either nominated in the primary election as a candidate at the next regular Municipal election for one (1) of the offices named in this section, or certified as a candidate for the next regular Municipal election without the necessity of a primary election in accordance with the provisions of this Article, and such candidate dies or withdraws due to illness or loss of elector status not less than thirty-five (35) days before such regular Municipal election, the vacancy so created may be filled only by the nominating committee of five (5) persons designated

in the nominating petition filed by the affected candidate prior to the Primary Election.

To fill the vacancy created by the death or withdrawal of a candidate for any of the offices named in this section, a majority of the members of the nominating committee designated by the nominating petition of the affected candidate shall file with the Board of Elections, not less than thirty (30) days before either the primary election, or the regular Municipal election, a sworn, notarized statement, signed by a minimum of three (3) members of such committee, designating the person they select to fill such vacancy. Such statement must be accompanied by the written acceptance of the person so certified as their candidate choice. (Amended November 3, 1998)

## **ARTICLE VI. CITY DEPARTMENTS**

### **6.1 ESTABLISHMENT OF CITY DEPARTMENTS**

- A. The following departments are hereby created and established by this Charter:
1. Department of Finance
  2. Department of Law
  3. Department of Planning
  4. Department of Public Safety
  5. Department of Public Service

Council may create additional departments as necessary. (Amended November 8, 2005.) (Moved for clarification purposes per 2019-R52 adopted 8/27/19 by City Council as a non-substantive change.)

B. Abolishment of City Departments

Council may consolidate, divide and re-assign the operating divisions of the departments created by this Charter or by Council to assure operating and management efficiently. Council may not abolish a department created by this Charter but may abolish a city department created by Council.

### **6.2 DIRECTORS**

Each city department shall be headed by a director (hereinafter, a "Director"). The qualifications, education, and experience of each Director, excepting that of the Director of Law, shall be certified by the Director of Law and no binding offer of employment may be made to a

Director appointee prior to such certification. (Amended November 8, 2005.)

Council shall have the responsibility for the development of job descriptions for all Director positions created by this Charter or Council. Such job descriptions shall indicate specific job duties, organizational responsibilities, and limits of authority.

Directors appointed by the Mayor pursuant to this Charter shall require a majority vote of approval by Council and shall serve at the pleasure of the Mayor and Council.

Except as otherwise specified in this Charter, the dismissal of a Director shall require a two-thirds (2/3) vote of Council in concurrence. (Amended November 5, 2019)

### **6.3 DIRECTOR OF FINANCE**

#### **A. Qualifications**

The Director of Finance shall have:

1. an undergraduate degree in accounting or a related field, including a minimum of twenty-four (24) semester hours or thirty-six (36) quarter hours of accounting, taxation, and/or auditing courses;
2. a minimum of five (5) years' experience in accounting which includes a minimum of two (2) years' experience in the practice and/or auditing of municipal or governmental accounting; and
3. a minimum of two (2) years management or supervisory experience.

#### **B. Powers and Duties**

The Director of Finance shall:

1. be the fiscal officer of the City;
2. be responsible for the collection, disbursement, and custody of all funds and shall establish and maintain those records and procedures necessary to perform his duties;
3. perform such other functions as may be assigned by ordinance or resolution or by order of the Mayor; and
4. perform all other duties performed by city treasurers and city auditors under the general laws of the State of Ohio.

## 6.4 DIRECTOR OF LAW

### A. Qualifications

The Director of Law shall:

1. be an attorney who is licensed, during the term of the Director of Law's appointment, to practice law in the State of Ohio;
2. have a minimum of five (5) years of employment or public practice experience in municipal and/or other governmental law (Amended November 8, 2005); and
3. for a Director of Law first elected or appointed after January 1, 2020 shall:
  - (a) for at least two (2) continuous years immediately prior to the Director of Law's election or appointment, and, during the Director of Law's term, be a qualified elector and resident of the City;
  - (b) be an attorney who is licensed, during the term of the Director of Law's election or appointment, to practice law in the State of Ohio and maintain the qualifications for a Certificate of Good Standing from the Supreme Court of Ohio during the term of the Director of Law's appointment or election to office (Amended November 5, 2019); and
  - (c) have a minimum of five (5) years of employment or public practice experience in municipal and/or other governmental law. (Amended November 8, 2005)

For the purposes of Section 6.4 A. 3. (c), "employment or public practice experience in municipal and/or other governmental law" shall mean either (i) experience as a director of law or assistant director of law for an Ohio municipality, or substantially equivalent position for the State of Ohio or one of its political subdivisions or agencies, or (ii) substantially equivalent experience as an attorney representing the State of Ohio or one or more of its instrumentalities, municipalities, political subdivisions or agencies in civil matters, including but not limited to representation of such entities in state or federal court or agency proceedings.

The Director of Law shall not otherwise be employed by the City and shall hold no other public office other than that of a notary public, member of the Ohio National Guard or Reserve Corps of the United States.

The Director of Law shall be a part-time or full-time position with such compensation (and benefits, if any) as fixed by ordinance or resolution of Council as provided herein.

If required by ordinance or resolution of Council, the Director of Law shall certify to the Director of Finance on a biweekly or other periodic basis determined by Council that the Director of Law has complied with the workweek requirements as set forth by ordinance or resolution of Council. (Amended November 5, 2019)

**B. Powers and Duties**

The Director of Law shall:

1. be the legal advisor on all legal matters coming before the City and shall represent or direct the representation of the City in all litigation, cases, or suits coming before the City;
2. prepare or review all contracts, ordinances, resolutions, and other documents or instruments as required by the Mayor and Council;
3. have other powers and duties performed by directors of law of general statutory plan cities under the general laws of the State of Ohio; and
4. perform other duties specified by city solicitors by the laws of the State of Ohio.

Nothing in this Charter shall preclude the City from contracting for additional legal services as may be periodically required.

**C. Election; Term of Office**

The Director of Law shall represent the City in accordance with the ethical standards for Ohio attorneys as set forth in the Ohio Rules for Professional Conduct adopted by the Supreme Court of Ohio. In the event there is a conflict of interest, the conflict shall be resolved in accordance with the Ohio Rules for Professional Conduct adopted by the Supreme Court of Ohio. The Director of Law 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 unless an election is required to fill a vacancy in the office of the Director of Law as provided in Section 6.4.D. of this Charter. The Director of Law shall

serve a four-year term not to exceed two consecutive elected terms but may be appointed in the event of a vacancy pursuant to Section 6.4(D) of this Charter. Any partial term to fill a vacancy shall not count as a four (4) year term with respect to the foregoing term limits.

The Director of Law shall be nominated pursuant to Sections 5.3 and 5.4 of the Charter in the same manner as the Mayor requiring the same number of signatures as Council members at Large. (Issue 14, 2018 General Election) For the office of the Director of Law, there shall be no primary election unless four (4) or more persons file nominating petitions. (Amended November 5, 2019)

D. Vacancy in Office

Whenever the office of the Director of Law shall become vacant for any reason, whether occurring by death, disqualification, recall, removal, or resignation, such vacancy shall be filled by a three-fourths (3/4ths) majority vote 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. In the event a vacancy shall occur in the office of the Director of Law between a November General Election and December 31 of that year, the above time periods to fill the vacancy shall be tolled and, therefore, not begin to run, until January 1 of the following year.

If Council shall fail to fill the vacancy within said forty-five (45) day period, the power of Council to do so shall lapse, and the Mayor may make an appointment to fill the vacancy, from among qualified electors making application in accordance with the provisions set forth below or fill the vacancy as an interim or acting appointment.

Such appointee shall have the qualifications as specified in Section 6.4.A. of this Charter for a candidate for election to the office of Director of Law, except that an interim or acting appointee need not be an elector of the City. An appointee, other than an appointee subject to Section 3.3.D. of the Charter, shall hold office for the balance of the unexpired term, 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 Director of Law newly elected pursuant to this provision shall assume office the following January 1.

Applicants for a Director of Law vacancy shall submit a letter of qualifications together with petitions signed by a minimum of seventy-five (75) electors of the City at-large. The date of petition, and the dates of all signatures on such petitions, shall be after the date of vacancy in the office for which the petitions are being submitted. (Amended November 5, 2019)

## **6.5 DIRECTOR OF PLANNING**

### **A. Qualifications**

The Director of Planning shall have a minimum of five (5) years' experience in the area of planning and community development.

### **B. Powers and Duties**

The powers and duties of the Director of Planning shall include the following:

1. Oversee the implementation of the long-range plan developed by the Planning and Zoning Commission for the orderly and well-managed growth of the City pursuant to the ordinances and resolutions of the City.
2. Oversee and review commercial and residential development to assure compliance with this long-range plan pursuant to the ordinances and resolutions of the City.
3. Participate in the review of any proposed changes in zoning ordinances, plotting, subdivision, or other commercial or residential developments.
4. Attend Planning Commission meetings and function as a liaison between the Mayor, Council, and the Planning Commission.
5. Interface with contractors and developers in the City's review and approval of plans for commercial or residential construction.
6. The Department shall include the Zoning and Inspection Division.

## **6.6 DIRECTOR OF PUBLIC SAFETY**

### **A. Composition**

The Mayor shall serve as Director of Public Safety until such time as Council provides, by ordinance, for the separation of the two (2) positions.

### **B. Powers and Duties**

The Director of Public Safety shall oversee all matters relating to public safety, including police, fire, and emergency medical services.

## **6.7 DIRECTOR OF PUBLIC SERVICE**

### **A. Qualifications**

The Director of Public Service shall be selected on the basis of their administrative and executive qualifications. The Director of Public Service shall have a minimum of five (5) years management or supervisory experience.

### **B. Powers and Duties**

The Director of Public Service shall make all the necessary rules and regulations for the governing of the Department of Public Service and the operation of the divisions thereof. The Department shall include, but not be limited to, divisions of Cemeteries, Custodial Services, Health and Environment, Highways and Parks and Recreation.

# **ARTICLE VII. BOARDS AND COMMISSIONS**

## **7.1 ESTABLISHMENT OF BOARDS AND COMMISSIONS**

The following boards and commissions are hereby created and established as City Boards and Commissions:

- A. Civil Service Commission
- B. Parks and Recreation Board
- C. Planning and Zoning Commission
- D. Zoning Board of Appeals

## **7.2 GENERAL PROVISIONS**

All persons appointed to any city board or commission must be qualified electors of the City.

No voting member of a City board or commission shall be an elected or appointed official, officer, or employee of the City.

Members of the City boards and commissions shall serve without compensation unless expressly provided for by other provisions of this Charter or by ordinance of Council. Reimbursement for expenses incurred by the members of City boards and commissions in the performance of their duties shall be permitted.

Members of each City board or commission may serve multiple terms.

Each City board or commission shall appoint a secretary who shall prepare minutes of each meeting and shall provide copies of same to the Mayor and President of Council and for public posting at the City administrative offices. Each city board or commission shall adopt written operating rules and regulations subject to approval or revision by a simple majority vote of the members of Council and shall keep a complete journal of its proceedings.

At the first meeting of each year, each City board or commission shall select a Chairperson from its appointed members who shall serve for one (1) year. A member may serve multiple terms as Chairperson.

A vacancy during the term of any City board or commission member shall be filled for the remaining unexpired term in the same manner as that vacated member's original appointment.

### **7.3 CIVIL SERVICE COMMISSION**

#### **A. Composition and Term**

The Civil Service Commission shall consist of three (3) members, appointed for staggered terms of six (6) years or until their successors have been appointed.

The members of the Civil Service Commission shall be appointed as follows. One (1) member shall be appointed by the Mayor, one (1) member shall be appointed by Council, and one (1) member shall be appointed by the Green Local Board of Education. If the Board of Education shall fail to make its appointment within thirty (30) days after written notification by the Clerk of Council, the Mayor shall make that appointment. Members of the Civil Service Commission shall be persons of recognized competence in personnel administration, public administration, labor relations, law, or a relevant field.

B. Powers and Duties

The Civil Service Commission shall provide by written rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the City, and for appeals from actions of transfer, reduction, or removal of classified personnel under the civil service provisions.

Except as provided in collective bargaining agreements with the City, which agreements shall govern in event of conflict with the Civil Service Commission rules and regulations, the municipal Civil Service Commission shall prescribe, amend and enforce rules and regulations for the classification of positions, removals, transfers, layoffs, suspensions, reductions and reinstatements, and for standardizing efficiency in the Civil Service of the City of Green.

The Civil Service Commission shall provide for examinations and resignations and for appointments, and promotions within the classified civil service. The Civil Service Commission may adopt rules and regulations that establish standards, examination rules and credits, and procedures for appointments and promotions within the classified civil service that differ from those established by the Ohio Revised Code as long as such rules and regulations are reviewed and approved by City Council. (Amended November 6, 2012)

C. Classification of Service

All compensated positions in the service of the City shall be in the classified service and shall be appointed pursuant to competitive examination, except the following, which shall comprise the unclassified service of the City:

The Mayor and Council members; and

1. All administrative department directors; and
2. Members of all City boards and commissions; and
3. Members of any auxiliary police force or unit, and volunteer or part-time members of any fire force or division; and
4. Consultants and others engaged to provide services as independent contractors; and
5. Temporary employees who are employed for not more than one hundred eighty (180) days continuously, nor

more than one hundred eighty (180) days in a twelve (12) month period; and

6. The Clerk of Council, other employees of Council, and the secretary of each City board or commission established by this Charter or by ordinance, provided that if such Clerk, employee, or secretary shall hold other employment within the classified service of the City. This section shall not exempt such person from the requirement of competitive examination to hold such other employment.

Except as otherwise provided by this Charter, Council may pursuant to Section 6.2., determine which additional administrative positions shall be considered classified or unclassified. (Amended November 3, 1998)

#### **7.4 PARKS AND RECREATION BOARD**

##### **A. Composition and Term**

The Parks and Recreation Board shall consist of five (5) members, appointed for staggered terms of five (5) years, or until their successors have been appointed.

The members of the Parks and Recreation Board shall be appointed as follows. Three (3) members shall be appointed by the Mayor; and two (2) members shall be appointed by Council. The Chairperson of the appropriate committee of Council shall serve as a non-voting member of the Parks and Recreation Board. (Amended November 3, 1998)

##### **B. Powers and Duties**

The Parks and Recreation Board shall advise with respect to the acquisition, development, maintenance, and operation of the parks and recreational facilities of the City. The Board shall solicit input from, provide assistance to, and cooperate with civic, historical, and youth athletic organizations in providing these services and facilities.

The Parks and Recreation Board shall serve in an advisory capacity to both the Mayor and Council. The Parks and Recreation Board shall develop a plan to provide for the parks and recreational needs of the community and shall oversee implementation of that plan.

The Board has no power to commit the expenditure of public moneys except as expressly provided for by Council. The authority to purchase, sell, lease, dispose of, or accept as donations, any property or moneys resides in Council.

Council shall be required to provide an estimate of appropriate moneys for parks and recreation to the Board no later than November 15 of the year prior to the year for which moneys are to be appropriated. It shall be the duty of the Parks and Recreation Board to develop an annual plan for the most effective and beneficial use of the moneys so appropriated.

## **7.5 PLANNING AND ZONING COMMISSION**

### **A. Composition and Term**

The Planning and Zoning Commission shall consist of five (5) members, appointed for staggered terms of five (5) years, or until their successors have been appointed.

The members of the Planning and Zoning Commission shall be appointed by the Mayor and approved by a two-thirds (2/3) vote of the members of Council. The Director of Planning, the Chairman of the Planning Committee of Council, and one member of the Parks and Recreation Board shall serve as non-voting members of the Planning and Zoning Commission.

An alternate member shall also be appointed by the Mayor and approved by two-thirds of the vote of members of Council, for a term of five (5) years, or until their successor has been appointed. (Amended November 2, 2010)

### **B. Powers and Duties**

The Planning and Zoning Commission shall be responsible for planning the orderly growth and development of the City. The Commission shall recommend to Council a long-range plan for the City growth and development.

The Commission shall conduct studies and make recommendations to Council concerning any items which require legislative action.

The Commission shall have those additional powers and duties as prescribed by ordinance and resolution, and, to the extent not in conflict with this Charter and the City's ordinances and

resolutions, the Commission may exercise those powers granted by the law.

Any legislation to be considered by Council, concerning zoning shall be brought to the Planning and Zoning Commission for its consideration and recommendation.

C. Role of Alternate Member-

The alternate member shall attend all meetings and will receive the same compensation paid to other members of the Planning and Zoning Commission.

The alternate member shall participate in the discussion of any matter before the Planning and Zoning Commission as if the alternate member was an active, voting member.

The alternate member shall only vote on any matter if a Planning and Zoning Commission member is absent for any reason, including sickness and/or conflict of interest, however, the alternate member shall not vote if five (5) standing members of the Planning and Zoning Commission are present and able to vote. (Amended November 2, 2010)

## **7.6 ZONING BOARD OF APPEALS**

A. Composition and Term

The Zoning Board of Appeals shall consist of five (5) members, appointed for staggered terms of five (5) years, or until their successors have been appointed.

The members of the Zoning Board of Appeals shall be appointed by the Mayor and approved by a two-thirds (2/3) vote of the members of Council. Members of the Zoning Board of Appeals shall be persons of recognized competence in the areas of construction, architecture, or real estate.

B. Powers and Duties

It shall be the duty of the Zoning Board of Appeals to hear and decide appeals made for exceptions to and variations from the application of ordinances, orders, and regulations of City administrative officials or agencies, governing building and zoning in the City. Such appeals decisions shall be in conformity with the purpose and intent of such ordinances and

regulations. The Zoning Board of Appeals shall have such other duties as Council may designate.

## **ARTICLE VIII. FINANCE AND TAXATION**

### **8.1 GENERAL PROVISIONS**

The laws of the State of Ohio relating to budgets, appropriations, taxation, debts, bonds, assessments, and other fiscal matters of the City shall be applicable to the City, except as modified or necessarily inconsistent with the provisions of this Charter, or when provision therefor is made in the Constitution of the State of Ohio.

### **8.2 ALLOCATION OF INCOME TAX REVENUES**

The funds collected under the provisions of any Municipal income tax in the City shall be deposited in a special fund known as the Income Tax Revenue Fund. Disbursements of moneys from this fund shall be made as follows:

- A. First, funds shall be allocated to defray all expenses of collection, administration, and enforcement of the income tax and the provisions of the ordinance.
- B. Second, a minimum of seven percent (7%) of the tax revenues shall be allocated and assigned to the City parks and recreation program. Such funds shall be appropriated first to capital expenditures, that is, the purchase of property, building construction, or other improvements with a life of five (5) years or longer-; provided that if the total expended funds for such capital expenditures are less than the total funds available for capital expenditures, up to fifteen percent (15%) of the seven percent (7%) of income tax revenues available annually may be expended for the City's parks and recreation special events and programming. Any unused funds shall, on an annual basis, be assigned to a fund for use only for future capital expenditures, special events and programming in support of the City's parks and recreation program on the same allocation basis set forth in this Section. (Amended November 6, 2012) This provision shall be reviewed by the Charter Review Commission as specified in the time period mandated in Section 9.2. (Amended November 8, 2005)

- C. Third, funds shall be allocated as required to defray expenses of the General Fund of the City. (Amended November 3, 1998)

### **8.3 LIMITATION ON TOTAL MUNICIPAL INCOME TAX**

Where a resident of the City is subject to income tax in another municipality or joint economic development district such resident shall not pay City income tax on such income that exceeds the tax imposed at the higher of the two tax rates. (Amended November 5, 2019)

### **8.4 INCOME EXEMPT FROM MUNICIPAL INCOME TAX**

The following types of income shall be exempt from payment of municipal income tax:

- A. Poor relief and welfare payments, unemployment insurance benefits, private and company sponsored retirement pensions and benefits, public retirement pensions and benefits and disability benefits from local, state, and Federal governments and from charitable, religious and educational organizations.
- B. Proceeds from insurance paid by reason of death, including pensions and all disability benefits; annuities and other gratuities from all sources that are not the result of compensation for services rendered.
- C. Salaries, wages, and other compensation paid by an employer to a person under eighteen (18) years of age, who is a full-time student in an accredited elementary school, middle school, junior high school, high school, college, or university.
- D. Insurance payments or other compensation received as the result of casualty losses or damage to property.
- E. Income received in the form of child support payments required by a divorce agreement or by the courts.
- F. Interest and dividends from intangible property.
- G. Military pay and allowances received as a member of the armed forces of the United States.
- H. The income of all individuals whose gross earned income is three-thousand (\$3,000) dollars per year or less.

- I. The income of any charitable, religious, scientific, literary, educational, fraternal, or other non-profit organization as enumerated in Ohio R.C. 718.01 and which is exempt from payment of real estate taxes.
- J. The monetary value of all grants, assistantships and scholarships received by a student attending an accredited college or university.
- K. Capital gains.

### **8.5 ESTABLISHMENT OF NEW CITY SERVICES**

When a function of the City is proposed to be performed for the first time subsequent to the adoption of this Charter by officers and employees of the City rather than pursuant to contracts with other governments, persons, or firms, and the cost of the annual operation and capital requirements would exceed twenty percent (20%) of the City's revenues in the prior fiscal year, which revenues were lawfully available for such function, then Council shall place the question of whether such function shall be performed by officers and employees of the City rather than by contract upon the ballot at the next general, primary, or regular Municipal election to be held within the City. The Council may cause such an election to be held at a special election on any date upon a vote of three-fourths (3/4) of the members of Council

This Section shall apply to the police and public utility functions. This Section shall not apply where a three-fourths (3/4) majority of the members of Council determines that the function must be established due to State or national law, or where Council determines by a unanimous vote of its members that such function cannot be provided by contract at a reasonable cost.

This provision shall not include programs in effect as of the effective date of this Charter, or those programs established by this Charter.

This provision shall not preclude Council from contracting with other governmental or private entities to provide such services on a fee basis.

## **ARTICLE IX.**

### **CHARTER AMENDMENT AND REVIEW**

#### **9.1 CHARTER AMENDMENT**

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

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.

#### **9.2 CHARTER REVIEW**

In January five (5) years after the effective date of this Charter, and in January every seven (7) years thereafter, the Mayor shall appoint with approval of a simple majority vote of the members of Council, by January 14, a Charter Review Commission composed of five (5) electors of the City. The appointees shall hold no other City elective or appointive office, nor be employed by the City except on an advisory board.

All meetings of the Charter Review Commission shall be public. Such Commission shall select its own Chairperson and Secretary and adopt its own rules for the conduct of its business. The members of the Commission, unless otherwise provided by Council, shall serve without compensation, and the term of the Commission shall end on the day of the next regular Municipal or Ohio general election occurring at least nine (9) months after their appointments.

The Charter Review Commission shall, on or before June 12 of the same year, recommend to Council any alterations, revisions, or amendments to this Charter. The Council shall publish the recommendations of the Charter Review Commission in at least any one (1) newspaper of general circulation within the City once a week for two (2) successive weeks; and, Council shall hold a public hearing on such recommendations within one (1) week after the second publication thereof.

The Council shall submit the amendments to the electors at the next regular Municipal or Ohio general election, unless rejected by a three-fourths (3/4) vote of the members of Council for each proposed amendment. (Amended November 3, 1998)

## **ARTICLE X. INITIATIVE, REFERENDUM, AND RECALL**

### **10.1 INITIATIVE**

The electors of the City shall have the same right and power to initiate or propose any ordinance or resolution as is now or may hereafter be provided by the Constitution and laws of the State of Ohio, except as otherwise provided in this Charter.

### **10.2 REFERENDUM**

The electors of the City shall have the right and power to approve or reject any ordinance or resolution or other measure passed by Council as is now or may later be provided by the Constitution and laws of the State of Ohio, except as provided in this Charter.

When petitions for referendum are filed, all preliminary actions required for the issuing of debt may be taken during the period prior to the referendum election, but no debt instruments shall be sold, issued or delivered until after the election has been held and the vote is favorable to issuing the debt instruments.

### **10.3 RECALL**

The electors of the City shall have the power to remove any elective officer of the City by recall election. If an elective officer has served at least six (6) months of his term, a petition demanding his removal may be filed with the Clerk of Council. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the general laws of the State of Ohio regulating initiative and referendum laws shall also apply in the case of recall in the City, except as otherwise provided in this Charter. Such petition shall contain the name and office of the person whose removal is sought and a statement, in not more than two-hundred (200) words, of the grounds for removal. The circulation of such recall petitions is restricted to qualified electors for the office of the officer sought to be recalled. Such petition shall be signed by at least twenty percent (20%) of the registered electors eligible to vote at the last preceding regular Municipal election for the office of the officer sought to be recalled.

Within ten (10) days after such petition shall have been filed, the Clerk of Council shall determine whether or not the petition meets the

requirements hereof. If the Clerk of Council shall find the petition sufficient, he shall promptly certify same to Council and shall deliver a copy of such certificate to the officer whose removal is sought and shall make a record of such delivery. If the officer whose removal is sought does not resign within seven (7) days after such delivery is made, the Council shall thereupon fix a day for holding a recall election, not less than forty-five (45) and not more than sixty (60) days after the date of such refusal to resign.

At such recall election, this question shall be placed on the ballot: "Shall (name of officer) be allowed to continue as (name of office)?", with provision on the ballot for voting affirmatively or negatively on the question. If a majority of the votes cast are certified in the affirmative, such officer shall remain in office and no further recall petition may be filed against him for a period of two (2) years. If a majority of the votes cast are certified in the negative, such officer shall be considered as removed, his office shall be declared vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby, nor shall he be eligible for appointed office in the City for a period of one (1) year from the date of his removal.

## **ARTICLE XI. TRANSITION**

### **Historical Perspective to 1993**

**(Change in title made by 2005 Charter Review Commission, adopted May 11, 2005.)**

#### **11.1 EFFECTIVE DATE**

The provisions of this Charter shall be submitted to the voters at the general election to be held in November 1992. This Charter, if approved at said election, shall become effective January 1, 1993, except as may otherwise be provided for in this Charter.

#### **11.2 INITIAL CITY OFFICERS**

Upon the effective date of this Charter, the Mayor and Council defined under this Charter shall be composed of the currently serving Mayor and Council of the Village of Green. Such officers shall continue to be compensated as previously authorized until Council revises the method or rate of compensation by ordinance or resolution in accordance with the provisions of this Charter.

Should any official of the City occupy an elective office by reason of appointment to fill a vacancy occurring before the effective date of this Charter, he shall serve as an appointed official until elected, or replaced by a person elected to fill the unexpired term in accordance with the provisions of the Charter dealing with vacancies in office.

These officials shall have all the rights and powers provided herein the same as if they had been elected under the provisions of this Charter.

The Mayor, whose term expires on December 31, 1993, shall be replaced by a Mayor, elected in the regular Municipal election of 1993, and again every four (4) years hence.

Those Council members whose terms expire on December 31, 1993, shall be replaced by four (4) Ward Council members, elected in the regular Municipal election of 1993, and again every four (4) years hence. Those Council members whose terms expire on December 31, 1995, shall be replaced by three (3) Council members At Large elected in the regular Municipal election of 1995, and again every four (4) years hence. The Village of Green Clerk/Treasurer shall continue to serve as Director of Finance until December 31, 1993.

### **11.3 ABOLISHMENT OF OFFICERS**

The elected office of Clerk/Treasurer is abolished under the provisions of this Charter.

### **11.4 FIRST ELECTION**

The first election under this Charter shall be the first Tuesday after the first Monday in the month of November 1993, unless it is necessary, under the provisions of the Charter, for a primary election which shall be held in conjunction with the 1993 Ohio primary election.

### **11.5 CONTINUATION OF EMPLOYEES**

Upon the effective date of this Charter all individuals lawfully appointed and employed by the City, shall continue employment with the new City of Green under the same terms, privileges, duties, and responsibilities, and with no loss in pay and in the same position to which such employees would normally be assigned, subject to the following:

- A. That no civil service, psychological or physical examinations shall be required of such employees to qualify for initial employment with the new City.

- B. That nothing in the terms and conditions of this Charter shall be construed so as to limit the lawful authority of the new City to determine employment requirements beyond the effective date of this Charter, or to create any expectancy of employment or re-employment beyond the effective date of this Charter.

Any officer or employee who has been in the classified service of the City for a period of more than ninety (90) days on the effective date of this Charter or who has been continuously and permanently employed for more than ninety (90) days in a position which will be included in the classified service as a result of the adoption of this Charter, shall retain his position until discharged, reduced, promoted or transferred pursuant to the provisions of civil service.

## **11.6 CITY BOARDS AND COMMISSIONS**

### **A. General Provisions**

All current members of existing City Boards and Commissions shall serve through December 31, 1992. All appointments effective on or after January 1, 1993, shall be in the manner provided for under the applicable section of this Charter. The initial meeting of each City board or commission in 1993 shall be called by the Mayor. The Mayor shall preside at the initial meeting until a permanent board or commission Chairperson is selected.

### **B. Initial Terms of Office**

In order to establish the staggered terms of office required by this Charter for members of the City boards and commissions, the initial members of these bodies shall be appointed in the manner prescribed below. Upon the expiration of each initial term, the responsible appointing authority shall re-appoint a member for a full term as provided herein. Vacancies occurring during any member's initial term shall be filled for the remaining unexpired initial term in the same manner as the vacated member's original appointment.

### **C. Civil Service Commission**

The members of the Civil Service Commission, under this Charter, shall be appointed as follows. The Mayor shall appoint one (1) member for an initial six (6) year term, the Green Local Board of Education shall appoint one (1) member

for an initial four (4) year term, and Council shall appoint one (1) member for an initial two (2) year term.

D. Parks and Recreation Board

The members of the Parks and Recreation Board, under this Charter, shall be appointed as follows. The Mayor shall appoint one (1) member for an initial five (5) year term, and one (1) member for an initial one (1) year term, the Green Local Board of Education shall appoint one (1) member for an initial four (4) year term, and one (1) member for an initial two (2) year term, and Council shall appoint one (1) member for an initial three (3) year term.

E. Planning and Zoning Commission

The members of the Planning and Zoning Commission, under this Charter, shall be appointed as follows. The Mayor shall appoint, and Council shall approve, five (5) members, one (1) for an initial five (5) year term, one (1) for an initial four (4) year term, one (1) for an initial three (3) year term, one (1) for an initial two (2) year term, and one (1) for an initial one (1) year term.

F. Zoning Board of Appeals

The members of the Zoning Board of Appeals, under this Charter, shall be appointed as follows. The Mayor shall appoint, and Council shall approve, five (5) members, one (1) for an initial five (5) year term, one (1) for an initial four (4) year term, one (1) for an initial three (3) year term, one (1) for an initial two (2) year term, and one (1) for an initial one (1) year term.

## **ARTICLE XII. GENERAL PROVISIONS**

### **12.1 SUCCESSION**

The City of Green, under this Charter, is hereby declared to be the legal successor of the City of Green, under the general laws of the State of Ohio, and as such it has title to all property, real and personal, owned by its predecessor including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The City is liable for all outstanding orders, contracts, and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. All

contracts entered into by the City for its benefit prior to the effective date of this Charter, shall continue in full force and effect.

All laws and parts of laws relating to or affecting the City in force when this Charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of the Charter; however, all laws, ordinances and regulations not inconsistent with the provisions of the Charter shall continue in full force and effect until the same shall be lawfully amended or repealed under the terms and provisions of this Charter.

## **12.2 DEFINITION OF MAJORITY**

For as long as Council shall consist of seven (7) members, a simple majority shall be deemed to be four (4) members, a two-thirds (2/3) majority shall be deemed to be five (5) members, and a three-fourths (3/4) majority shall be deemed to be six (6) members. Should the size of Council be changed by future charter amendment, the number of votes satisfying these definitions shall be revised appropriately to be consistent with the stated types of majority, providing that the number of votes satisfying each definition shall be different and unique.

## **12.3 HEADINGS**

The article and section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provisions of this Charter.

## **12.4 GENDER**

Change all references from masculine/feminine pronoun he/she to gender neutral terms. (Amended August 27, 2019 per Resolution 2019-R52)

## **12.5 DEADLINES**

The time within or by which any act or thing is required to be done by any of the provisions of this Charter shall be computed by excluding the first day and including the last day, except that when the last day falls on a Saturday, Sunday, or legal holiday, then the act or thing shall be done by the next succeeding day which is not a Saturday, Sunday, or legal holiday.

## **12.6 OPEN MEETINGS**

It is the intent of this Charter that, except as provided herein, meetings of public bodies shall be held in accord with Ohio's Open Meetings Act, Section 121.22 of the Ohio Revised Code, including, but not limited to,

any successor or related section or amendment thereto. Notwithstanding the foregoing, the following provisions shall take precedence over and amplify the Ohio Open Meetings Act, (Section 121.22 of the Revised Code), including but not limited to any successor or related section or amendment thereto.

- A. A board, commission, or committee shall not be deemed to be a public body if its sole authority is to make recommendations to a decision-making body. However, all committees or similar bodies of Council shall be deemed to be public bodies, even if such committees contain less than a majority of Council members and have no decision-making authority. For purposes of this provision, a “committee of Council” shall include any committee appointed by Council which includes two (2) or more Council members, whether serving in a voting or non-voting capacity.
- B. Executive sessions may be held by public bodies with an attorney for the purpose of discussing pending or imminent court action involving the City, or for the purpose of seeking and receiving legal counsel and advice on any matter involving the City.

## **12.7 ETHICAL CONDUCT AND CONFLICTS OF INTEREST**

The standards of ethical conduct and avoidance of conflicts of interest for all elected and appointed officers, officials, and employees of the City shall be those established by the general laws of the State of Ohio.

The civil and criminal penalties imposable for violations of such standards shall be in accordance with the general laws of the State of Ohio.

## **12.8 REMOVAL OF OFFICIALS**

Elected officials and members of City Boards and Commissions shall be removed for cause as provided in this Section of the Charter.

As used in this section of the Charter, the “charging official” shall mean: The Mayor, except where the person accused of grounds for removal is the person holding the office of Mayor; or the President of Council where the person sought to be removed for cause holds the office of Mayor.

The charging official, if he has reason to believe there is probable cause (as such causes are defined in this section) for removal of an elected official or member of a City board or commission, shall give notice of the alleged cause for removal and the time, date, and place of the commencement of a hearing for removal, which shall not be earlier than ten (10) days after the service of the notice, to the accused person by personal service, certified mail or by leaving a copy of such notice at the person's last known place of residence in the City. At such time, date, and place and at any adjourned meetings of such hearing, the Council shall hear the cause for removal; shall provide an opportunity for the accused person to be heard and present defenses and shall determine whether the accused person shall be removed from office. The Council may remove an official for any of the following causes by a three-fourths (3/4) vote of the members of Council. Such person shall not vote on any matter during the removal procedure and shall not be counted in determining required majorities. The following are grounds for removal of elected officials and members of City Boards and Commissions:

- A. Failure to possess the qualifications of office required pursuant to the provisions of this Charter.
- B. Conviction of a felony or other crime involving moral turpitude.
- C. Failure to take the required oath, or to give any bond required of him within twenty (20) days after effective date of his election or appointment, or obligation to give a new or additional bond.
- D. Being adjudicated legally incompetent.
- E. Conduct which is determined by Council to be gross misconduct or gross neglect of duty with respect to his official powers or duties.
- F. Violation of his oath of office.
- G. Gross failure of a Council member or of a City board or commission member to abide by the rules of Council or the City board or commission, as appropriate; or absence from three (3) consecutive regular meetings of the Council or City

board or commission without being excused by Council or the City board or commission, as appropriate.

Upon the removal of an official from office pursuant to this Section, the office of the offending person shall be declared vacant, subject to any appeal to and review by an appropriate court, and the vacancy shall be filled as provided in this Charter.

The removal of an official or the occurrence of any of the causes permitting the removal shall not invalidate any action of the official or anybody, including Council, in which the member participated. The subsequent removal of a person who fills a vacancy created pursuant to this section by reinstatement by a court of a person previously removed by Council, shall not invalidate any action of the person who filled the vacancy or anybody, including Council, in which such person who filled the vacancy participated.

Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. Council shall have the power to subpoena witnesses, administer oaths, and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall receive a public hearing, and a record of the proceedings shall be made and preserved. A notice of such hearing shall be published in at least any one (1) newspaper of general circulation in the City at least one (1) week in advance of the hearing, and in such event, the President of Council, or other presiding officer of Council, may reschedule the time, date, and place of the hearing to accommodate the publication of the notice. If the hearing is rescheduled, the President of Council, or other presiding officer, shall notify the accused person of such fact. Decisions made by Council under this Section shall be subject to review by the Courts on matters of law and whether Council acted arbitrarily and without probative evidence to support the grounds for removal.

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, (Amended November 5, 2019) 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.

## **12.9 SEPARABILITY**

If a section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section, or part of a section of this Charter, unless it clearly appears that such other section, or part of a section, is wholly and necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

## **12.10 CHARTER CORRECTIONS**

City Council shall be authorized to make typographical corrections to or changes or deletions in, as well as changes in the form of, the Charter; however, the changes shall relate to matters of form; or, to make the Charter consistent with Ohio law, upon advice of the Director of Law. Any such modification, change, or correction shall, in all cases, be approved by resolution of Council, prior to going into effect. No modification, change or correction shall affect the construction, meaning, substance, or intent of the Charter as adopted and amended by the people, except where the change corrects the Charter to comply with Ohio law. The specific powers granted by this Section include:

- A. City Council may correct obvious misspellings and typographical errors.
- B. City Council may divide the text of any section or paragraph into shorter paragraphs or subparagraphs and letter or number the same to improve clarity and ease of reference.
- C. City Council may renumber the sections and rearrange their order to provide:
  1. More coherent grouping of sections related in subject matter; and
  2. Continuous, consecutive numbering of sections.
- D. City Council may remove inconsistent language and correct language that violates Ohio law to ensure that the Charter complies with Ohio law.

Upon the adoption of any amendment that creates or abolishes an office or offices or changes the powers or duties of any officer or agency of the City, the City Council shall make necessary correlative changes in existing sections that refer to such offices, officers, or agencies by

deleting therefrom, as the case may be, the name of the office created or the title of the officer or agency then having such powers or duties. (Amended November 6, 2012)

### **ARTICLE XIII. GAMING**

Casino gaming, horseracing, scheme of chance, game of chance or gambling device shall not be allowed or operated in the City of Green, except for non-profit charitable purposes as authorized under Ohio law or Green City Ordinance. Nothing in this provision shall be construed to nullify the provisions of the Ohio Constitution Article 15, Section 6. (Amended November 6, 2012)

# LIST OF CHARTER COMMISSION AND CHARTER REVIEW COMMISSION MEMBERS

## 1992 Charter Commission Members

John M. Torok, Chair	Kimberly A. Zurz, Vice-Chair
Dale R. Brott	Ellen A. Campbell
Daniel L. Croghan	Elizabeth A. Dinie
Linda Dumke	Donn J. Force
Sandra A. Kalenterides	Ted A. Mallo
Carl T. Mickelson	Carolyn Patterson
Roberta A. Ravagnani	John W. Thornburg

## 1998 Charter Review Commission Members

Michael P. Christy, Chair	Bruno L. Codispoti, Vice-Chair
Diane Lawrence	Robert A. Mitchell
Jane S. Warmus	

## 2005 Charter Review Commission Members

David France, Chair	Josie McElroy, Vice-Chair
Susan Allen	Leonard Falcone
Sheri Lamanna	

## 2012 Charter Review Commission Members

Susan Allen, Chair	Ted A. Mallo, Vice-Chair
Jim Branney	Jeff Evans
Josie McElroy	

## 2019 Charter Review Commission Members

Susan Allen, Chair	Vivianne Duffrin, Vice-Chair
Ted A. Mallo	Christopher J. Meager “C.J.”
Sherry Neubert	