

RESOLUTION NO.: 2012-R45 (~~AMENDED SEPTEMBER 6, 2011~~)  
SPONSOR: MAYOR NORTON  
INTRODUCED: SEPTEMBER 04, 2012 ASSIGNED TO: \_\_\_\_\_

**DEFEATED**

**A RESOLUTION AMENDING SECTIONS 5.4 AND 6.2 OF THE CITY OF GREEN CHARTER AND CREATING A NEW SECTION OF THE CHARTER REQUIRING THE ELECTION OF THE PRIMARY LEGAL COUNSEL OF THE CITY OF GREEN, AND DECLARING AN EMERGENCY.**

WHEREAS, Article XVIII, Section 9, of the Ohio Constitution, permits the submission of a proposed amendment of the Charter of the City of Green upon petition signed by ten percent (10%) of the electors of the municipality; and

WHEREAS, petitions were submitted to the City of Green as follows:

To provide for by election of the primary legal counsel of the City of Green by adding  
**Article XIII Legal Counsel.**

6.4A Qualifications *shall be renumbered XIII.1*

6.4B Powers and Duties *shall be renumbered XIII.2*

5.4 . . . Ward Councilmember **and Law Counsel**; not . . . .

6.1 ~~B.—Department of Law~~

6.2 Each of the ~~five (5)~~ **four(4)** departments . . . .

6.2 The qualifications, education, and experience of each Director appointee, ~~excepting that of the Director of Law~~, shall be certified by the City's legal counsel. ~~The qualifications, education, and experience of the Director of Law shall be certified by the Mayor.~~ No . . . .

**XIII.3 City of Green's Legal Counsel shall not interfere or delay informational requests asked of other departments or officials.**

**XIII.4 The term of office shall be four (4) years, beginning 1<sup>st</sup> January following his election.**

The first election shall be held the first municipal election following passage.

WHEREAS, petitions were submitted with signatures in excess of the ten percent (10%) of the electors who voted in the last municipal election; and

WHEREAS, Green City Council determines that the amendment shall be submitted to the electors of the City of Green on November 6, 2012.

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

**SECTION ONE:**

City of Green Charter shall be amended to read as follows;

**Section 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 day before the date set by Section 5.3 of this Charter, file with the Board of Elections, a nominating petition and a petition required signature of registered electors as

**DEFEATED**

follows: not less than fifty (50) nor more than one-hundred fifty (150) for the office of Ward Councilmember; **and Law Counsel**; not less than seventy-five (75) nor more than two-hundred twenty-five (225) for the office of Councilmember At Large; and, not less than one-hundred fifty (150) nor more than three-hundred fifty (350) for the office of Mayor.”

**Section 6.2 GENERAL PROVISIONS**

“Each of the ~~five (5)~~ **four (4)** departments created by this Charter shall be headed by a Director, who shall serve at the pleasure of the Mayor and Council. Each Director shall be appointed by the Mayor with the approval of a two-thirds (2/3) vote of the members of Council.

A Director need not be a resident of Green at the time of appointment. However, any such appointee, employed by the City on a full-time basis, must establish, within one (1) year of his appointment, his voting residency within the boundaries of the City. For purposes of this requirement, a full-time Director shall be employed a minimum of thirty-six (36) hours per week.

The qualification, education, and experience of each Director appointee, ~~excepting that of the Director of Law~~, shall be certified by the City’s legal counsel. ~~The qualifications, education, and experience of the Director of Law shall be certified by the Mayor.~~ No binding offer of employment may be made to a Director appointee prior to such certification.

**ARTICLE XIII LEGAL COUNSEL**

**XIII.3 City of Green’s Legal Counsel shall not interfere or delay informational requests asked of other departments or officials.**

**XIII.4 The term of office shall be four (4) years, beginning 1<sup>st</sup> January following his election.**

**SECTION TWO:**

This proposed amendment to the Charter of the City of Green shall be placed before the qualified electors of the City for their approval on the November 6, 2012, election.

**SECTION THREE:**

Green City Council requests the following ballot language:

**“Shall the Charter of the City of Green be amended to change the position of Law Director from a part-time appointed position to an elected position?”**

~~“Shall the Charter of the City of Green be amended to change Section 5.4 of the Charter to require fifty (50) signatures on petitions for election of the Law Counsel; amend the Charter to reference only four (4) departments shall be headed by a Director; amend the Charter to remove the requirement of~~

~~certifying the qualifications, education, and experience of the Director of Law; to require Green's Legal Counsel to not interfere or delay informational requests asked of other departments or officials; and amend the Charter to require a term of office to four (4) years, beginning the 1<sup>st</sup> day of January following his election?"~~

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

**SECTION FOUR:**

The Clerk of Council of the City of Green shall certify a copy of this Resolution to the Board of Elections of Summit County, along with a copy of the proposed ballot language no later than September 6, 2012, as required by law.

**SECTION FIVE:**

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION SIX:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Molly Stevens, Clerk

\_\_\_\_\_  
Joel Reed, Council President

APPROVED: \_\_\_\_\_, 2012

\_\_\_\_\_  
Richard G. Norton, Mayor

COPIED \_\_\_\_\_  
SVCE ZONE PARK ROAD ENG  
LAW (FIN) (MAY) PLAN FIRE

ENACTED EFFECTIVE: \_\_\_\_\_, 2012

ON ROLL CALL: Colopy -NAY France -NAY Humphrey -NAY Knodel -NAY  
Neugebauer -NAY Reed -NAY Summerville - Absent  
Defeated 0-6

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DEFINITION

Suburbanite publication on Sept. 16 and Sept. 23, 2012

Molly Stevens  
Molly Stevens, Clerk

9/11/12 Approved as to form and content by Stephen J. Pruneski, Law Director SL 9/16/12

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