

**RECORD OF RESOLUTIONS**

Dayton Legal Blank, Inc., Form No. 00045

Resolution No. 3548 Passed August 19, 2013

**RESOLUTION TO PLACE A PROPOSED CHARTER AMENDMENT ON THE NOVEMBER 2013 BALLOT**

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO:

SECTION 1: That the proposed Amendment to the Charter of the City of Bowling Green, Ohio, amending Article I, Section 1.05, and entitled "The City of Bowling Green Community Bill of Rights" be submitted to the Board of Elections of Wood County, Ohio, for placement on the General Election Ballot for November 2013, for action by the electors of the City, in substantial accordance with the exhibit attached hereto and made a part hereof.

SECTION 2: This resolution shall take effect at the earliest time permitted by law.

Passed: August 19, 2013 Richard A. Edwards  
Date Mayor

Attest: Kay D. Scherreik  
Clerk of Council  
**KAY D. SCHERREIK**

Approved: August 20, 2013 John Zanfardino  
Date President of Council  
**JOHN ZANFARDINO**

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**  
This is to certify that the foregoing is a true copy of Res. No. 3548 passed by the Council of the City of Bowling Green, Ohio. Aug. 19, 2013  
Kay D. Scherreik  
Clerk of City Council

## PETITION FOR SUBMISSION OF PROPOSED AMENDMENT TO CHARTER

Constitution of Ohio, Art. XVIII, Section 9 and 14; Revised Code 731.28 - .41, 3503.06  
To be signed by ten percent of the electors, based upon the total vote cast  
at the last preceding general municipal election.

**NOTICE – Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution.**

To the Council, the Legislative authority of the City of Bowling Green, Ohio:

We, the undersigned, qualified electors of the City of Bowling Green, Ohio, respectfully petition the legislative authority to forthwith provide by Ordinance, for the submission to the electors of the City of Bowling Green, Ohio, the following proposed amendment to the Charter of the City of Bowling Green, to-wit:

### ARTICLE I, §1.05: THE CITY of BOWLING GREEN COMMUNITY BILL of RIGHTS

- a. Right to Pure Water. All people, natural communities and ecosystems in the City of Bowling Green possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the City.
- b. Right to Clean Air. All people, natural communities and ecosystems in the City of Bowling Green possess a fundamental and inalienable right to breathe air untainted by toxins, carcinogens, particulates and other substances known to cause harm to health.
- c. Right to Peaceful Enjoyment of Home. The people of the City of Bowling Green possess a fundamental and inalienable right to the peaceful enjoyment of their homes, free from interference, intrusion, nuisances or impediments to access and occupation.
- d. Rights of Natural Communities. Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems possess inalienable and fundamental rights to exist and flourish within the City of Bowling Green. People of the City shall possess legal standing to enforce those rights on behalf of those natural communities and ecosystems.
- e. Right to a Sustainable Energy Future. All people in the City of Bowling Green possess a fundamental and inalienable right to sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable and sustainable fuel sources.
- f. Right to Self-Government. All people of the City of Bowling Green possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities and their directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.
- g. People as Sovereign. The City of Bowling Green shall be the governing authority responsible to, and governed by, the people of the City. Use of the "City of Bowling Green" municipal corporation by the sovereign people of the City to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside.
- h. Rights as Self-Executing. All rights delineated and secured by this Charter shall be self-executing and these rights shall be enforceable against private and public entities.
- i. Securing and Protecting Rights. To further secure and protect the rights enumerated by the Bill of Rights:
  1. It shall be unlawful for any corporation to engage in the extraction of gas or oil within the City of Bowling Green, with the exception of gas and oil wells installed and operating at the time of enactment of this Charter provision, provided that the extraction of gas or oil from those existing wells does not involve any practice or process not previously used for the extraction of gas or oil from those wells and providing that those wells are capped securely when production ceases.
  2. It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to deposit, store or transport waste water, "produced" water, "frack" water, brine or other materials, chemicals or by-products used in the extraction of gas or oil, within, upon or through the land, air or waters of the City of Bowling Green.
  3. It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to engage in the creation of fossil fuel, nuclear or other non-sustainable energy production and delivery infrastructures, such as pipelines, processing facilities, compressors, or storage and transportation facilities of any sort that would violate the right to a sustainable energy future. This prohibition shall not apply to the construction, maintenance or repair of infrastructures used for delivery to residential or business retail end-users of gas or oil.
  4. Corporations engaging in gas or oil extraction in a neighboring municipality, county or state, and persons using corporations to engage in gas or oil extraction in a neighboring municipality, county or state, shall be strictly liable for all harms caused to natural water sources, ecosystems, human and natural communities within the City of Bowling Green.
  5. Corporations engaged in, or attempting to engage in, activities prohibited by this Charter section shall not have the rights of "persons" afforded by the United States and Ohio Constitutions, nor shall those corporations be afforded the protections of the commerce or contracts clauses within the United States Constitution or corresponding sections of the Ohio Constitution.
  6. Corporations engaged in, or attempting to engage in, activities prohibited by this Charter section shall not possess the authority or power to enforce State or federal preemptive law against the people of the City of Bowling Green, or to challenge or overturn municipal ordinances or Charter provisions adopted by the people of Bowling Green or the City Council of Bowling Green.
  7. No permit, license, privilege or charter issued by any State or federal agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this Charter provision or deprive any City resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Ohio Constitution, the United States Constitution, or other laws, shall be deemed valid within the City of Bowling Green.
  8. Any person, corporation, or other entity that violates any prohibition of this Charter section shall be guilty of a summary offense and, upon conviction shall be sentenced to pay the maximum fine allowable under State law for that violation, and shall be imprisoned to the extent allowed by law. A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Charter section found to be violated. Enforcement of this article may be initiated by the Bowling Green Police Department, the Director of Public Safety, or other designee of City Council. Bowling Green may also enforce this Charter section through an action in equity. In such an action, Bowling Green shall be entitled to recover damages and all costs of litigation, including, without limitation, expert and attorney's fees.

9. Any City resident shall have the authority to enforce this Charter section through an action in equity. In such an action, the resident shall be entitled to recover damages and all costs of litigation, including, without limitation, expert and attorney's fees. Any person who brings an action to secure or protect the rights of natural communities or ecosystems within Bowling Green shall bring that action in the name of the natural community or ecosystem in a court of competent jurisdiction. Damages shall be measured by the cost of restoring the natural community or ecosystem to its pre-damaged state, and shall be paid to The City of Bowling Green or other applicable governmental entity, to be used exclusively for the full and complete restoration of the natural community or ecosystem.
10. The provisions of this section are severable. If any court of competent jurisdiction decides that any sub-section, clause, sentence, part, or provision of this section is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sub-sections, clauses, sentences, parts, or provisions of this Bill of Rights and its prohibitions. The People of the City of Bowling Green hereby declare that in the event of such a decision, and the determination that the court's ruling is legitimate, they would have enacted this amendment even without the sub-section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional. All inconsistent provisions of prior Ordinance or Charter sections adopted at any time by the City of Bowling Green are hereby held in abeyance, but shall take immediate effect in the event this Bill of Rights and its protective prohibitions are overturned.

We hereby designate the following persons as a committee to represent the petitioners in all matters relating to this petition or its circulation:

NAME	RESIDENCE
Lisa Kochheiser	1045 Varsity West, Bowling Green, OH 43402
Joseph R. DeMare	517 S. Main Street, Bowling Green, Ohio 43402
Jennifer Karches	407 N Main Street, Bowling Green OH 43402
Libra Suzannah Wittenmyer	115 Liberty Street, Bowling Green, OH 43402
Blaine Todd Childers	407 N Main Street, Bowling Green, OH 43402

Ordinance No. 8262

Passed August 19, 2013

**ORDINANCE AUTHORIZING A LUMP SUM PAYMENT  
FOR NON-BARGAINING PERSONNEL,  
AND DECLARING AN EMERGENCY**

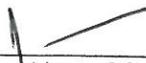
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO, COUNTY OF WOOD, STATE OF OHIO:

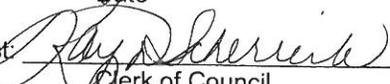
SECTION 1: That Section 33.01(R) of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended to read as follows:

SECTION 2: All non-temporary, non-bargaining full-time City employees (hourly and salaried), who were employed by the City prior to July 1, 2013 and who are current/active City employees on the effective date of this legislation, shall receive a one-time lump sum payment equal to 1% of their base pay annualized based on 2080 work hours. Eligible non-temporary, non-bargaining, part-time City employees, who were employed by the City prior to July 1, 2013 and who are current/active City employees on the effective date of this legislation, shall receive a one-time lump sum payment equal to 1% of their base pay based on 1040 work hours. This lump sum payment shall be paid through the City's pay system on the next pay cycle following the effective date of this ordinance. Temporary or seasonal employees are not eligible to receive this payment. City employees, who are no longer employed by the City on the effective date of this legislation, will not be eligible to receive this payment.

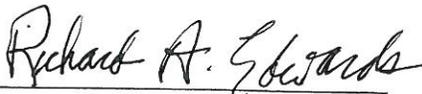
SECTION 3: This ordinance shall take effect as an emergency measure. The reason for the emergency is to provide equity in compensation between the bargaining and non-bargaining employees, thereby protecting the public peace, health and well-being of the citizens.

Passed: August 19, 2013  
Date

  
President of Council  
**JOHN ZANFARDINO**

Attest:   
Clerk of Council  
**KAY D. SCHERREIK**

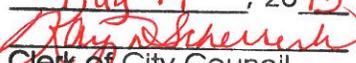
Approved: August 20, 2013  
Date

  
Mayor  
**RICHARD A. EDWARDS**

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

**CERTIFICATION**

This is to certify that the foregoing is a true copy of Ord. No. 8262 passed by the Council of the City of Bowling Green, Ohio.

Aug 19, 2013  
  
Clerk of City Council

RECORD OF ORDINANCES

1st Reading: 8-19-13  
2nd Reading: 8-19-13  
3rd Reading: 8-19-13

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 8264

Passed August 19, 2013

ORDINANCE PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF BOWLING GREEN, OHIO, DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2013

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, STATE OF OHIO:

SECTION 1. That the following sums be appropriated as follows:

Fund	Dept.	Account	Description	Amount
2024	545	92200	Community Development, CDBG Block Grant, Transfer To Special Revenue	\$ 10,000.00

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: August 19, 2013  
Date President of Council

JOHN ZANFARDINO

Attest: Kay D. Scherreik  
Clerk of Council

KAY D. SCHERREIK

Approved: August 20, 2013 Richard A. Edwards  
Date Mayor

RICHARD A. EDWARDS

MICHAEL J. MARSH  
CITY ATTORNEY  
kds

CERTIFICATION

This is to certify that the foregoing is a true copy of Ord. No. 8264 passed by the Council of the City of Bowling Green, Ohio.

Aug 19, 2013  
Kay D. Scherreik  
Clerk of City Council