

# Kent law director: Bill of rights ballot issue 'terribly written'

By Jeremy Nobile | Staff Writer Published: September 4, 2014 4:00AM

A person potentially could be cited for operating a gasoline motor in Kent if a community bill of rights appearing on the November ballot as an amendment to the city charter is ratified by voters, according to the city's law department.

Kent Law Director Jim Silver described the measure as a "terribly written" and overreaching document Wednesday.

But members of the Kent Environmental Rights Group, which bypassed city council to get the initiative on the ballot through petitions, claim that Kent Law Director Jim Silver is spreading misinformation.

"It's a strategy to confuse people," said KERG member Perry Phillips, "and I do believe it's not honest."

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Council committees discussed the charter amendment during a work session Wednesday night where public comment was not permitted -- much to the frustration of KERG members who said they were upset they didn't have an opportunity to offer rebuttals publicly to Silver's comments.

Wednesday's discussion was to better educate council members about the issue via Silver's interpretation of the amendment, Mayor Jerry Fiala emphasized. He added that public commentary will be encouraged at the next regular council meeting on Sept. 17.

KERG formed with the purpose of adding a "bill of rights" to the city charter to preclude a variety of processes related to gas and oil drilling from taking place within city limits.

An anti-fracking group, KERG ultimately aims to protect air, water, people and property with the "bill of rights" members argue. They say it will give the city teeth in keeping out various industrial activities from fracking to the creation of injection wells that they assert infringe on a person's individual, constitutionally protected rights.

But Silver, a self-described environmentalist, criticized the wording of the amendment he said is based in "noble ideas" that can't be reasonably achieved as the document is written, citing contradictory and overly broad language.

"Whoever wrote it didn't think it out," Silver said.

Besides precluding gas/oil harvesting process, the amendment would make it illegal to discharge anything into the air or water, no matter the circumstance, Silver said.

If approved, Kent would become a "ghost town," Silver said, because it would be illegal to drive a car, cut grass with a gas mower or operate a gas heater because of the related emissions.

The amendment was written through a collaboration between the Community Environmental Legal Defense Fund, Kent residents and KERG members -- all of whom in attendance at Wednesday's meeting disagreed with Silver's interpretation.

Tish O'Dell, a community rights organizer with CELDF, said similar amendments already have been passed in at least 160 communities across the country, including several in Ohio. In Mansfield, she said a similar charter amendment was successful in keeping out an injection well.

She also argued that the point of the amendment is not to have people arrested for driving their cars. KERG member Lee Broker said that's never happened.

But Silver's concern is that it could.

"(Silver) is looking at this like residents are going to sue each other. That's not what it's for," O'Dell said. "This is a tool the city can use to try and defend itself. Currently it has nothing."



KERG member Georgia Foster, referencing the runoff from agricultural processes that led to the recent toxic algae bloom in Toledo's drinking water supply, said the amendment originally was aimed at the hydrocarbon industry, "but that doesn't mean we don't want it to apply to 'big farming' later."

"The way it's written no means that we can cover ourselves for that eventuality," she said. "That's why it's so broad."

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