

Introduction

The following statements were offered by the city's first Charter Commission in 1914, in reference to the charter proposed for adoption on May 5, 1914.

3. Elimination of Ward Lines. By providing for the election of councilmen-at-large rather than from wards, every voter is given the right and opportunity of casting his vote for or against each and every candidate who presents his name for election to this office. A councilman, whether elected from wards or at large, is charged with the duty of administering the affairs of the city **as a whole**. The most democratic form of government is certainly that which secures to each individual citizen the right of voting for or against any candidate for an office in which, if elected, he would be invested with the power of imposing a tax on, and regulating the conduct of, all citizens.

15. Mayor's Veto (Section 25). Under the veto as provided in this charter, the mayor cannot block council in the exercise of its legislative functions, as not greater vote is required for passage over the veto than was required for original passage. The mayor is therefore empowered by his veto to call public attention to anything in a legislative act that is of doubtful value and force a reconsideration. Council is nevertheless free to follow its own judgment and must assume full responsibility for every ordinance or resolution that it passes.¹

Background

The Columbus City Charter provisions regarding the council were heavily amended before adoption by the Columbus Charter Commission in 1914. Six subsequent amendments have further complicated these sections. In an effort to clearly articulate the roles and responsibilities of the council, staff recommends numerous amendments to the charter.

Issue Overview

In proposing the city's first home rule charter, the Charter Commission stated, "With adoption of this charter, Columbus will forever pass from under the domination of the state legislature... No longer will members of the General Assembly, elected from outside districts...be permitted to dictate how [Columbus] shall administer to its own necessities, or solve its own local problems."² While the charter incorporated general laws by reference, the charter's framers intended that Columbus blaze its own path and make full use of its home rule authority.

¹ Statement of the Charter Commission to the Voters of the City of Columbus. Preamble to the Columbus City Charter, Tuesday, May 5, 1914.

² Statement of the Charter Commission to the Voters of the City of Columbus. Preamble to the Columbus City Charter, Tuesday, May 5, 1914.

With this in mind, the Columbus City Charter contained a modified mayor-council form of government,³ unique among large Ohio cities, to put into effect a strong system of local administrative and legislative governance. The core checks and balances created by the charter remain unchanged 100 years later – with voters having twice rejected ballot issues to alter the form or composition of one branch of government.⁴

However, prior to adoption, the Charter Commission heavily amended the sections of the charter relative to the council. Further amendments have made piecemeal changes to those amendments. As a result, the charter provisions relating to the council do not provide the same level of clear, logical sequence as those of the mayor, auditor and city attorney.

To remedy these issues, staff asks that the Commission consider the following recommended changes, by section. In making these recommendations, staff has attempted to reflect in the charter those items which, in the opinion of council, should be permanent fixtures of the legislative body – subject to change by the citizens of Columbus.

Sec. 3. Legislative powers. – No change

Sec. 4. Council members. – No change

Sec. 5. Vacancies.

If a City city council member ~~should~~ dies, resigns, ~~or be~~ is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the successor shall be appointed by ~~Council~~ council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the council member, a council member shall then be elected to serve for a term of four years; otherwise, for the unexpired term. Vacancies in the council shall be filled by the council; provided, however, that, if the vacancies in the council are not filled by the council within thirty (30) days from the date following the occurrence of such vacancy, the mayor shall have in all future balloting a vote on the question of filling such vacancies; provided, further that any vacancy resulting from a recall election shall be filled in the manner hereinafter provided.

Sec. 5-1. Temporary inability. – Recommended changes forthcoming

Sec. 5-2. Permanent inability. – Recommended changes forthcoming

Sec. 6. Qualifications of council members. – Recommended changes forthcoming

³ In addition to a mayor and an at-large council, our charter created the offices of an elected auditor and an elected city attorney.

⁴ Defeated on May 7, 1968, (33,547 yes – 45,337 no); and November 4, 1975 (43,126 yes – 65,210 no)

Sec. 7. Salary and attendance. – Recommended changes forthcoming

Sec. 8. Meetings of council.

At 5 o'clock p.m., on the first Monday in January, following a regular municipal election, the council shall meet at the usual place for holding meetings. If the first Monday in January is a legal holiday, then the meeting shall be held on the following day. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution; provided that at least fifty regular meetings shall be held in each year. The mayor, the president of the council, or any three members thereof may call special meetings of the council ~~upon at least twelve hours' written notice to each member of the council, served personally on each member or left at the member's usual place of residence. Such notice shall state the subject to be considered at the meeting and no other subjects shall be then considered unless all members of council are present.~~ All meetings of the council or committees thereof shall be held in public in accordance with the general laws of Ohio pertaining to the requirements for open meetings of public bodies and ~~any citizen shall have access to the minutes and records thereof~~ shall be maintained as an electronic record that is easily accessible and made available to the public pursuant to the general laws of the state governing public records at all reasonable times.

Sec. 9. Rules and journal.

The council shall determine its own rules and order of business.

Sec. 9-1. Journal

The council and shall keep a journal of its proceedings, which journal shall be maintained as a permanent electronic record that is easily accessible and made available to the public pursuant to the general laws of the state governing public records.

Sec. 9-2. Organization of council.

The council shall organize itself as it deems appropriate, including the formation of and rules for special committees and standing committees to promote the thorough and effective conduct of the business of the council.

Sec. 9-3. Expelling, removing, forfeiting office.

The council shall be the judge of the election and qualification of its members. # Council may punish or expel any member for gross misconduct, or for malfeasance, misfeasance, or nonfeasance in office, or upon conviction of a felony or other crime involving moral turpitude while in office, or for disorderly conduct, or violation of its rules during the term of office. No

expulsion shall take place without the concurrence of six members, nor until the delinquent member shall have been notified of the charge and been given an opportunity to be heard. Any vacancy created upon the expulsion of a member shall be filled as provided for in this charter. In addition to these provisions and those regarding permanent inability, absence from eight consecutive regular council meetings shall operate to vacate the seat of a council member unless the absence is excused by resolution, adopted by vote of three-fifths of its members, setting forth such excuse and entered upon the journal.

Sec. 10. President of council.

At the first meeting in January following a regular municipal election, the council shall elect one of its members president. ~~The president of council who shall preside at meetings of the council, determine the agenda for such meetings, appoint the chair and members of council committees, and perform such other duties as presiding officer as may be imposed by the council. In the absence of the president, the council shall elect a president pro tempore. If the president of council dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the council shall elect one of its members president.~~

Sec. 10-1. President pro tempore of council.

At the first meeting in January following a regular municipal election, the council shall elect one of its members president pro tempore. The president pro tempore of council shall act as the presiding officer of the council in the absence of the president of council.

Sec. 10-2. Acting president pro tempore of council.

In the absence of the president of council and the president pro tempore of council, the council shall elect one of its members acting president pro tempore.

Sec. 11. The city clerk. Clerk and employees. – Previously recommended

Sec 11-1. Duties of the city clerk. – Previously recommended

Sec 11-2. The City Bulletin. – Previously recommended

~~Sec. 12. Public defender.~~

~~Council shall have power to appoint a public defender of indigent persons charged with offenses in the municipal courts.~~

Sec. 13. The city treasurer.

Council shall appoint a city treasurer who shall ~~hold and administer the office during its pleasure~~ serve at the pleasure of council. The treasurer shall perform such duties and exercise such powers as are prescribed in this charter or by the council.

Sec. 14. Officers and employees.

The council shall appoint such officers and employees of council as it may deem necessary. Except as herein otherwise provided, council shall by ordinance determine the number of officers and employees in each department of the city government. Council shall exercise no power of appointment for officers or employees except as herein expressly provided.

Sec. 15. Compensation of officers and employees. – Recommended changes forthcoming

Sec. 16. Official bonds. – No change

Sec. 17. Legislative procedure.

~~The council shall be the judge of the election and qualification of its members.~~ Four members shall constitute a quorum to do business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Sec. 18. [Action on ordinances or resolutions.]

The action of council shall be by ordinance or resolution and the affirmative vote of at least four members of council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances, and upon the adoption of such resolution as the council by its rules shall prescribe, shall be taken by "yea" and "nays" and entered upon the journal. Every ordinance and resolution of the council, so adopted, shall be maintained as a permanent electronic record that is easily accessible and made available to the public pursuant to the general laws of the state governing public records.

Sec. 19. Ordinance enactment.

Each proposed ordinance or resolution shall be introduced in electronic, digital, written or printed form, and shall not contain more than one subject which shall be clearly stated in a title; ~~but~~ except that general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the city of Columbus." The enacting clause of all ordinances submitted by the initiative shall be, "Be it ordained by the people of the city of Columbus."

Sec. 33. Investigation by council.

The council, or any committee thereof or any person duly authorized by the council ~~to do so,~~ may shall have the power to investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, relative to any matter upon which the council may act; and by similar investigations may secure information upon any matter within its authority as a legislative body.

Sec. 34. [Investigation procedure.]

In conducting such investigations the council, or any committee thereof or any person duly authorized by the council to do so, may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the presiding officer of the council or the chairperson of such committee, as the case may be, which may be served and executed by any officer authorized by law to serve subpoenas and other process. If any witness shall refuse to testify to any facts within the witness' knowledge or to produce any papers or books in the witness' possession, or under the witness' control, relating to the matter under inquiry, before the council, or any such committee, the council shall have the power to cause the witness to be punished as for contempt. No witness shall be excused from testifying ~~touching~~ regarding the witness' knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against the witness in any criminal prosecution except for perjury committed upon such inquiry.

Conclusion

By recommending the foregoing amendments, the Columbus Charter Review Commission will provide citizens a clear, logical sequence of powers and duties applicable to the legislative branch of city government. These amendments reflect current practice for council. They also address select areas where the charter is currently silent and that silence may lead to disruption or lack of continuity in the council.