

**COLUMBUS CITY CHARTER REVIEW
COMMITTEE**

REPORT TO THE MAYOR AND THE PRESIDENT OF CITY COUNCIL

July 1998

INTRODUCTION

By letters of May 26, 1998, Mayor Gregory S. Lashutka and City Council President Michael B. Coleman appointed a Committee to review the Columbus City Charter. The Charter was initially adopted in 1914 and was last modified in 1994.

Selected to serve on this Committee were: the Hon. Herbert Brown, Mary W. Christensen, the Hon. Hugh J. Dorrian, Richard P. Fahey, Alvin Hadley, Robert Howarth, Alphonso C. Montgomery and Greta Russell.

Mayor Lashutka and President Coleman convened the first meeting on June 1, 1998. They charged the Committee to review the entire Charter to meet the needs for the governance of the City in the next millennium. Robert Howarth served as Chair of the Committee. The Committee received input from the Public, the City's elected officials, and the administrative department heads. At this time, the Committee is making seven recommendations for the November 1998 ballot. Due to time constraints, if further commissioned, this effort will continue with a view to additional consideration during 1999.

To date, the Committee has held nine meetings, including a public hearing on June 15, 1998. Suggestions were received from the Public, elected officials, cabinet members, and other City employees. Information was also received from The Ohio Municipal League.

Having reviewed all proposed amendments to the Charter, the Committee respectfully submits the following report and recommendations.

COLUMBUS CHARTER REVIEW COMMITTEE

REPORT AND RECOMMENDATIONS

July of 1998

Charter provisions considered with changes recommended

1. Section 8: Should the date for the first meeting of Council be changed to exclude New Year's Day?

Upon review of this section, Committee members were concerned that current Section 8 (Meetings of Council) conflicts with Section 225 (Commencement of terms of officers). The Committee recommends that Section 8 be modified to eliminate any possible conflict as to when newly elected council members assume their duties of office. Additionally, the Committee recommends the Charter be amended to change the time of the meeting from 8:00 to 5:00 p.m. and to provide for the meeting to occur on the first Tuesday of January when the first Monday is New Year's Day.

2. Sections 27: Should the budget process be modified to make it more efficient?

The Committee recommends that publication be made of the original appropriation ordinance based upon the budget submitted by the Mayor. Then, following the public hearings and a second publication of the ordinance as amended by Council, it would be enacted but no sooner than the first meeting in January. The earlier publication of the budget ensures the public a meaningful opportunity for input and reduces the time required for enacting the annual appropriation by at least 15 days. The Committee also recommends modifying the section's language to allow for the possibility that the first meeting could be on a Tuesday if its earlier recommendation relating to Section 8 is adopted.

3. Section 77: Should the provision that the City Attorney act as the City Solicitor be modified?

The Committee recommends that this section relating to the City Attorney's duty to act as the City Solicitor be eliminated. Section 67 should be amended to state affirmatively that the City Attorney has only the duties set forth in the Charter or in ordinance. This change eliminates the potential conflict between the requirements of the City Attorney's responsibilities under the Charter and the requirements set forth in the Ohio general law.

4. Section 148(a): Should the provision for unclassified appointments be modified?

Because of its significance to the efficient working of City government, the Committee spent considerable time discussing the issue of the unclassified service. The Committee believes that a limited number of policy-making and fiduciary employees should be appointed in the unclassified service. This change acknowledges that elected officials must be accountable to the public and that the civil service should be classified on a basis which recognizes that accountability and yet protects City employees from the dangers of a political "spoils" system. The Committee recommends this Charter change to accomplish these goals.

5. Section 202: Should the procedure for nomination of Council Members and other officers be modified?

The Committee considered the process for candidates filing petitions for municipal office. Currently the Charter provides for a calculation based upon the percentage of registered voters for the last regular municipal election to determine the number of signatures required for candidates to be placed on the ballot. This calculation results in an ever increasing number of signatures being needed and is an impediment to candidacy.

The Committee felt that making this process more consistent with state law and identifying a specific number of required signatures would result in a better process. The Committee recommends 1000 signatures be required for petitions for candidacy. The Committee further recommends that the requirement for notarized signatures be eliminated but that circulators be required to make a statement that the signatures are to the best of their knowledge those of each purported signer. Regardless of this change, a circulator would be subject to criminal prosecution for false statements. Finally, the petitions would need to be filed no later than 4:00 p.m. 90 days prior to the day before the primary election.

6. Should the Charter be made gender neutral?

Yes. The Committee recommends the City Clerk be directed in the printing of the Charter to make all references to individuals gender neutral.

7. Should the Charter be amended to clarify the status of the Departments and Commissions?

The Committee received a number of suggestions which did not include substantive changes but which were intended to clarify the relationships and responsibilities of the departments and commissions. The Committee found that certain headings and the sequencing of some provisions make the Charter difficult to follow in its current form. The Committee recommends that: (1) a heading be added for the Recreation and Parks Department, (2) the heading for the Health Department be modified to exclude the words "and Sanitation", (3) a heading be added prior to Section 120 to reflect that these provisions pertain to utility rates, and (4) to re-sequence the numbering of the sections. These changes are intended to make the Charter easier to read.

Charter provisions considered with changes not recommended

8. Section 3: Should Columbus City Council be expanded and/or should Council Members be elected by district?

The Committee considered these issues and concluded that it recommends no changes. Similar issues have twice been placed on the ballot and were overwhelmingly defeated, most recently in 1975. The Civic Associations and Area Commissions effectively play the important role of voicing the problems and concerns of the neighborhoods to Council. The Committee felt Council Members should come with a citywide perspective rather than with parochial interests which could lead to political "horse-trading" for district advantage. The Council appears to work well as it is presently structured and should remain in its present form.

9. Section 12: Should the section providing for Council appointing a public defender be repealed?

This suggestion was made because the City Council no longer appoints the public defender. Upon review, the Committee determined that the section is permissive and as such retaining the power presents no difficulty. In the event circumstances change, the power would still be available.

10. Section 22: Should the term "emergency" be modified?

The Committee noted that Council presently had no difficulty utilizing emergency legislation to meet the needs of the Public. Since the present Charter has functioned in a workable fashion, the Committee determined that no change was warranted.

11. Sections 48, 51 and 55: Should the procedure for referendums be modified?

The Committee reviewed these sections and concluded a change was not warranted.

12. Section 158-1: Should the Charter's residency requirement for City employees be changed?

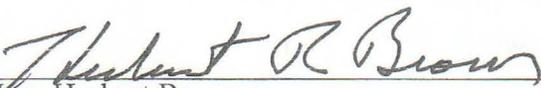
The Committee recognized that some requirement for proximity is appropriate so that employees can report to work as required. The Committee found no evidence that the current provision impaired the City's ability to provide services to the Public. Further, given modern communication and transportation, the Committee saw no reason to make the current requirement more restrictive. The recommendation of the Committee is that no change be made to this section.

Charter provisions considered and deferred

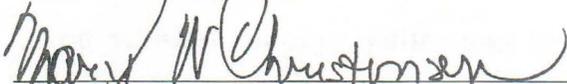
Other suggestions were presented to the Committee, including issues regarding the Chiefs of the Police and Fire Divisions. The Committee concluded that further information and study is needed to properly consider these issues and recommends that the Charter review process continue.

Respectfully submitted,

July 13, 1998



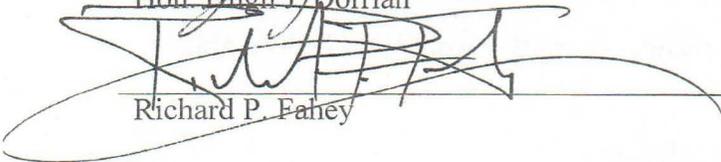
Hon. Herbert Brown



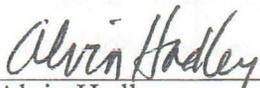
Mary W. Christensen



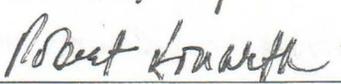
Hon. Hugh I. Dorrian



Richard P. Fahey



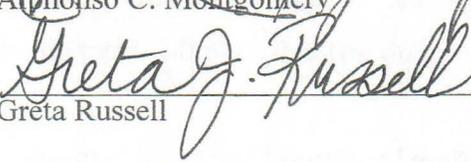
Alvin Hadley



Robert Howarth, Chair



Alphonso C. Montgomery



Greta Russell