

Meeting Minutes for the Charter Review Commission  
May 07, 2014  
Columbus City Hall, Council Chambers

Attendance:

- Marchelle E. Moore, Esq., co-chair
- Representative Michael F. Curtin, co-chair
- Dawn Tyler Lee, commissioner
- Jeff Cabot, commissioner
- City Auditor Hugh J. Dorrian, commissioner
- City Clerk Andrea Blevins
- Josh Cox, chief counsel, city attorney's office
- Bryan Clark, Columbus City Council liaison to the Commission

Ms. Moore welcomed those in attendance and called the meeting to order and noted it was the first public hearing of the Charter Review Commission.

Approval of the minutes: Ms. Moore requested that on the second page in the fourth full paragraph the word "cursory" be changed to "comprehensive" so that it is line with the charge of the Commission. Also, on page four of the minutes in the fifth full paragraph, insert the word "asked" after Mr. Curtin and in the following full paragraph, delete the phrase "hearing none".

Auditor Dorrian had one suggestion on page one in the fourth full paragraph, second line when it uses the language "to or required to follow the Constitution and/or", replace the word "City" with "Ohio".

Auditor Dorrian made a motion, seconded by Ms. Tyler Lee, for adoption of the Minutes for the April 25<sup>th</sup> meeting as Amended.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Moore reviewed the commission bylaws regarding public hearings and how the goal is to hear from every member of the public in a fair and orderly process. Bylaws previously approved by the Commission provide that a person wishing to offer public comment must submit a speaker slip on the day of the hearing no later than the time established in the public notice for said meeting. Ms. Moore clarified that the time established for this public hearing is 3:30 p.m., and that time will be honored. The slip must provide the person's name, address, organization represented, and the subject to be addressed. Public comments must adhere to the requirements of the Columbus City Code 111.12 paragraph 4, which provides that speakers' subject matter would not contain obscenity, defamation, or slander, nor shall speakers conduct themselves in violation of the disorderly conduct or disturbing lawful meetings of the Columbus City Code. Public comments will be limited to 3 minutes unless waived by the co-chair presiding over the meeting. Interested persons are requested but not required provide the Secretary six copies of their comments along with any supportive or supplemental information prior to speaking. Ms. Moore called forward speaker, Mr. Joe Motil to address the Commission.

Mr. Motil thanked the Commission for taking the time to serve on the Commission and allowing the citizens to speak on their concerns. Mr. Motil then gave a summary of the Ohio Poverty Report of February 2014 and specific poverty statistics concerning Franklin County and the City of Columbus. Mr. Motil requested Columbus voters be given the opportunity to express their moral obligation and to

provide all those employed in the city of Columbus a ten dollar per hour minimum wage and five dollar per hour rate for tipped employees, both annually indexed for inflation. Mr. Motil addressed how city leaders and marketing experts are working on how to identify Columbus, and by increasing minimum wage, it would show that the people of Columbus are fair minded and compassionate people and would allow Columbus voters to enrich hard working citizens by giving them a respectful hourly wage.

Mr. Motil gave his second recommendation which would amend City Charter's Nominations and Elections, Section 202, the nomination of City Council members and other officers. Mr. Motil read from line 2, "petitions should not be signed by less than 1,000 registered electors in the city". Mr. Motil addressed that in order to submit a petition with at least 1,000 registered electors signatures, there must be at least 50% over the number needed because of the number of rejected signatures that come back, which would require 1,500 signatures. Mr. Motil compared the excess signature requirement to the recent restriction in voting laws and that it is a deterrent to those citizens who have a fundamental right to run for public office. Mr. Motil requested the signature requirement be lowered to 100 signatures.

Mr. Motil read from Section 202, line 3, concerning how each signer must pledge his support and vote for the candidate or candidates who are placed on the ballot. Mr. Motil stated he was surprised this language is still in the Charter and doubted the wording's constitutionality. Mr. Motil stated that slate petitioning should be eliminated and each candidate should be required to collect the number of signatures needed themselves.

Mr. Motil recommended that Section 3307.03, the creation of the BZA, be amended to read "that five citizens who live in Columbus and that they be elected by the electors of Columbus." Mr. Motil also recommended eliminating the requirement that three members be actively engaged as an architect, building contractor, professional engineer, real estate broker, or mortgage banker and the makeup of the body should be all inclusive. Mr. Motil stated that the zoning decisions made by the board are similar to those made by the elected officials in City Council, but the board has no accountability if its decisions negatively impact the city's quality of life.

Mr. Curtin thanked Mr. Motil for his testimony and asked about the experience of other cities that have adopted living wages or higher minimum wages. Mr. Motil responded that it creates economic wealth, purchasing power, income from sales and income tax as well as increases economic output, which creates jobs. Mr. Motil also recalled a study that revealed ten of the worst companies for bad wages and benefits and stated all of those companies have a large presence and employ thousands of people in the city of Columbus.

Mr. Cabot asked if other cities used a foundational action of the legislative body to provide minimum wage change or if they were voted on by citizens. Mr. Motil responded that those cities he was familiar with were voted on by the people of the community, which Mr. Motil felt was most appropriate and fair. Mr. Cabot then asked if this would then be a City Code item and not a Charter item. Mr. Motil responded if it were to fall under the City Code, it could possibly fit under Unlawful Employment Practices.

Ms Moore stated there were no additional speakers at this time and entertained a motion to recess the public hearing until 3:30 p.m. should other speakers arrive.

Ms. Tyler Lee made a motion, seconded by Auditor Dorrian, to recess.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Moore convened the regular meeting of the Charter Review Commission and asked Mr. Clark if staff received any comments via the website or email regarding the work of the Charter Review Commission.

Mr. Clark responded that seven comments had been received either as attachments to emails or as a submission through the Charter website, and were all from the same person, and all pertain to the same issue, the composition of council.

Mr. Clark stated that items provided to the Commission are also publicly available on the organizational website. Mr. Clark offered to provide any research desired into those comments.

Ms. Moore asked Mr. Clark to go over the language regarding sample language on the 200 copies of the Mayor's Estimate. Mr. Clark presented on Section 26 of the City of Columbus Charter, which refers to the Mayor's Estimate of the Budget. Mr. Clark read the final section of Section 26. Mr. Clark clarified that he was presenting on behalf of Sherry Kish, who worked with internal stakeholders to modernize this language at the direction of the Commission. Mr. Clark then read the sample language as it would appear if it were adopted. Mr. Clark stated the feeling of staff was this language would provide an appropriate room for latitude and room for growth in technology would allow for periodic updates as necessary.

Ms. Moore addressed Mr. Cox and asked that in accordance with Public Records Law, if the proposed language was adopted and the Mayor's Estimate was kept in electronic format, would the city be required to print that if a person requested it in a printed format. Mr. Cox responded they would be required to produce the record in the medium it was requested, therefore, if someone requested it and is willing to pay for it in printed form would have to produce it in that format.

Ms. Tyler Lee asked Mr. Cox if any language was needed to address printed copies being available because the current version of the sample language seems like the record is only available electronically. Mr. Cox responded the language would not be necessary because State Law mandates how records are produced and this language addresses the format the City keeps it in and not the format it would have to be produced. Ms. Moore replied the Commission should discuss the language, consider it, and then make formal recommendations and decisions at a future time.

Auditor Dorrian added that requests are normally asked for in paper copy and offices should be prepared to produce a paper copy.

Mr. Curtin asked to entertain the thought of adding the word permanent to the last sentence, "...Estimate to be published as a permanent electronic record". Mr. Curtin reasoned most average people do not think of electronic records as permanent and wanted to entertain some language to ensure the general public it is a permanent record.

Ms. Moore asked Mr. Cox what the retention schedule is for the Mayor's Estimate. Mr. Cox responded he did not know but believed it was a permanent record and had no objection to adding the language. Mr. Cox deferred to Clerk Blevins who agreed. Ms. Moore asked Clerk Blevins to confirm at a later date.

Mr. Cabot noted it would be good practice before voting on a proposed Charter Amendment, the final form of the amendment would be available on the website for a period of time before the Commission votes on it.

Ms. Moore asked Clerk Blevins to present on the annual reports. Clerk Blevins presented on the Annual Reports, City Bulletin, and the Duties of the City Clerk. Clerk Blevins provided draft language from staff for Section 11, which would bring the City Clerk description in line with the section related to the Columbus City Treasurer, the other City Official appointed by Council per the City Charter.

Clerk Blevins also reported on Section 11-1, Duties to the City Clerk, which covers the Annual Report. Clerk Blevins added for the Commission's reference that City Bulletins are listed as permanent, electronic records, and Annual Reports from City Departments are listed as permanent and electronic records, retained six years and then one copy is transferred to the Ohio Historical Society.

Clerk Blevins reviewed the Records Commission, which the Mayor chairs, and members include the City Attorney, City Auditor, a citizen representative, and the City Clerk is the secretary. Clerk Blevins then reviewed how each department has a records retention schedule and how the City Clerk's office handles requests for destruction of departmental records.

Clerk Blevins continued the report on Duties of the City Clerk, Section 11-1, which outlines the Annual Reports specifically and other duties of the Clerk as assigned by Council. Clerk Blevins moved on to Section 11-2, the City Bulletin. Clerk Blevins stated the proposed language gives clarification as to what the City Bulletin is, what is included in it, and the removal of the language that it be sold. Clerk Blevins clarified that it used to be sold on a subscription basis but has been available free of charge on the City website since 2003 or 2004.

Mr. Curtin asked if a citizen wanted to research Columbus Annual Reports or Annual Budgets going back 20 years, would those be available at City Hall or would they need to go to the Ohio Historical Society or elsewhere. Clerk Blevins responded Annual Reports are available on the website for six years or at City Hall. Auditor Dorrian added to be careful what is labeled as a report and that the Auditor's office would be able to immediately produce the last 45 to 50 years of financial reports and anything beyond that a citizen have to go to library. Auditor Dorrian clarified that most financial reports would be in paper form but if the record was created in the last 10, 12, or 15 years, it would be in both electronic/paper form. Clerk Blevins added the City Clerk's office maintains 40 years' worth of records on site at City Hall, mainly legislation, but the City Clerk's office has access to Annual Reports that date back a significant number of years, either electronically or in paper as requested.

Mr. Curtin clarified that as the Commission is moving toward a Charter change that would allow Annual Reports or Annual Budgets to be kept electronically rather than print, the Commission has a moral obligation to ensure access to these records as much as possible.

Clerk Blevins provided sample language for changes to Section 231, which would have the City Clerk compile the reports from the departments as the Annual Report of the city and publish the report as an electronic record that is easily accessible to the public. Clerk Blevins added this language would bring the charter in line with the current practice.

Auditor Dorrian asked Mr. Curtin if he would still like to add the word permanent to this section. Mr. Curtin responded in favor of inserting the word permanent before "electronic record".

Ms. Moore asked Ms. Tyler Lee if she would still like to add language about reports being provided in a paper format upon request. Ms. Tyler Lee responded in favor of adding the language because although it is covered by State law, clarifying language would be helpful the average resident.

Mr. Clark reported on Section 11-1, which proposed new language that the City Clerk would receive on behalf of Council all petitions and like documents. Mr. Clark stated the language is a recommended clarification for the average citizen and so that the Charter specifically states who files these documents and does not depart from the current practice.

Ms. Moore asked what happens if someone files with the wrong office. Mr. Clark responded that the documents are typically shared with all offices, including the City Clerk's office.

Mr. Clark reported on Section 14, which covers Council's authority to establish staff, appoint a City Clerk, and duty to appoint staff and officers in other areas of the city besides Council. Mr. Clark recommended that everything dealing with employees would be added to existing Section 14. Mr. Clark recommended the addition that the council would have the authority to appoint such officers and employees of council as it deems necessary and by ordinance determine the number of officers and employees in each department of the city government, but have no power of appointment for officers or employees except as herein expressly provided.

Mr. Clark read the proposed sample language for the new Charter Review Commission Section in full. Mr. Clark stated staff was clear the timeline is ten years, took into account the five year census at the Federal level so the information is available, and considered the electors be qualified in the city of Columbus.

Mr. Curtin provided information concerning the publication of the data of the federal decennial census and added that if Council is going to appoint the Charter Review Commission in the second regular meeting of Council following the census, and the Commission only has a six month window, the census data would not yet be available for the Commission. Mr. Curtin then asked for the reasoning behind the six month timeframe. Mr. Clark responded that staff would review the timing of the appointment based on the time of year or the year itself. Mr. Clark clarified that six month timeframe was based on the outer limit of a Commission to stay within its mission/course, do a thorough review of the Charter, and provide Council enough time to consider recommendations for the ballot that November.

Mr. Cabot noted the schedule of a potential Charter election might conflict with the election of other City Official elections.

Auditor Dorrian thanked Mr. Clark for drafting the language and added he strongly preferred a condition where at least a majority of the members of the Commission must be qualified electors of the city.

Mr. Clark reported on technical corrections in the City Charter and read sample language of the new section in its entirety. Mr. Clark stated staff wanted to reflect the Commission's wishes that technical changes be by ordinance so citizens of Columbus would have the final say on any changes that might be made and pulled out some of the best language that could be categorized as an administrative change.

Ms. Moore requested that the title and the body of the Section correspond, either replacing "administrative changes" in the title or using "technical corrections" in the body, with a preference for using "technical corrections" in the body.

Ms. Tyler Lee asked who would have the authority to initiate these kinds of changes that are referenced in this new language. Mr. Clark responded that the ordinance would be initiated as any other ordinance of Council, which would not preclude the Clerk being ordered by Council to conduct, with the City Attorney, a review resulting in an ordinance for Council. Mr. Clark clarified that the mechanism of change itself would be by ordinance of Council.

Ms. Moore asked Mr. Clark to provide the recommendations for themes for the Charter Review and how best to proceed through reviewing the entire Charter. Mr. Clark responded that staff has made a recommendation of the buckets or themes to use for each Charter section and provided a copy of that recommendation in both print and email previous to the meeting. Mr. Clark stated staff recommended the following themes in the following order: City Administration, City Officials, Elections, and

Miscellaneous. Mr. Clark then gave a review of the research and recommendations that have already been provided and how, in the coming weeks, staff will continue researching items brought up by the Commission, city departments, City Officials, and the general public.

Auditor Dorrian asked for clarification on the effective dates of Charter Amendments and whether the Commission can submit an Amendment to the voters with an effective date past the date it is passed by the voters.

Mr. Cox responded he would like to look into it further but that there is a provision in the Charter describing when an Amendment goes into effect and adding “being effective at a date certain” on an Amendment should be permissive.

Mr. Clark asked if the Commission would like staff to review a general public records addition either in the Charter or the Administrative Code of the City so rather than adding wording throughout the Charter there would be a single section of the charter that would speak to the general availability of public records. Ms. Moore agreed that would be well taken and asked Mr. Clark to bring the language forward.

Mr. Curtin requested a recommendation from staff, with the opinion of the City Attorney’s office, as to what would be most efficient and workable from an administrative standpoint. Mr. Curtin emphasized the desire to keep the records permanent and readily available to the public.

Ms. Moore announced the next meeting dates would be Thursday, May 22, 2014 from 1–3 p.m. and Thursday, June 19, 2014 from 1–3 p.m. and that both are in Columbus City Hall in Conference Room 225.

Mr. Cabot asked how many buckets there are currently and what the schedule is for reviewing them. Mr. Clark responded that since the Commission has now given its feedback on the themes, staff could readdress the meeting schedule and make a recommendation regarding approximately how long each theme might take to cover. Ms. Moore asked Mr. Clark to confirm recommendations for the next meeting to address Mr. Cabot’s question.

Ms. Tyler Lee confirmed the public hearing date as Thursday, June 26 from 5-7 p.m. for those interested in public comment.

Auditor Dorrian made a motion, seconded by Mr. Cabot, to recess until 3:30 p.m.

- Yeas – 5
- Nays – 0
- Motion carried

Ms. Moore reconvened the public hearing at 3:30 p.m. and asked if there were any additional speakers.

Hearing none, Mr. Cabot made a motion, seconded by Mr. Curtin, to adjourn.

- Yeas – 5
- Nays – 0
- Motion carried