



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 1749-2014

30-Day

File ID: 1749-2014

Type: Ordinance

Status: Second Reading

Version: 1

***Committee:** Rules & Reference Committee

File Name: Charter Review

File Created: 07/11/2014

Final Action:

Auditor Cert #:

Auditor: When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: Bryan Clark, Senior Legislative Advisor, 614-645-6992

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To submit to the electors of the city of Columbus at a special election to be held concurrently with the regular general election on November 4, 2014, the question of amending the Charter of the City of Columbus, such question to be known as "Proposed Charter Amendment No. 3, City Officeholders."

Sponsors: Andrew Ginther

Attachments: FINAL PROPOSED AMENDMENT TO THE CHARTER City Officeholders 20140711, FINAL Charter Review Commission Report 20140708

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	07/14/2014	Read for the First Time				
1	Columbus City Council	07/21/2014					

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

This ordinance provides for the submission to the electors of the city of Columbus the question of amending the Charter of the City of Columbus ("charter"), as hereinafter described. Such question is based on the recommendations of the 2014 Columbus Charter Review Commission ("commission").

On June 30, 2014, the Charter Review Commission, appointed by Mayor Michael B. Coleman and Council President Andrew J. Ginther, adopted twenty-one (21) recommendations. A report summarizing those recommendations was submitted on July 7, 2014 and is attached to this ordinance.

Based on council's consideration of the commission's recommendations, council proposes a ballot question regarding city officeholders. Proposed Charter Amendment No. 3, City Officeholders, addresses the following:

- Adopts state law to determine if an officer or employee of the city has an unlawful interest in a public contract, theft in office, bribery, or improper compensation; and maintains the charter's elevated penalty for violation - loss of office or employment.
- Affirms that records of the city are public records and must be made available pursuant to general laws.
- Establishes that public bodies of the city are subject to state open meeting laws; and requires city entities to follow general open meeting laws if the entity is appointed by an officer of the city for the sole purpose of advising a public body of the city.
- Establishes prohibited uses of public funds and requires council to adopt an ordinance stating those prohibited uses.
- Creates the Citizens' Commission on Elected Official Compensation to recommend, every four years, the salary for the mayor, auditor, city attorney, and city council; members are appointed as follows; 2 by council, 2 by the mayor and 1 chair appointed by the mayor and council president; council must act on, but may not exceed, the commission's recommendations; and annual cost of living adjustments are strictly limited to the average of the consumer price index for the previous four years.
- The following provisions regarding the council are amended: vacancies include ceasing to hold qualifications or otherwise vacating office; special and emergency meetings may be called as provided by general laws; records, including the journal, ordinances and resolutions, of council must be provided to the public pursuant to general laws; special and standing committees, and rules

therefor, may be established by council; councilmembers may be expelled or punished for specified acts; the council president shall establish the agenda for council meetings, appoint committee chairs and members; a new council president must be elected if the office is vacated; the council president pro tempore must be a standing office, with an acting president pro tempore in the absence of both president and president pro tempore; council may appoint a person to conduct investigations for council; reorders existing authorities of city council.

- Ordinances may be introduced in written, printed, electronic or digital form.
- The city clerk's duties are consolidated in a single section; the bureau of information and publicity in the city clerk's office is repealed and its duties given to the city clerk.
- Defines the city bulletin, requires that it be a permanent electronic record.
- Repeals Section 12 regarding council's authority to appoint a public defender.
- Establishes a process for a councilmember, mayor, auditor or city attorney, or such person's agent, to declare temporary inability to discharge the powers and duties of office unless rescinded, six months have passed or the office is vacated.
- Establishes a process to determine that a councilmember, mayor, auditor or city attorney is permanently unable to discharge the powers and duties of office; defines permanent inability as failing to discharge power and duties of office for 90 days, with no declaration of temporary inability; the office is vacated if the appropriate court determines the office is permanently unable, based on a writ of quo warranto.
- Establishes acting officers for the mayor, city attorney and city auditor.
- Council members, mayor, city attorney and auditor must reside in Columbus during the term of office, and may not hold any public office other than notary public, state militia or US Armed Forces Reserves. If any person ceases to hold any qualification for office, the office is vacated and filled as otherwise provided in the charter.

Title

To submit to the electors of the city of Columbus at a special election to be held concurrently with the regular general election on November 4, 2014, the question of amending the Charter of the City of Columbus, such question to be known as "Proposed Charter Amendment No. 3, City Officeholders."

Body

WHEREAS, on the centennial of the charter's adoption by Columbus voters, Council President Andrew J. Ginther and Mayor Michael B. Coleman appointed a five-member Charter Review Commission to conduct a comprehensive review of the city's charter; and

WHEREAS, the highly regarded community leaders who served on the commission held seven public working meetings, solicited public comment via two public hearings, an online form, and a dedicated email address, and, based on such deliberations, submitted a final report of recommendations to the mayor and council president on July 7, 2014; and

WHEREAS, the Charter Review Commission made twenty-one recommendations, of which nineteen necessitate changes to the charter; and

WHEREAS, after due deliberation and consultation with the mayor, auditor, and city attorney, this council finds that the residents of Columbus will be well-served by the proposed charter amendments regarding city officeholders; **NOW THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. The city council hereby finds that a regular municipal election will not be held in 2014. Therefore, pursuant to City Charter Section 234, a special election is hereby called to place the question hereinafter set forth on the November 4, 2014 ballot at a special election to be held concurrently with the general election, a date not less than 60 nor more than 120 days from passage of this ordinance.

SECTION 2. That there be submitted to the electors of the city of Columbus the question of amending the Charter of the City of Columbus, such question and proposed amendments being set forth as an attachment ("FINAL PROPOSED AMENDMENT TO THE CHARTER City Officeholders 20140711") hereto and hereby made a part hereof.

SECTION 3. That the question submitted in Section 1 be and hereby is known as "Proposed Charter Amendment No. 3, City Officeholders."

SECTION 4. That the city clerk is directed to forthwith serve a certified copy of this ordinance upon the boards of elections of Franklin County, Delaware County, and Fairfield County, Ohio.

SECTION 5. That the boards of elections of Franklin County, Delaware County, and Fairfield County, Ohio be and hereby are requested to place the question, "Proposed Charter Amendment No. 3, City Officeholders" upon the ballot to be submitted to the electors as provided for and upon the date set forth herein.

SECTION 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.