

## Background

Commission Co-Chairs asked that staff analyze other Ohio municipal charters to identify common practices that might be considered for inclusion in the Columbus City Charter. According to the Ohio Municipal League, 265 Ohio municipalities have adopted a charter. Staff limited the scope of research to cities with populations greater than 45,000 in the 2010 decennial census, as well as any charter municipality in Franklin County. This provided a total pool of 33 charter municipalities, 19 of which have a Mayor/Council form of government Columbus. This list allowed staff to focus on cities more likely to face challenges similar in type and scope to the City of Columbus.

## Charter Review Commissions in City Charters

Of the 33 municipalities analyzed, 27 of the cities (82%) have charter provisions requiring the periodic appointment of a Charter Review Commission.<sup>1</sup> The vast majority of the provisions were added to the charters beginning in the 1980s. Charters adopted in or after the 1970s tend to have the provision as part of the charter as originally approved.

## Sample Charter Provision

While there is variability in provisions, the following represents a typical Charter Review Commission requirement:

### Elyria, OH City Charter

SECTION 21.07. In January 1970, and in January of each tenth year thereafter, the Council shall appoint five qualified electors of the City holding no other office, appointment or employment in the government of the City, as members of a Charter Review Commission. Such Commission shall review the Charter of the City and within one year after such appointment, recommend to Council such alterations, revisions, and amendments, if any, to this Charter, as in its judgment are desirable. After consideration of the recommendations of the Charter Review Commission the Council may submit all or any of such proposed alterations, revisions, or amendments to this Charter in the manner provided by Article XVIII, Section 9, of the Constitution of Ohio. The members appointed to the Charter Review Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

## Common Themes and Provisions

Staff have identified three key themes across the Charter Review Commission provisions.

First, the charters clearly state the goal(s) of the Charter Review Commission, yet afford broad latitude to the Commission within those goals. The most common goal is a comprehensive review of the charter, focusing on areas where the Commission feels amendments or deletions may be warranted.

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<sup>1</sup> One municipality (Mansfield) requires direct election of the members. Another municipality (Cleveland) gives Council the option of providing the method of formation by either appointment or election.

## Charter Review Commissions in City Charters A Review of Municipal Charter Requirements

Second, the charters require the Commission to submit a final report of recommendations to the Council and, less frequently, the Mayor. Given Council's constitutional responsibility and authority to place proposed charter amendments before the electors of the municipality, this provision is expected.

Third, the charters set an expectation that the Commission will be made up of citizens who are deeply engaged in and committed to their community. The very act of including a citizen-run periodic charter review speaks to the importance of community dialogue and debate about the cornerstone document for local self-governance.

In addition to these common themes, several provisions appear frequently in the charters.

A majority of cities (63%) conduct reviews on a decennial basis (i.e., at least every 10 years). This does not preclude more frequent Commissions, but sets a minimum standard for review of the charter.

A sizeable majority of cities (81%) limit Commission membership to qualified electors of the municipality. The charter serves as a city's constitution and may only be framed and amended by a vote of municipal electors. Thus, the decision to limit Commission membership to the city's electors merits strong consideration.

An equally sizeable majority (81%) place in the charter a deadline for appointing the Commission. This provides for the uniform operation of the charter requirements.

A smaller percentage of charters (33%) expressly exclude city officials, appointees and employees from serving on the Commission.

A majority of cities (67%) require submission of recommendations by a date certain. The median timeframe for submitting Commission reports is 8 months from appointment. This assures the efficient operation of the Commission, with the flexibility of reappointing the Commission if the city deems necessary.

A super-majority of cities (81%) give Council discretion in acting on Commission recommendations. It should be noted that, of the remaining cities, two simply require that Council act to approve or decline each recommendation, while a third requires only that Council submit recommendations as written if it chooses to place them before voters. In each instance, Council has discretion in placing any issue before voters, which is in keeping with the two methods of charter amendment placed in the Ohio Constitution.

Lastly, the charter provisions range from a single sentence to multiple sections of prescriptive requirements. The most common provisions, however, are prescriptive as to the Commission's make-up, appointment and deadlines, as well as Council's action on recommendations.

### Conclusion

Based on staff research, we recommend that the Commission consider recommending adoption of an automatic, periodic Charter Review Commission provision in the charter. Several common practices listed above could well-serve the city if such a recommendation were made.

Charter Review Commissions in City Charters  
A Review of Municipal Charter Requirements

CATEGORY	VALUE	PERCENT OF VALUE
Cities >/=45,000	33	100%
Charter Review Commission in charter	27	82%
Median year Commission provision adopted	1988	
Frequency of Charter Review Commission		
Quaddrennial (4)	2	7%
Quinquennial (5)	5	19%
Decennial (10)	17	63%
Other	3	11%
Median size of Commissions	7	
Methods of Commission Appointment		
Council Appoint	16	59%
Mayor and Council Appoint	4	15%
Mayor Appoint, Council Confirm	3	11%
Other	4	15%
Commission Limited to City Electors	22	81%
Officials and Employees may not serve	9	33%
Deadline for appointment	22	81%
Deadline for recommendations	18	67%
Median time for recommendations, in months	8	
Council action on recommendations is discretionary	22	81%