

## Background

As part of staff's research in support of the Charter Review Commission, we have reviewed the Columbus Charter Review Committees/Commissions appointed in 1991, 1998, 1999, and 2010. The following provides a cursory overview of those Commissions, key themes from their history, and key findings based on related staff research.

### Overview of Past Charter Review Commissions

In June 1991, former Mayor Dana Reinhardt, former City Council President Cindy Lazarus and former City Attorney Ron O'Brien convened a five-member Charter Review Commission.<sup>1</sup>

After a two-year, comprehensive review of the City Charter, the Commission presented Council and Mayor with a report of recommendations in March 1993. By that time, the City had elected a new mayor, Greg Lashutka. Council appointed a three-member team to review the report and make recommendations regarding what should be placed before voters.

Council ultimately placed three issues before voters, one of which passed.<sup>2</sup>

In May 1998, former Mayor Greg Lashutka and then-City Council President Michael B. Coleman appointed an 8-member Charter Review Committee.<sup>3</sup>

After a comprehensive review of the City Charter, the Committee presented Council and the Mayor with a report of recommendations in July 1998. Of the seven areas where the Commission recommended changes, Council concurred with the Commission and placed each issue on the November ballot. All seven were adopted.

The Mayor and Council President reappointed the same Committee in February 1999, asking the Committee to give recommendations regarding selection and removal procedures for the police and fire chiefs.

After months of deliberation, the Committee presented to the Mayor and Council several recommendations regarding the issues at question. Council placed one issue on a special election ballot. The issue was adopted.

In June 2010, Council appointed a five-member Charter Review Committee to study compliance of Charter provisions with Ohio law regarding open meetings and executive sessions. The Committee

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<sup>1</sup> The Commission was chaired by former City President Jerry Hammond. Sally Bloomfield, James E. Daley, Dr. Rodney Smith, and Frank Casto served on the Commission.

<sup>2</sup> See Appendix.

<sup>3</sup> The Committee was chaired by Robert Howarth. Herbert Brown, Mary Christensen, Auditor Hugh Dorrian, Richard Fahey, Alvin Hadley, Alphonso Montgomery and Greta Russell served on the Committee.

reported back in July 2010. Council placed the Committee-recommended change on the November ballot. The issue was adopted.

## Overall Themes

Together, these Commissions did the following:

- Weighed in on 36 issues regarding municipal governance;
- Recommended amendments for 25 issues; and
- Recommended either no changes or further study for 11 issues.

Council placed 12 issues on the ballot for voter approval as a result of past Charter Review Commissions.

## Key Themes

We can point to several key themes in previous charter reviews.

1. Columbus' Charter Review Commissions have not been formed in consistent ways. Half of the historic charter reviews have been episodic and issue-driven. The other half of the reviews have been episodic and comprehensive.
2. Charter Review Commissions have taken a median of 3 months to conclude their reviews. One outlier, the 1991 Commission, took over 2 years to complete its recommendations, yet led to the fewest ballot issues.
3. Some issues have reemerged throughout previous charter reviews. For example, each review has focused a good deal of time and energy on Civil Service modernization, yet the issues have not been fully resolved at the ballot box. Other issues have been presented to each Commission, but have been well-settled by previous reviews.
4. The composition of Charter Review Commissions has not been consistent, but for good reason. Specific areas of expertise were called for in making key amendment recommendations during some previous Commissions – leading to 8-member Commissions in 1998 and 1999, and 5-member commissions in 1993 and 2010.

## Additional Findings

In reviewing the records and reports of the 1991, 1998, 1999, and 2010 Charter Review Commissions, staff have noted key findings that may inform the work of this Commission.

As Auditor Dorrian stated last week, while our charter deserves attention and likely needs some revision, it has generally served us well for nearly 100 years. This is self-evident in the thoughtful, professional review and vetting of potential issues throughout the four previous Commissions.

With this in mind, what is the “best way” to craft charter reviews and amendments?

Commission Co-Chairs have asked staff to review other city charters in preparation for this very discussion. One item provided to members was the National Civic League's “model charter.” An

outgrowth of the Progressive movement in the early 1900's,<sup>4</sup> this model charter reads like a “pick your own adventure” story. And for good reason. No two cities are exactly alike. Their charters are products of the unique social, economic, political, and cultural contexts of the people drafting and adopting them.

Ohio's city charters demonstrate these simple truths. Frequently, Ohio charters reflect the historic political crises and scandals faced by local governments. In Toledo, for example, the end of controversial Mayor Carty Finkbeiner's terms was marked by significant and unique charter amendments intended to limit the powers and authorities of the mayor's office. Cleveland, after being roiled with corruption and turmoil for decades, has followed Cuyahoga County's path in adopting mandatory, periodic charter reviews – creating a systematic mechanism to address structural barriers to reform imbedded in their charter. Cincinnati enacted a far-reaching reform charter in direct response to the corruption of the Boss Cox era, forming the state's longest-running local third party – the Charterites – in the process.

Just as importantly, charters outside Ohio are the result of unique state constitutional and general law provisions that make “apples-to-apples” comparisons difficult. For example, cities in North Carolina have no home rule authority and, as such, no analogue to our charters. In Texas, local government is a fragmented collection of home rule municipalities, Councils of Government, special districts, and public improvement districts.

Perhaps because of these unique local conditions, municipal charters have served as incubators for innovation throughout Ohio. We see this in the multiplicity of approaches to structuring local government and the varied public policy goals that citizens have placed in their governing documents. This allows us to learn from the innovations of others, considering and incorporating new ideas and novel solutions that best fit the needs of our city.

As a result of the previous points, there are many common practices, themes and approaches that we can identify in charters across Ohio and the country. However, there are no true “best practices” upon which to draw. Rather, there are common practices that, in our city's context, could be considered best for our long-term governance.

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<sup>4</sup> For a history of the National Civic League, see the following overview from the National League of Cities: [http://www.ncl.org/index.php?option=com\\_content&view=article&id=98&Itemid=177](http://www.ncl.org/index.php?option=com_content&view=article&id=98&Itemid=177)