

# 2016 CHARTER REVIEW COMMISSION

## EXCERPT FROM FINAL REPORT

### INTRODUCTION

In the interest of respecting the many diverse voices and opinions throughout our community, this Committee issues the following recommendations out of deep respect for the electoral result of August 2, 2016 and the belief that the following recommendations will provide transparency, accountability and responsiveness to address the needs of our growing city. The committee hopes that both those who favor the current structure and those who favor changes will seriously consider these recommendations.

### THE COUNCIL: SIZE AND STRUCTURE

Sec. 3-19

[Five votes in favor, one opposed, two abstentions]

The current size and structure of Columbus City Council has been unchanged since adoption of the Columbus City Charter in 1914.

Research and data provided to the Charter Review Committee makes a compelling case for increasing the size of Council to nine members, in line with peer cities across the country. Research data also demonstrates that most features of Columbus' council are best practices for political competitiveness, such as nonpartisan ballots, staggered terms, and at-large elections. Finally, research data presents a varied and complex picture of potential council structures from peer cities across the country, reflecting democratic experimentation based on the unique historical, political, and governmental situation of American cities.

Some citizens have expressed to this Committee a belief that Council could be more responsive and should provide a "go-to" elected official based on geography. Some advocate for a hybrid Council structure, where some are elected at-large and some by district, not unlike the system considered by voters in August 2016. Based on research and presentations, and keeping in mind the response of Columbus voters, this Committee does not recommend a return to the hybrid ward structure in place prior to the adoption of the current City Charter.

#### Recommendation:

The Charter Review Committee does, however, recommend Columbus City Council explore presenting to voters a charter amendment for the following structural changes as a possible alternative to the current seven member at-large council. This recommendation is rooted in a finding that the city has been well served by the current structure and this alternative is a possible way to enhance Council-community relations:

1. Expand the size of Columbus City Council from seven members to nine members, subject to the adoption of recommendation #2.

2. Adopt a “District At-Large” form of Council whereby, subject to the adoption of recommendation #1.
  - a. The city is apportioned into nine geographic Council districts using best practices in apportionment and reapportionment.
  - b. To run for Council, a candidate must live in and file for a specific Council district seat.
  - c. Elections are shifted from at-large field races to at-large by-place races, where candidates who live in the same district run against each other for that seat.
  - d. Every Columbus voter maintains his/her right to cast a vote for the candidate of their choice for every seat on Council.
  - e. Elections continue to include an elimination primary if more than two candidates file for a given district, followed by a general election between the top two vote-getters for each seat on Council.
  - f. Elections continue to be nonpartisan.
3. In consideration of these potential charter amendments, the Committee recommends that Council actively engage the community to determine best practices, which are most applicable to Columbus, especially in the topics of apportionment and reapportionment, timeline for placement on a ballot, process for implementation should voters approve the measure and active citizen participation in the apportionment process. Further, the Committee recommends that the community be given the opportunity to offer input at every phase of the process.

## **COUNCIL VACANCIES AND APPOINTMENTS**

### **Sec. 5**

[Six votes in favor, two abstentions]

Under the current Columbus City Charter, a vacancy on Council must be filled by appointment. That appointment must take place within 30 days of the vacancy and is made by the remaining Councilmembers. Prior to 1993, appointments were for the full unexpired term. A charter amendment in 1993 required an election for the unexpired term if a vacancy takes place in the first half of a four year term.

Research presented to the Committee demonstrates that some form of appointment process is used in 94% of large cities with a mayor-council form of government. However, those processes vary from city to city and, in practice, cities like Seattle will only make an interim appointment where the person agrees not to seek election to the seat. Leaving a seat unfilled did not appear to be a viable option, given that potentially the vacancy could continue for as much as two years and that multiple vacancies may occur at the same time. Reliance on special elections also creates challenges because the city’s nonpartisan candidates cannot appear on a ballot with party identification or markings, special elections can be very expensive, and special elections bypass the necessary vetting provided by an elimination primary and general election.



Community feedback to the Committee demonstrates concern over the transparency of the Council appointment process, as well as the potential “power of incumbency” bestowed on an appointed Councilmember. Members of this Committee differ in their view of how much that “power of incumbency” benefits a candidate – versus the power of local party politics and structures. However, we believe both charter changes and policy changes can better engage the public in filling vacancies and provide more reliance on interim appointments.

Recommendation:

The Charter Review Committee recommends the charter be amended as follows to address vacancies on council:

1. To require that Council establish, via the administrative code, the process for filling a vacancy, provided such process shall remain nonpartisan;
2. To require that the aforesaid process must include at least one public hearing with one or more potential appointees prior to any Council appointment;
3. To require that the public hearing and Council action to fill a vacancy may not take place on the same day; and
4. To extend the timeline for appointment from 30 to 45 days to accommodate the expanded public process.
5. To require that, should voters adopt a District At-Large form of Council, vacancies must be filled by a person residing in the same district where vacating member resided.

The Charter Review Committee recognizes that Council has recently utilized an appointment process whereby an appointee will not run for Council at the next succeeding municipal election. The Committee recommends that Council adopt a policy related to the filling of vacancies, in addition to public hearing requirements, as follows:

1. Based on the totality of the circumstances and when appropriate, Council will continue to fill a vacancy by appointing a person who will not run for Council at the next succeeding municipal election. This decision should be announced prior to accepting applications to fill a vacancy.

**COUNCIL EMPLOYMENT STATUS**

Sec. 6

[Six votes in favor, two abstentions]

The Columbus City Charter is silent regarding the employment status of all municipal elected officials other than the mayor. As a result, Councilmembers are neither part-time nor full-time. Research presented to the Committee shows that peer cities vary in their treatment of Council employment status. Some define Council as part-time, while others pay very little per meeting and, as a result, make Council de facto part-time. Others bar all outside employment or require that Council duties be the primary focus for a Councilmember.

Recommendation:

The Charter Review Committee recommends no charter change to the employment status of members of Council.

**SUPPORTING AREA COMMISSIONS**

[Six votes in favor, two abstentions]

While Area Commissions are not a charter matter, they advise multiple branches of city government and play a role in further promoting citizen engagement in local government. Stronger Area Commissions will continue to foster a City Council responsive to the needs of our growing city. In making these recommendations, the Committee recognizes the special role civic associations play in the City of Columbus, and encourages Council to continue outreach and community engagement with these organizations.

Recommendation:

To that end, the committee recommends forming, as soon as possible in 2017, a Commission on Area Commissions to study of the following:

1. Providing Area Commission coverage for every city resident.
2. Addressing administrative support needs for Area Commissions, including, but not limited to, funding, staff support, web hosting, records retention, organizational development, training, and community engagement.
3. Streamlining and equalizing the organization and operation of Area Commissions, including, but not limited to, uniform bylaws, elections, zoning processes, and public notice and participation.
4. Ensuring adherence to city and state laws regarding open meetings and public records.