

## Code Change Policy

Governance of Columbus City Codes is one of Council's primary responsibilities, and the impact that code changes have can be broad, significant, and can carry risk. Even minor changes can have unknown negative consequences on interested parties that may or may not have been involved in the formation of new or amended code provisions. For these reasons, we propose to follow a comprehensive policy around code changes. This policy will be enacted for all code changes that would be proposed after the 5/20/24 Council meeting, and will be included in the Clerk's office guidelines for drafting legislation moving forward.

### Universal Principles:

1. Unless there are extraordinary circumstances, code changes are never adopted as emergency measures.
  - a. If code changes must be passed as an emergency, the content of the code change and a corresponding fact sheet must be published in a widely-available format for no less than 14 days prior to passage.
2. All significant code changes should be subject to a public hearing, ideally prior to appearing on a Council agenda for a first reading. Recognizing that "significant" is subjective, significant code changes would be considered anything for which we would rationally expect feedback or input from interested external parties.
  - a. An exception to this would be changes that do not enact what we would normally consider to be substantive policy changes, or anything objectively non-controversial; for example, an ordinance to clean up previously authorized code changes because of drafting errors.
3. All code changes should be accompanied by a fact sheet, the format of which will be prescribed by the Clerk's Office, and distributed to Councilmember offices and staff well in advance (i.e. at least 5 working days) of a public hearing. It is incumbent upon drafters to complete the fact sheet and ensure that it has been distributed to Councilmember offices.
4. Drafters should be able to demonstrate that they have completed a thorough community engagement process to determine the scope of interested parties and that questions or concerns by said parties have been addressed well in advance of requesting a code change to appear on a Council agenda.

### For Code Changes Proposed by the Administration, Attorney, or Auditor:

1. It is strongly recommended that drafters work with Council offices to set up no fewer than two briefing sessions during which Councilmembers can be briefed on the details of a proposed code change and to allow them to ask questions of administration/Attorney/Auditor staff.

Department Requesting Code Change:

Neighborhoods

Drafter:

Pedro Mejia/City Attorney's Office

Email and Phone:

[Pdmejia@columbus.gov](mailto:pdmejia@columbus.gov), 645-8141

Columbus City Code Title Being Amended/Created/Repealed:

Title 23, Chapter 2331

**What is the overall purpose of this code change?** *Summarize the general themes of the code change(s) and the need for these changes. Please utilize language and descriptors that would be easily understandable by the general public.*

- To transition the Community Relations Commission to an advisory body in order to decrease limitations on membership eligibility
- To create bona fide occupational qualifications for specific occupations in order to align with federal guidelines
- Introduce best practices advised by City Attorney's Office in order to promote administrative efficiency

**Why is this code change needed?** *Examples: Correcting a drafting error; bringing code into alignment with changes to state law. For other policy changes, it may be necessary to provide a much more in-depth rationale in the section.*

The members of the Community Relations Commission (CRC) are unique for the deep knowledge they have of the protected classes and areas of protection found in Columbus City Code section 2331. A recent code update added the ability for the CRC to impose a civil penalty. This change created an additional enforcement tool and inadvertently made Commissioners Public Officials. This proposed change to 2331 maintains the civil penalty but adjusts the process so the Commissioners are once again advisory. Advisory status ensures the ability to recruit members who have strong content knowledge as well as deep community connections. In addition, the proposed updates to 2331 would add bona fide occupational qualifications to the code. By aligning with federal law, employers will be able to legally require an employee to meet certain requirements when necessary to perform the functions of a job. Approval by the Ohio Civil Rights Commission would be required to ensure employers who want a bona fide occupational qualification are complying with the law. The introduction of a fee schedule and other small language changes will help the Commission stay efficient and makes the complaint process more understandable in the City Code. The CRC plans to enact administrative rules that maintain the current civil penalty amounts.

**What would be the impact of not adopting this code change?**

The Community Relations Commission is experiencing difficulty in recruiting for open seats on the Community Relations Commission due to current membership limitations. If proposed changes are not adopted, the Community Relations Commission may not be as fully representative of the Columbus community as possible.

**Are there any operating or capital budget cost/savings implications for this code change?**

*These may be direct or in-direct, and please also consider long-term impact.*

There are no budget implications to this code change.

**Describe the community engagement process regarding this code change. What residents, impacted parties, and constituents may be affected? Have they been engaged, and how so? How was their feedback incorporated (or not incorporated) into this code change?**

The Department of Neighborhoods, providing administrative support to the Community Relations Commission, has received feedback from individuals who are interested to serve on the Commission that they would not be able to due to membership limitations. As a result, several quality candidates have chosen not to seek an appointment to the Commission.

**Will this code change take effect with the ordinance, or is there a delayed effective date?**

Effective date is 30 days after passage.

\*\*\*\*\*EXAMPLE FACT SHEET\*\*\*\*\*

Department Requesting Code Change: Office of Diversity and Inclusion

Drafter: John Doe

Email and Phone: 5-5555

Columbus City Code Title Being Amended/Created/Repealed:

Title 4 and Title 39, Chapter 329

**What is the overall purpose of this code change?** *Summarize the general themes of the code change(s) and the need for these changes. Please utilize language and descriptors that would be easily understandable by the general public.*

Definitions:

- SLBE: Small, local business enterprise
- SRBE: Small, regional business enterprise

SLBEs were defined as businesses headquartered and domiciled in the City of Columbus. SRBEs are defined similarly, but with a physical presence in one or more of the following counties: Delaware, Fairfield, Fayette, Franklin, Licking, Madison, Pickaway, or Union. The Office of Diversity and Inclusion seeks to reach small business outside of the boundaries of Franklin County and the City of Columbus.

**Why is this code change needed?** *Examples: Correcting a drafting error; bringing code into alignment with changes to state law. For other policy changes, it may be necessary to provide a much more in-depth rationale in the section.*

A regional model like an SRBE certification is used in other large metro areas, like Atlanta, to be more inclusive of the area's collective economy and reach small business owners in counties neighboring Columbus.



SHANNON G. HARDIN, PRESIDENT | ROB DORANS, PRESIDENT PRO TEMPORE  
NICHOLAS J. BANKSTON | LOURDES BARROSO de PADILLA | MITCHELL J. BROWN | SHAYLA D. FAVOR | EMMANUEL V. REMY

CITY CLERK | ANDREA BLEVINS, CMC

City Hall | 90 West Broad Street | Second Floor | Columbus OH 43215 | T (614) 645.7380 | F (614) 645.6164 | columbuscitycouncil.org

What would be the impact of not adopting this code change?

Regional businesses operating partly in Columbus, hiring employees living in Columbus, and regional minority-owned businesses will continue to be excluded from the ODI's certification process.

Are there any operating or capital budget cost/savings implications for this code change? *These may be direct or in-direct, and please also consider long-term impact.*

While there is no direct impact on the budget, potential procurement incentives related to SRBE-certified businesses could impact the costs of certain projects.

Describe the community engagement process regarding this code change. What residents, impacted parties, and constituents may be affected? Have they been engaged, and how so? How was their feedback incorporated (or not incorporated) into this code change?

Business support organizations in the local and regional area are key stakeholders, including the Columbus Chamber of Commerce. Existing, certified SLBEs will be impacted and potential SRBEs may be impacted. No community engagement has occurred at this time, but the Columbus Chamber of Commerce is broadly aware of the proposed changes.

Will this code change take effect with the ordinance, or is there a delayed effective date?

Effective date



SHANNON G. HARDIN, PRESIDENT | ROB DORANS, PRESIDENT PRO TEMPORE  
NICHOLAS J. BANKSTON | LOURDES BARROSO de PADILLA | MITCHELL J. BROWN | SHAYLA D. FAVOR | EMMANUEL V. REMY

CITY CLERK | ANDREA BLEVINS, CMC

City Hall | 90 West Broad Street | Second Floor | Columbus OH 43215 | T (614) 645.7380 | F (614) 645.6164 | columbuscitycouncil.org