

Notice of Election on Proposition
R.C. 3501.11(G)

Notice is hereby given that in pursuance of an Ordinance of the City Council of Columbus, Ohio, passed on the 25th day of July, 2022, there will be submitted to a vote of the people of the City of Columbus at the General Election to be held at the regular places of voting on Tuesday, the 8th day of November, 2022 the question of:

Amendment No. 1, Initiative Process

This proposed amendment updates the initiative process regarding initiated ordinances and initiated charter amendments. The central reform pertains to self-dealing through the initiative. The proposed changes implement a ban on initiatives that create a monopoly, oligopoly, or cartel; or otherwise confer a special privilege - such as a specific tax rate, commercial right, interest, or license - that is not available to similarly situated persons or nonpublic entities. The amendment also bans any initiatives that authorize the City to become a stockholder in any joint stock company, corporation, or association; or interact with such in violation of Article VIII, Sec. 6 of the Ohio Constitution. Should an initiative petition that violates either of these bans be found legally sufficient by city council, council would be required to pass ordinances to place two issues on the ballot: the first asks voters if the committee should be allowed to initiate the ordinance or charter amendment in violation of the Charter; the second would be the initiative ordinance or charter amendment itself. The amendment would also require any petition submitted in violation of either ban to include the names and addresses of all who would stand to gain commercial benefit from the initiative, and an estimate of how much public money they would likely receive in the three years following passage.

The amendment would also make two additional changes to the initiative process. The first would lengthen the period of time that a petition committee has to gather signatures from one (1) year to two (2) years. The second would allow for ten additional days during which a petition committee may collect more signatures, should the board of elections' report find that the petition lacks the necessary number of valid signatures per sections 43 to 46 of the charter.

Shall the proposed Amendment to the Columbus City Charter be adopted?

The polls for the election will be open at 6:30 a.m. and remain open until 7:30 p.m. on election day.

By order of the Board of Elections,
of Franklin County, Ohio.

Douglas J. Preisse, Chair
Antone White, Director

Dated 08/17/2022

Full text: Ordinance 2198-2022

..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, as relates to the initiative process. These amendments are based on the recommendations of the 2022 Columbus Charter Review Commission.

On July 6, 2022, the Charter Review Commission, appointed by Mayor Andrew J. Ginther and Council President Shannon Hardin, adopted five (5) comprehensive recommendations. A report summarizing those recommendations was submitted to Council on July 9, 2022 and is attached to this ordinance.

Based on council's consideration of the commission's recommendations, council proposes a ballot question

regarding the initiative process. Proposed Charter Amendment No. 1, Initiative Process, addresses the following:

- Ban on initiatives that create a monopoly, oligopoly, or cartel; or otherwise confer a special privilege that is not available to similarly situated persons or nonpublic entities
- Ban on initiatives that authorize the City to become a stockholder in any joint stock company, corporation, or association; or interact with such in violation of Article VIII, Sec. 6 of the Ohio Constitution
- Should initiative petitions that violate either of these bans be found legally sufficient by city council, council would be required to pass ordinances to place two issues on the ballot: the first asks voters if the committee should be allowed to initiate the ordinance or charter amendment in violation of the Charter; the second would be the initiative ordinance or charter amendment itself
- Requires that any initiative petition submitted in violation of either ban include the names and addresses of all who would stand to gain commercial benefit from the initiative, and an estimate of how much public money they would likely receive in the three years following passage
- Lengthens the period that a petition committee may gather signatures from one (1) year to two (2) years
- Provides an additional ten (10) days during which a petition committee may collect more signatures, should the petition be found by the Board of Elections to lack the required number of valid signatures

..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 8, 2022, the question of amending the Charter of the City of Columbus, such question to be known as "Proposed Charter Amendment No. 1, Initiative Process"; and to declare an emergency.

..Body

WHEREAS, on January 10, 2022, Council President Shannon Hardin and Mayor Andrew J. Ginther appointed a five-member Charter Review Commission to conduct a review of the city's charter; and

WHEREAS, the highly regarded community leaders who served on the commission held eleven public working meetings, solicited public comment via two public hearings, an online portal, and a dedicated email address, and, based on such deliberations, submitted recommendations to the mayor and council president on July 9, 2022; and

WHEREAS, the Charter Review Commission made five comprehensive recommendations, all of which

necessitate changes to the charter; and

WHEREAS, this council finds that the residents of Columbus will be well-served by proposed charter amendments detailing the city's initiative process; and

WHEREAS, An emergency exists in the usual daily operation of the various departments of the city, in that it is immediately necessary to authorize submission of Proposed Charter Amendment No. 1, Initiative Process to the electors to assure timely filing with the boards of elections for placement on the November 8, 2022 ballot, thereby preserving the public health, peace, property, safety and welfare; **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 2022. Therefore, pursuant to City Charter Section 45-2, a special election is hereby called to place the question hereinafter set forth on the November 8, 2022 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 Initiative Process) hereto and hereby made a part hereof.

SECTION 3. That the question submitted in Section 2 be and hereby is known as "Proposed Charter Amendment No. 1, Initiative Process."

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. 1, Initiative Process" upon the ballot to be submitted to the electors as provided for and upon the date set forth herein.

SECTION 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten days after passage if the Mayor does not approve the same.

2198-2022 Attachment - FINAL PROPOSED AMENDMENT TO THE CHARTER Initiative Process

Sec. 42-16. Conferring special privilege by initiated ordinance or charter amendment.

- A) Restraint of trade or commerce being injurious to this state and its citizens, including citizens of the City of Columbus, the power of the initiative shall not be used to pass an ordinance or an amendment to the city charter that would grant or create a monopoly, oligopoly, or cartel; specify

or determine a tax rate; or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities.

- B) The power of the initiative shall not be used to pass an ordinance authorizing the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution.
- C) If an ordinance or charter amendment proposed by initiative petition is certified to appear on the ballot, and in the opinion of the City Attorney, the ordinance or amendment would conflict with division (A) or (B) of this Section, the City Council shall prescribe two separate questions to appear on the ballot, as follows:
- a. The first question shall be as follows:
 - i. Where there is determined to be a conflict with division (A):
 - 1. For an initiated ordinance: "Shall the petition committee, in violation of division (A) of Section 42-16 of the Columbus City Charter, be authorized to initiate an ordinance that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"
 - 2. For a charter amendment: "Shall the petition committee, in violation of division (A) of Section 42-16 of the Columbus City Charter, be authorized to initiate a charter amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?"
 - ii. Where there is determined to be a conflict with division (B):
 - 1. For an initiated ordinance: "Shall the petition committee, in violation of division (B) of Section 42-16 of the Columbus City Charter, be authorized to initiate an ordinance that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution?"
 - 2. For a charter amendment: "Shall the petition committee, in violation of division (B) of Section 42-16 of the Columbus City Charter, be authorized to initiate a charter amendment that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution?"
 - b. The second question shall describe the proposed ordinance or charter amendment.
 - c. If both questions are approved or affirmed by a majority of the electors voting on them, then the ordinance or charter amendment shall take effect. If only one question is approved or affirmed by a majority of the electors voting on it, then the ordinance or charter amendment shall not take effect.

- A) If a petition committee seeks to use the municipal power of the initiative to pass an ordinance or an amendment to the city charter that would grant or create a monopoly, oligopoly, or cartel; specify or determine a tax rate; or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities in violation of Sec. 42-16(A) or if a petition committee seeks to use the municipal power of the initiative to pass an ordinance that authorizes the city to become a stockholder in any joint stock company, corporation, or association of any kind; or to raise money for, or to loan its credit to, or in aid of, any private company, corporation, or association of any kind in such manner as to violate Article VIII, Sec. 6 of the Ohio Constitution in violation of Sec. 42-16(B), such petition committee must make the following additional disclosures on each part petition submitted:
- 1) The name and address of each member of the petition committee;
 - 2) The name and address of each person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, who will receive or are intended to receive a commercial interest, commercial right, commercial license, or private commercial benefit of any kind under the initiated ordinance or charter amendment;
 - 3) The amount of public money that each person, nonpublic entity, or group or persons or nonpublic entities, or any combination thereof, will obtain or is expected either to obtain or to have access to from the city in each of the first three fiscal years following the effective date of the initiated ordinance or charter amendment.
- B) The failure to disclose any information required in Section (A) on any part-petition, will result in the invalidity of all signatures contained on such part-petition;
- C) Strict compliance with this section is required pursuant to the obligations under Title 35 of the Revised Code;
- D) This provision preserves the authority conferred upon of the citizens of the City of Columbus granted under Article II Sections .01e and .01f and Article XVIII, Section 03 of the Ohio Constitution.

Sec. 42-7. - All petitions to be filed with city clerk.

All separate part-petitions providing for a proposed ordinance, referendum, recall, or charter amendment shall be filed at the same time, as one instrument, with the city clerk. No alterations, corrections, or additions may be made to a petition after it is filed in a public office. Petitions for an initiated ordinance or charter amendment shall be filed within ~~one~~ two years of filing a certified copy of the same with the city clerk; petitions for recall or referendum shall be filed as otherwise provided for herein.

Sec. 42-9. - Duties ~~of~~ upon filing of a petition.

Within ten days after filing, the city clerk shall cause copies of the petitions to be made, and shall forward the petitions to the elections authorities to validate the signatures on the petition and to the city attorney to advise on the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations; provided, however, in the case of a proposed charter amendment, the city clerk shall forward the petitions forthwith to the elections authorities and the city attorney. Validation of signatures shall be reported by the elections authority within ten days of their receipt of the petition. If the elections authority's report confirms a sufficient number of valid signatures on the petition, the ~~The~~ city clerk shall, upon receipt, forthwith forward to the council the elections authority's report ~~regarding signature~~

~~validation~~ and the city attorney's findings regarding legal sufficiency. If the elections authority's report confirms an insufficient number of valid signatures on the petition, the city clerk shall forthwith notify the petition committee of the deficiency. The petition committee shall have an additional ten (10) days from the time of notification by the city clerk to secure and file petitions containing additional signatures. The city clerk shall forward any additional petitions received forthwith to the elections authorities. Validation of additional signatures shall be reported by the elections authority within ten days of their receipt of the petition. The city clerk shall, upon receipt, forthwith forward to the council the elections authority's supplemental report regarding signature validation and the city attorney's findings regarding legal sufficiency.

Notice of Election on Proposition

R.C. 3501.11(G)

Notice is hereby given that in pursuance of an Ordinance of the City Council of Columbus, Ohio, passed on the 25th day of July, 2022, there will be submitted to a vote of the people of the City of Columbus at the General Election to be held at the regular places of voting on Tuesday, the 8th day of November, 2022 the question of:

Amendment No. 2, Civil Service

This proposed amendment addresses sections of the charter pertaining to employees in the office of the mayor and civil service. Changes include defining the “mayor’s cabinet” and “Executive Staff,” and allowing the mayor to select from among members of the cabinet to serve as acting mayor in the mayor’s absence.

In addition to adding the definition of the mayor’s Executive Staff and clarifying the remaining unclassified positions in the office of the mayor, there are several updates to the civil service portions of the charter. These include providing for the use of no “more” than three bands for each competitive eligible list of applicants, rather than no “fewer” than three bands, and removing the current employee residency requirement, which has been rendered unlawful. Other changes include:

- Removing outdated language; evaluating applicants on “knowledge, skills, abilities, and similar characteristics”, rather than “fitness,” in two different subsections
- Specifying notice for competitive exams be placed on the city’s website, rather than just in the city bulletin
- Removing and replacing unlawful language – references to aspects of “age” and “sex” as being requirements for some positions
- Clarifying use of the terms “temporary” vs. “provisional”
- Clarifying noncompetitive appointments
- Removing obsolete language regarding record keeping
- Updating probationary rules - changing probationary period from not less than one month to not less than ninety (90) days; specifying no probationary period for uniformed police and fire for appointments resulting from a competitive promotional exam; and altering a requirement to submit a written report to terminate an employee by ten days from the end of probation in order to state that the report needs to be submitted to the civil service commission prior to the end of probation.
- Modernizing language and removing outdated information related to appeals to the commission – removing obsolete classifications as an exception to appeals; allowing the commission to hear appeals within its established rules, rather than requiring that appeals be heard with ten (10) days of filing
- Removing extraneous language and stating that appointments in the competitive classified service be made according to civil service commission rules
- Removing outdated language referring to eligible lists of applicants at the time of the initial city charter’s enactment.

Shall the proposed Amendment to the Columbus City Charter be adopted?

The polls for the election will be open at 6:30 a.m. and remain open until 7:30 p.m. on election day.

By order of the Board of Elections,
of Franklin County, Ohio.

Douglas J. Preisse, Chair
Antone White, Director

Dated 08/17/2022

Full text: Ordinance 2199-2022

..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, as relates to civil service. These amendments are based on the recommendations of the 2022 Columbus Charter Review Commission.

On July 6, 2022, the Charter Review Commission, appointed by Mayor Andrew J. Ginther and Council President Shannon Hardin, adopted five (5) comprehensive recommendations. A report summarizing those recommendations was submitted to Council on July 9, 2022 and is attached to this ordinance.

Based on council's consideration of the commission's recommendations, council proposes a ballot question regarding the city's civil service provisions. Proposed Charter Amendment No. 2, Civil Service, addresses the following:

- Clarifies that members of the mayor's Executive Staff are officers who may be appointed and removed by the mayor
- Creates and defines the "mayor's cabinet"
- Allows the mayor to designate a cabinet member as acting mayor, and removes the council president as an individual eligible to be acting mayor
- In the case of a temporary inability to execute the duties of the office, allows the mayor, or mayor's agent, to transmit written documentation to a designated member of the mayor's cabinet to serve as acting mayor, rather than just the director of public service, public safety, or the council president
- Renames the unclassified positions within the office of the mayor, by changing references from executive and administrative assistants to "Executive Staff and all other staff of the office of the mayor"
- Removes outdated language to allow for the evaluation of applicants on "knowledge, skills, abilities, and similar characteristics," rather than "fitness," in two different subsections
- Specifies that notice for competitive exams be placed on the city's website, rather than just in the city bulletin
- In providing for rules of the civil service commission, states that the commission must make rules for the use of no "more" than three bands for each competitive eligible list of applicants, rather than no "fewer" than three bands
- Removes and replaces unlawful language - references to aspects of "age" and "sex" as being requirements for some positions
- Clarifies use of the terms "temporary" vs. "provisional" when providing for employment rules
- Clarifies language pertaining to noncompetitive appointments
- Removes obsolete language regarding record keeping on employees

- Updates probationary rules - changes the probationary period from not less than one month to not less than ninety (90) days; specifies there will be no probationary period for uniformed police and fire for appointments resulting from a competitive promotional exam; alters a requirement to submit a written report to terminate a probationary by ten days from the end of probation to state that the report needs to be submitted to the civil service commission prior to the end of probation.
- Modernizes language and removes outdated information related to appeals to the commission - removes obsolete classifications as an exception to appeals; allows the commission to hear appeals within its established rules, rather than requiring that appeals be heard with ten (10) days of filing
- Removes extraneous language and states that appointments in the competitive classified service be made according to civil service commission rules
- Removes outdated language referring to eligible lists of applicants at the time of the initial city charter's enactment.
- Removes the city's residency requirement, most of which has been invalidated by Ohio Supreme Court precedent and the Ohio Revised Code; now states that residency shall be in accordance with state law

..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 8, 2022, the question of amending the Charter of the City of Columbus, such question to be known as "Proposed Charter Amendment No. 2, Civil Service"; and to declare an emergency.

..Body

WHEREAS, on January 10, 2022, Council President Shannon Hardin and Mayor Andrew J. Ginther appointed a five-member Charter Review Commission to conduct a review of the city's charter; and

WHEREAS, the highly regarded community leaders who served on the commission held eleven public working meetings, solicited public comment via two public hearings, an online portal, and a dedicated email address, and, based on such deliberations, submitted recommendations to the mayor and council president on July 9, 2022; and

WHEREAS, the Charter Review Commission made five comprehensive recommendations, all of which necessitate changes to the charter; and

WHEREAS, this council finds that the residents of Columbus will be well-served by proposed charter amendments detailing the city's civil service provisions; and

WHEREAS, an emergency exists in the usual daily operation of the various departments of the city, in that it is immediately necessary to authorize submission of Proposed Charter Amendment No. 2, Civil Service

to the electors to assure timely filing with the boards of elections for placement on the November 8, 2022 ballot, thereby preserving the public health, peace, property, safety and welfare; **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 2022. Therefore, pursuant to City Charter Section 45-2, a special election is hereby called to place the question hereinafter set forth on the November 8, 2022 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 Civil Service) hereto and hereby made a part hereof.

SECTION 3. That the question submitted in Section 2 be and hereby is known as "Proposed Charter Amendment No. 2, Civil Service."

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. 2, Civil Service" upon the ballot to be submitted to the electors as provided for and upon the date set forth herein.

SECTION 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten days after passage if the Mayor does not approve the same.

2199-2022 Attachment - FINAL PROPOSED AMENDMENT TO THE CHARTER Civil Service:

Sec. 60. - Mayor's power to appoint and remove officers.

The mayor shall appoint and shall have power to remove the following officers:

1. The director of public safety.
2. The director of public service.
3. Any other officers whose positions may be created by council and for whose appointment no provision is herein made.
4. Executive Staff of the office of the mayor.

Sec. 62-1. – Mayor's cabinet

The mayor shall establish a cabinet consisting of the directors of the departments created by this charter and by ordinance of council along with the Executive Staff appointed pursuant to Sec. 60.

Sec. 64. - Acting mayor.

If the mayor ~~is~~ temporarily absent from the city, the mayor may designate a member of the mayor's cabinet ~~the director of public service, the director of public safety, or the president of city council~~ as acting mayor. During a period of temporary absence of the mayor, the acting mayor so designated shall exercise such powers and duties of the office of mayor as the mayor shall delegate. ~~Nothing herein shall prevent the president of city council from exercising the president's powers and duties as member of council during the temporary absence or inability of the mayor.~~

Sec. 64-1. - Temporary inability.

If the mayor is unable to discharge the powers and duties of office, such inability being of temporary duration, the mayor, or the mayor's agent, shall transmit ~~to the director of public service, the director of public safety, or the president of city council~~ a designated member of the mayor's cabinet, a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. The recipient of such declaration shall be designated as acting mayor. During a period of temporary inability of the mayor, the powers and duties of the office of mayor shall devolve upon the acting mayor. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the mayor shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the mayor's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 148. Classification.

1) The Unclassified service shall include:

(b) Executive Staff assistants and administrative assistants to ~~and all other staff of the office of the mayor~~ unless stated otherwise in this section.

Sec. 149. Rules.

The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. ~~It shall make an annual report to the Mayor.~~ The rules shall provide:

(b) For open competitive examination in the competitive class, to test the relative fitness, knowledge, skills, abilities and other characteristics of applicants for such positions. Employees of any public ~~utility~~ entity taken over by the city, who are in the service of said ~~utility~~ entity at the time of such acquisition, shall come under the provisions of the merit system without examination, but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

(c) For public notice ~~in the City Bulletin or otherwise~~ on the City website of the time and place of all competitive examinations.

(e) For the rejection of candidates or eligibles who fail to ~~comply with reasonable requirements as to age, sex, physical conditions and moral character~~ meet job related qualifications and standards, or who have attempted deception or fraud in connection with any examination.

(f) For the use of no ~~fewer~~ more than three bands for each competitive eligible list, for the assignment of eligibles into bands based upon their test scores and for the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, ~~of persons standing in the highest band on such list. When the highest band contains fewer than five names the names of persons standing in the next highest band may also be certified.~~

(g) For ~~temporary~~ provisional employment without examination, in the absence of an eligible list. But no such ~~temporary~~ employment shall continue after the establishment of a suitable eligible list.

(i) For noncompetitive ~~examinations~~ for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character. Also for noncompetitive ~~testing appointments~~ for certain unskilled job categories where it is impracticable to determine the merit and fitness of applicants by competitive examinations.

(j) For promotion based on competitive examinations and ~~records of efficiency, character, conduct fitness demonstrated knowledge, skills, abilities, and seniority, and other characteristics associated with such positions.~~ Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments; provided that for promotional vacancies in the uniformed ranks of the Police and Fire Divisions, ~~including any competitive vacancy for which the entry level position was firefighter or police officer, the names of eligibles shall not be assigned into bands as provided in subsection (f) and~~ each promotional vacancy shall be filled from one of the three persons standing highest on the appropriate eligible list; and further provided, that any advancement in the uniformed ranks shall constitute promotion and, whenever practicable, vacancies in the uniformed ranks shall be filled by promotion.

(n) ~~For investigating and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing officers.~~

(o) For a probationary period of not less than ~~one month~~ 90 days nor more than one year following appointment, ~~unless associated with a formal training program. Service as a~~ Time served as a provisional employee in the same position ~~to be~~ shall be included in such ~~the designated probationary period, and with the probationary period to shall be uniform within the same class; provided, however, that t~~ There shall be no probationary period for an appointment resulting from a competitive, promotional examination for the uniformed ranks of the Police and Fire Divisions. The probationary period shall be considered a part of the selection process as a work test period. Unless resulting from a competitive, promotional examination, n No appointment shall be permanent until after appointment from a certification list and expiration of the probationary period. The service of any probationary employee may be terminated by the appointing authority at any time during the probationary period or at the end of the probationary period by submitting a written report to the commission and the employee specifying the reason the employee is found to be unsatisfactory and such removal shall be final. ~~Unless the employee has been removed earlier, the appointing authority shall, not less than ten calendar days prior to the end of the probationary period, submit a report to the commission of the decision to make the appointment permanent or remove such employee together with the reason therefor. Failure to make such report to the commission at least ten days prior to the expiration of the probationary period shall automatically make the appointment permanent. An employee removed by the appointing authority during or at the end of the~~

probationary period may be restored to the eligible list if the commission determines the employee would be suitable for appointment to another position. There shall be no appeal of any kind from the action of the appointing authority removing an employee during or at the end of the probationary period.

Sec. 149-1. Appeals.

Except as otherwise provided in this charter any employee of the City of Columbus in the classified service, who is suspended, reduced in rank or compensation or discharged ~~except building and housing regulations superintendent, recreation superintendent, sealer of weights and measures, workhouse superintendent, automotive shop superintendent of the division of municipal garage, sanitation superintendent, and parks superintendent~~ may appeal from such decision or order therefor, to the civil service commission within ten days from and after the date of such decision or order. In such event, the commission shall forthwith notify the official issuing the order of suspension, reduction or discharge, who shall forthwith transmit to the commission a copy of the charges and proceedings thereunder. The commission shall hear such appeal in accordance with the established commission rules, ~~ten days from after the filing of the same with the commission~~ and may affirm, disaffirm or modify the action of such officer and the commission's judgment in the matter shall be final. ~~In the event that the name of any of the positions enumerated above is hereafter changed, the exception expressed above shall apply to the successor position whatever name it may be called.~~

Sec. 151. Appointments.

When a position in the competitive classified service is to be filled, the appointing authority shall notify the commission of that fact and the commission shall certify, to such authority names ~~and addresses of~~ candidates standing in the highest band on the eligible list for the class to which such position belongs; provided that for promotions in the uniformed ranks of the Police and Fire Divisions only three names shall be certified. The appointing authority shall appoint one of the persons certified to such position in accordance with established Commission rules. ~~When the eligible list contains less than five names, or less than three names in the case of promotions in the uniformed ranks of the Police and Fire Divisions, then such names shall be certified, from which number the appointing authority may appoint one for such position.~~

When no eligible list for such position exists, or when the eligible list has become exhausted and until a new list can be created, the appointing authority may make a temporary provisional appointment. A person certified from an eligible list more than three times to the same or similar position may be omitted from future certifications to such appointing authority.

Sec. 152. Present Civil Service Employees.

~~All persons holding positions in the service of the city pursuant to appointment from eligible lists at the time this charter takes effect, or who have been continuously in the service of the city in the same position for the five years next preceding, and all persons holding positions in the unskilled labor classification at the time that the amendment of section 148 of the charter of the City of Columbus, Ohio, takes effect and who have held such positions continuously for at least ninety days next preceding, shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions of this charter.~~ The commission shall maintain a list of all persons in the service, showing in connection with each name, the position held, the date and character of each appointment and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of the list.

Sec. 158-1. Resident requirements for certain employees.

~~Unless otherwise specifically provided by this Charter, all employees in the unclassified service and in the competitive class of classified service of the City shall at all times, during their employment, maintain their residence within the boundary lines of the County of Franklin or within the boundary lines of the counties that border on the County of Franklin, except when assigned to City work outside said counties in which case residency within the counties wherein they work shall be required.~~

Residency shall be in accordance with general laws of the state of Ohio.

Notice of Election on Proposition

R.C. 3501.11(G)

Notice is hereby given that in pursuance of an Ordinance of the City Council of Columbus, Ohio, passed on the 25th day of July, 2022, there will be submitted to a vote of the people of the City of Columbus at the General Election to be held at the regular places of voting on Tuesday, the 8th day of November, 2022 the question of:

Amendment No. 3, City Modernization

The proposed amendment to the city charter seeks to allow for modernization of certain city operations and provide flexibility in the use of technology, while bringing outdated sections in line with current state law. The first area is in open meetings: the amendment will maintain the requirement that meetings of public bodies of the city be held in accordance with the general laws of the state, while allowing those bodies to conduct their meetings by virtual means (teleconference, video conference, or other similar technology), if allowed by ordinance of council. The ordinance of council would provide for the circumstances by which this would occur, as well as set rules for same. The amendment would also allow a special or emergency meeting of council to be called as provided for by the charter and ordinance of council, rather than the general laws of the state, thereby also affording council the ability to conduct such meetings by virtual means.

The amendment would also allow for modernization in the area of auditing and city finances. The changes update language reflecting how financial transactions of the city operate, as well as align a function of the city auditor with the Ohio Revised Code. The amendment includes the following: changes the statement from the city auditor for the mayor's estimate to contain revenues of the general fund, rather than just income from taxes; removes the requirement to specify upon the warrant the funds upon which a warrant is drawn; gives the Auditor the ability to determine the form of a warrant as provided by state law or council ordinance; simplifies the section allowing for Council to determine by ordinance how and where city investment monies are deposited and sold; updates language referring to how outstanding utility debt is paid or transferred to a fund in order to pay interest on said debt; and changes the keeper of records relating to oaths of office of elected officials from the Auditor to the City Clerk.

Shall the proposed Amendment to the Columbus City Charter be adopted?

The polls for the election will be open at 6:30 a.m. and remain open until 7:30 p.m. on election day.

By order of the Board of Elections,
of Franklin County, Ohio.

Douglas J. Preisse, Chair
Antone White, Director

Dated 08/17/2022

Full text: Ordinance 2200-2022

..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, as relates to the modernization of certain city functions. These amendments are based on the recommendations of the 2022 Columbus Charter Review Commission.

On July 6, 2022, the Charter Review Commission, appointed by Mayor Andrew J. Ginther and Council President Shannon Hardin, adopted five (5) comprehensive recommendations. A report summarizing those recommendations was submitted to Council on July 9, 2022 and is attached to this ordinance.

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

- Allowing for a special or emergency meeting of council to be called as provided for by the charter and ordinance of council, rather than by the general laws of the state
- Maintaining that public bodies of the city hold all meetings in accordance with general laws of the state, with the exception that council, by ordinance, may allow for conducting business by virtual means (teleconference, video conference, or other similar technology), and provide for the circumstances by which this occurs
- Changing the statement from the city auditor for the mayor's estimate to include revenues of the general fund, rather than just income from taxes
- Removing the requirement to specify upon the warrant the funds upon which the warrant is drawn
- Giving the city auditor the ability to determine the form of a warrant as provided by state law or council ordinance
- Simplifying the section allowing council to determine by ordinance how and where city investment monies are deposited and sold.
- Updating language referring to how outstanding utility debt is paid or transferred to a fund in order to pay interest on said debt
- Changing the keeper of records relating to oaths of office of elected officials from the city auditor to the 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 8, 2022, the question of amending the Charter of the City of Columbus, such question to be known as "Proposed Charter Amendment No. 3, City Modernization"; and to declare an emergency.

..Body

WHEREAS, on January 10, 2022, Council President Shannon Hardin and Mayor Andrew J. Ginther appointed a five-member Charter Review Commission to conduct a review of the city's charter; and

WHEREAS, the highly regarded community leaders who served on the commission held eleven public working meetings, solicited public comment via two public hearings, an online portal, and a dedicated email address, and, based on such deliberations, submitted recommendations to the mayor and council president on July 9, 2022; and

WHEREAS, the Charter Review Commission made five comprehensive recommendations, all of which necessitate changes to the charter; and

WHEREAS, this council finds that the residents of Columbus will be well-served by proposed charter amendments detailing the city's modernization efforts; and

WHEREAS, an emergency exists in the usual daily operation of the various departments of the city, in that it is immediately necessary to authorize submission of Proposed Charter Amendment No. 3, City Modernization to the electors to assure timely filing with the boards of elections for placement on the November 8, 2022 ballot, thereby preserving the public health, peace, property, safety and welfare; **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 2022. Therefore, pursuant to City Charter Section 45-2, a special election is hereby called to place the question hereinafter set forth on the November 8, 2022 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 Modernization) hereto and hereby made a part hereof.

SECTION 3. That the question submitted in Section 2 be and hereby is known as "Proposed Charter Amendment No. 3, City Modernization."

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 Modernization" upon the ballot to be submitted to the electors as provided for and upon the date set forth herein.

SECTION 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten days after passage if the Mayor does not approve the same.

2200-2022 Attachment - FINAL PROPOSED AMENDMENT TO THE CHARTER City Modernization

Sec. 8. - Meetings of council.

At 5 o'clock p.m., on the first Monday in January, following a regular municipal election, the council shall meet at the usual place for holding meetings. If the first Monday in January is a legal holiday, then the meeting shall be held on the following day. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution; provided that at least fifty regular meetings shall be held in each year. The mayor, the president of the council, or any three members thereof may call special or emergency meetings of the council as provided for by ~~general laws of the state~~ this charter and ordinance of council. All meetings of the council or committees thereof shall be ~~held in public in accordance with the general laws of Ohio pertaining to the requirements for open meetings of~~ public meetings as provided for by this charter and ordinance of council bodies and the minutes and records thereof shall be maintained as an electronic record that is made available to the public pursuant to the general laws of the state governing public records.

Sec. 26. Mayor's estimate.

(f) A statement from the city auditor of the total probable ~~income~~ revenues of the city's General Fund ~~from taxes~~ for the period covered by the mayor's estimate.

Sec. 84. [Payment of claims.]

The auditor shall draw the warrant on the treasury to the order of the person or persons to whom payment is lawfully due, ~~which warrant shall specify the fund upon which it is drawn~~. No payment, however, of any claim shall be deemed as lawful and subject to payment by the auditor unless it be pursuant to and in strict compliance with an appropriation by council and written approval by the head of the department in which the obligation was incurred.

Sec. 91. [Disbursement of funds.]

The treasurer shall disburse funds in custody only on warrant of the auditor, unless otherwise directed by the general laws of the state or this charter. The auditor shall prescribe the form of warrant to be issued as provided for under the general laws of the state or by ordinance of Council.

Sec. 93. [Depositories and investments.]

~~Council shall provide by ordinance for the deposit of all public moneys coming into the hands of the treasurer, in such bank or banks, or building and loan or savings association or companies, situated within the county, as offer, at competitive bidding, the highest rate of interest and give good and sufficient security. Council shall further provide by ordinance for regulations governing the investment of moneys of the municipal corporation and the sale of such investments.~~

Sec. 120. Outstanding utility debt obligations.

The city shall, out of the revenues of the city utilities, unless another funding source is determined by the mayor and the city auditor, with approval of council, cause to be paid ~~and or~~ transferred to a utility debt obligation bond retirement fund of the city a sufficient amount of money to pay the interest and principal on outstanding utility debt obligations as they mature.

Sec. 226. Oath of office.

Every officer of the city shall, before entering upon the duties of office, take and subscribe to an oath or affirmation as required by general law, which oath or affirmation shall be filed and kept in the office of the ~~auditor~~ city clerk.

Sec. 240. - Open meetings.

The public bodies of the city shall hold all meetings in accordance with the general laws of the state pertaining to open meetings except that council may, by ordinance, provide for the ability of public bodies to hold, attend, conduct, and keep minutes for virtual meetings and hearings by means of teleconference, video conference, or any other similar technology and council may provide for the circumstances under which such virtual meetings or hearings may be held. In addition to those entities defined as public bodies in the general laws of the state, an entity of the city shall be considered a public body for purposes of this section if its members are appointed to serve as a member of the public body by an officer of the city, and the entity has been established and its members appointed for the sole purpose of advising any officer or decision-making body of the city.