

Sec. 3. Legislative powers.

The legislative powers of the city, except as reserved to the people by this charter, shall be vested in a council, consisting of seven members, elected at large.

Sec. 4. Council members.

All council members shall serve for a term of four years; except, that at the first election the four candidates having the highest number of votes shall serve for four years, and the three candidates having the next highest number of votes shall serve for two years.

(Amended 11-3-98.)

Sec. 5. Vacancies.

If a ~~City~~ city council member ~~should~~ dies, resigns, ~~or be is~~ removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the successor shall be appointed by ~~Council~~ council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the council member, a council member shall then be elected to serve for a term of four years; otherwise, for the unexpired term. Vacancies in the council shall be filled by the council; provided, however, that, if the vacancies in the council are not filled by the council within thirty (30) days from the date following the occurrence of such vacancy, the mayor shall have in all future balloting a vote on the question of filling such vacancies; ~~provided, further that any vacancy resulting from a recall election shall be filled in the manner hereinafter provided.~~

Sec. 5-1. Temporary inability.

If a city council member is unable to discharge the powers and duties of office, such inability being of temporary duration, the member, or the member's agent, shall transmit to the presiding officer of council a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated.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, each council member 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 member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 5-2. Permanent inability.

If a city council member has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the presiding member of council shall request that the appropriate official commence in the appropriate court an action in quo warranto to

vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Sec. 6. Qualifications of council members.

~~Members of council shall be residents electors of the city, shall have resided within the corporate limits of the city of Columbus for not less than one consecutive year preceding the date of the regular primary election for such office, and shall, at all times during the term of office, maintain residence in the city of Columbus. of the city and have the qualifications of electors therein. Council members shall not hold any other public office except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. , and except as provided in Section 64 of this charter not be interested in the profits of emoluments of any contract, job, work or service for the municipality. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit the office and the vacancy shall be filled as provided for herein, and any such contract in which any member is or may become interested may be declared void by the council.~~

~~Sec. 7. Salary and attendance.~~

~~Each member of the council shall receive a salary of not less than four thousand eight hundred dollars a year, payable in equal monthly installments. Absence from eight consecutive regular meetings shall operate to vacate the seat of a member unless the absence is excused by resolution of council setting forth such excuse and entered upon the journal.~~

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 upon at least twelve hours' written notice to each member of the council, served personally on each member or left at the member's usual place of residence. Such notice shall state the subject to be considered at the meeting and no other subjects shall be then considered unless all members of council are present. 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 bodies and ~~any citizen shall have access to 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 at all reasonable times.

Sec. 9. Rules ~~and journal.~~

~~The council shall determine its own rules and order of business and shall keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules. No expulsion shall take place without the concurrence of six members, nor until the delinquent member shall have been notified of the charge and been given an opportunity to be heard.~~

Sec. 9-1. Journal

The council shall keep a journal of its proceedings, which journal shall be maintained as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

Sec. 9-2. Organization of council.

The council shall organize itself as it deems appropriate, including the formation of and rules for special committees and standing committees to promote the thorough and effective conduct of the business of the council.

Sec. 9-3. Expelling, removing, forfeiting office.

The council shall be the judge of the election and qualification of its members. Council may punish or expel any member for gross misconduct, or for malfeasance, misfeasance, or nonfeasance in office, or upon conviction of a felony or other crime involving moral turpitude while in office, or for disorderly conduct, or violation of its rules during the term of office. No expulsion shall take place without the concurrence of six members, nor until the delinquent member shall have been notified of the charge and been given an opportunity to be heard. Any vacancy created upon the expulsion of a member shall be filled as provided for in this charter. In addition to these provisions and those regarding permanent inability, absence from eight consecutive regular council meetings shall operate to vacate the seat of a council member unless the absence is excused by resolution, adopted by vote of three-fifths of its members, setting forth such excuse and entered upon the journal.

Sec. 10. President of council.

At the first meeting in January following a regular municipal election, the council shall elect one of its members president. The president of council who shall preside at meetings of the council, determine the agenda for such meetings, appoint the chair and members of council committees, and perform such other duties as presiding officer as may be imposed by the council. In the absence of the president, the council shall elect a president pro tempore. If the president of council dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the council shall elect one of its members president.

Sec. 10-1. President pro tempore of council.

At the first meeting in January following a regular municipal election, the council shall elect one of its members president pro tempore. The president pro tempore of council shall act as the presiding officer of the council in the absence of the president of council.

Sec. 10-2. Acting president pro tempore of council.

In the absence of the president of council and the president pro tempore of council, the council shall elect one of its members acting president pro tempore.

Sec. 11. ~~The city clerk. Clerk and employees.~~

~~The council shall appoint a city clerk who shall serve at the pleasure of council be known as the city clerk, and such other officers and employees of council as may be necessary.~~

Sec 11-1. Duties of the city clerk.

The office of the city clerk, under the supervision and control of the city clerk, shall keep the records of the council; compile an annual report giving a summary of the council proceedings and a summary of the operations of the administrative departments for the previous fiscal year; collect and compile information and statistics concerning all departments and offices of the city; publish weekly the City Bulletin; and perform such other duties as may be required by this charter or by the council. Except as otherwise provided in this charter or by ordinance of council, the city clerk shall receive on behalf of council all petitions, papers, or like documents required to be submitted to council. Such city clerk shall serve during the pleasure of the council. Council shall exercise no power of appointment except as herein expressly provided.

Sec 11-2. The City Bulletin

The city clerk shall cause a weekly City Bulletin to be produced. The City Bulletin shall contain the transactions and proceedings of the council, the legal advertising of the city and such other information relating to the affairs of the city as shall be determined by ordinance. The City Bulletin shall be published in such manner and on such terms as the council may determine, and shall be maintained as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records. No unofficial advertisement shall be published in the City Bulletin, nor shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any personal controversy.

Sec. 12. ~~Public defender.~~

~~Council shall have power to appoint a public defender of indigent persons charged with offenses in the municipal courts.~~

Sec. 13. The city treasurer.

Council shall appoint a city treasurer who shall ~~hold and administer the office during its pleasure~~ serve at the pleasure of council. The treasurer shall perform such duties and exercise such powers as are prescribed in this charter or by the council.

Sec. 14. Officers and employees.

The council shall appoint such officers and employees of council as it deems necessary. Except as herein otherwise provided, council shall by ordinance determine the number of officers and employees in each department of the city government. Council shall exercise no power of appointment for officers or employees except as herein expressly provided.

Sec. 31. Limitations on expenditures, prohibited use of public funds.

Moneys appropriated as hereinbefore provided shall not be used for other purposes than those designated in the appropriation ordinance, and all expenditures within the fiscal year shall be made with and within the appropriations hereinbefore provided for. The mayor and the city auditor shall supervise all departmental expenditures, and shall keep such expenditures within the appropriations. No funds of the city of Columbus, from any source whatsoever, shall be disbursed, nor shall any transaction thereof be conducted, in any manner contrary to this charter, general laws of the state, or ordinance of council. Council shall by ordinance establish prohibited uses of public funds and penalties for violation of the same.

Sec. 15. Compensation of officers and employees.

Subject to the provision of this charter as to the salary of council members, the auditor, the city attorney, and the mayor, council shall fix by ordinance, the salary or compensation of all officers and employees of the city government: ~~provided, however, that the board of health, and the trustees of the sinking fund shall have the power to fix the salary or compensation of the officers and employees in their respective departments.~~ The salary or compensation so fixed shall be uniform for like service. All such salaries and rates of pay shall be reported to the civil service commission forthwith. The salary of any officer, employee, or member of a board or commission in the unclassified service of the city who was elected or appointed for a definite term shall not be increased or diminished during the term for which the individual was elected or appointed, and all fees pertaining to any office shall be paid into the city treasury.

Sec. 15-1. Citizens' commission on elected official compensation.

The salary of all elective officers provided for in this charter shall be established by ordinance upon recommendation from a citizens' commission on elected official compensation.

Sec. 15-2. Commission membership.

The citizens' commission on elected official compensation shall consist of five members, who shall be qualified electors of the city, shall not hold any other office or employment in the city government, and shall serve without compensation. Two members shall be appointed by the council, two members shall be appointed by the mayor, and one member shall be jointly appointed by the council and the mayor, such member serving as chair of the commission. Such appointments shall take place at the second regular meeting of council in 2018 and of each succeeding fourth year thereafter; except that the first commission shall be appointed at the second regular meeting of council in 2015. Vacancies shall be filled in the same manner as prescribed for the original appointment. The commission shall be considered a public body.

Sec. 15-3. Commission duties.

The commission shall conduct a review of salaries for like positions in the public sector. The review shall be made for the purpose of recommending salaries appropriate to the duties and responsibilities of each elective officer of the city.

Sec. 15-4. Commission report.

Within three months of appointment, the commission shall submit to the city clerk a report of recommendations for the salary of each elective officer of the city, including an annual cost of living adjustment which shall not exceed the average increase in the consumer price index, or successor thereto, during the preceding four years. If the commission fails to timely submit the report, the council may compel a meeting of the commission to prepare and submit the same.

Sec. 15-5. Council action to establish salaries.

After the report is submitted, council shall by ordinance either accept the commission recommendations or any portion thereof, or reject the same. If council rejects the recommendations, the salaries then in effect shall remain unchanged. In no event may council adopt an ordinance establishing salaries which exceed the recommendations of the commission.

Sec. 16. Official bonds.

The council may determine whether any officer or employee shall give a bond, and the amount thereof; which bond shall be given by such officer or employee, and be signed by a surety company authorized to do business in Ohio, to the approval of the mayor; provided that the bond of the mayor, if any, shall be approved by council. Council shall by ~~general~~ ordinance provide for the payment, by the city, of the premiums on such bonds.

Sec. 17. Legislative procedure.

~~The council shall be the judge of the election and qualification of its members.~~ Four members shall constitute a quorum to do business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Sec. 18. [Action on ordinances or resolutions.]

The action of council shall be by ordinance or resolution and the affirmative vote of at least four members of council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances, and upon the adoption of such resolution as the council by its rules shall prescribe, shall be taken by "yea" and "nays" and entered upon the journal. Every ordinance and resolution of the council, so adopted, shall be maintained as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

Sec. 19. Ordinance enactment.

Each proposed ordinance or resolution shall be introduced in electronic, digital, written or printed form, and shall not contain more than one subject which shall be clearly stated in a title; ~~but~~ except that general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the city of Columbus." The enacting clause of all ordinances submitted by the initiative shall be, "Be it ordained by the people of the city of Columbus."

Sec. 33. Investigation by council.

The council, or any committee thereof or any person duly authorized by the council ~~so to do so, may~~ shall have the power to investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, relative to any matter upon which the council may act; and by similar investigations may secure information upon any matter within its authority as a legislative body.

Sec. 34. [Investigation procedure.]

In conducting such investigations the council, or any committee thereof or any person duly authorized by the council to do so, may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the presiding officer of the council or the chairperson of such committee, as the case may be, which may be served and executed by any officer authorized by law to serve subpoenas and other process. If any witness shall refuse to testify to any facts within the witness' knowledge or to produce any papers or books in the witness' possession, or under the witness' control, relating to the matter under inquiry, before the council, or any such committee, the council shall have the power to cause the witness to be

punished as for contempt. No witness shall be excused from testifying ~~touching~~ regarding the witness' knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against the witness in any criminal prosecution except for perjury committed upon such inquiry.

Sec. 58. Term and qualifications of mayor.

The mayor shall be the chief executive officer of the city, elected for a term of four years. The mayor shall be an elector of the city and shall, at all times during the term of office, maintain residence in the city of Columbus. ~~and~~ The mayor shall not hold any other public office or employment, except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. If the mayor shall cease to possess any of the qualifications herein required, the mayor shall forthwith forfeit the office and the vacancy shall be filled as provided for herein.

~~Sec. 59. Salary of mayor.~~

~~The salary of the mayor shall be five thousand dollars per annum; but said salary may be changed by ordinance of council, provided that such ordinance must be passed at least one year prior to the beginning of the term of the mayor to be affected thereby.~~

Sec. 64. ~~Succession of mayor—acting~~ Acting mayor.

~~If the mayor dies, becomes permanently disabled from performing the duties of office, resigns, or moves from the city during the term of office, the mayor shall be succeeded in office, until the 1st day of January following the next regular municipal election, by the president of the council who shall thereby cease to be a member of council. At the next regular municipal election following the death, resignation or removal of the mayor from the city, if such election be the time for the regular election of a mayor, a mayor shall then be elected to serve for a term of four years; otherwise for the remainder of the unexpired term.~~

If the mayor be temporarily absent from the city, the mayor may designate the director of public service, the director of public safety, or the president of city council as acting mayor. ~~If the mayor becomes temporarily disabled from performing the duties of mayor for any cause, the director of public service, or if absent the director of public safety, or if absent the president of city council, shall become 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. ~~During a period of temporary disability of the mayor the powers and duties of the office of mayor shall devolve upon the acting mayor. In either case the mayor may invoke this provision by written communication to the appropriate officer to be named the acting mayor, but in the case of temporary disability, failure to do so shall not prevent the proper officer from performing the powers and duties of the office of mayor.~~ Nothing herein shall prevent the president of city council from exercising the president's powers and duties as a member of council during the temporary absence or ~~disability~~ 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 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 member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 64-2. Permanent inability.

If the mayor has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the director of public safety and the director of public service shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Sec. 64-3. Successor to mayor.

If the mayor dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the mayor shall be succeeded in office, until the 1st day of January following the next regular municipal election, by the president of the council who shall thereby cease to be a member of council. If such election be the time for the regular election of a mayor, a mayor shall then be elected to serve for a term of four years, otherwise for the remainder of the unexpired term.

Sec. 66. Election and qualifications.

The city attorney shall be an elector of the city and shall, at all times during the term of office, maintain residence in the city of Columbus. The city attorney shall not hold any other public office except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. If the city attorney shall cease to possess any of the qualifications herein required, the city attorney shall forthwith forfeit the office and the vacancy shall be filled as provided for herein. ~~and The city attorney shall be elected for a term of four years excepting that at the first election under~~

~~this charter the city attorney shall be elected for a term of two years.~~ The city attorney shall be an attorney-at-law, admitted to practice in the state of Ohio.

Sec. 67. Powers and duties.

The city attorney shall have such duties and responsibilities as are set forth in this charter or required of the city attorney by ordinance, including the following. The city attorney shall be the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. The city attorney shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall certify in writing approval of the form and correctness thereof. The city attorney may appoint a department deputy and such assistants, secretaries and clerks as council may authorize. Said deputy shall have the power to perform all the duties of the city attorney.

Sec. 78. Temporary inability.

If the city attorney is unable to discharge the powers and duties of office, such inability being of temporary duration, the city attorney, or the city attorneys' agent, shall transmit to the deputy city attorney 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. During a period of temporary inability of the city attorney, the powers and duties of the office of city attorney shall devolve upon the deputy city attorney, who shall be the acting city attorney. 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 city attorney 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 city attorneys' agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 78-1. Permanent inability.

If the city attorney has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the deputy city attorney shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Section 78-2. Successor to city attorney.

If the city attorney dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated ~~or moves from the city~~ during the term of office, the city attorney's successor

in office shall be appointed by the council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of a city attorney, a city attorney shall then be elected to serve for a term of four years; otherwise for the remainder of the unexpired term.

Sec. 79. Election and qualifications.

The auditor shall be an elector of the city; and shall, at all times during the term of office, maintain residence in the city of Columbus. The auditor shall not hold any other public office except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. If the auditor shall cease to possess any of the qualifications herein required, the auditor shall forthwith forfeit the office and the vacancy shall be filled as provided for herein. and The auditor shall be elected for a term of four years, excepting that at the first election under this charter the auditor shall be elected for a term of two years.

Sec. 87. Temporary inability.

If the auditor is unable to discharge the powers and duties of office, such inability being of temporary duration, the auditor, or the auditor's agent, shall transmit to the deputy auditor 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. During a period of temporary inability of the auditor, the powers and duties of the office of auditor shall devolve upon the deputy auditor, who shall be the acting auditor. 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 auditor 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 member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

Sec. 87-1. Permanent inability.

If the auditor has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the deputy auditor shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

Sec. 87-2. Successor to auditor.

If the auditor dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated or moves from the city during the term, a successor in office shall be appointed by council to serve until the first day of January following the next regular municipal election.

If such election be the time for the regular election of the auditor, an auditor shall then be elected to serve for a term of four years; otherwise, for the unexpired term.

~~Sec. 145. [Powers and duties; City bulletin.]~~

~~There shall be established by council a bureau of information and publicity under the supervision and control of the city clerk, who shall, in addition to other duties, compile an annual report giving a summary of the council proceedings and a summary of the operations of the administrative departments for the previous fiscal year; have charge of the editing, printing and distribution of all municipal records, reports and documents; collect and compile information and statistics concerning all departments and offices of the city, and other municipalities; and publish weekly the City Bulletin, which shall contain the transactions and proceedings of the council, the legal advertising of the city and such other information relating to the affairs of the city as shall be determined by ordinance. The City Bulletin shall be published, distributed or sold in such manner and on such terms as the council may determine. No unofficial advertisement shall be published in the City Bulletin, nor shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any personal controversy.~~

Sec. 227. ~~Interest in contracts or supplies.~~ Prohibited actions by public officials.

Unless otherwise provided by this charter or ordinance of council, general laws of the state pertaining to prohibited actions by public officials, as established in chapter 2921 of the Ohio Revised Code, or a successor thereto, shall apply to the officers and employees of the city. Such prohibited actions include, but are not limited to, unlawful interest in public contracts, theft in office, soliciting or accepting improper compensation, and bribery. No officer or employee of the city shall have any beneficial interest, which interest accrues to the employee or officer by virtue of office or employment, in any contract with the city, or in the sale to the city of any supplies, material, service or land, except on behalf of the city as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any such officer or employee shall thereby forfeit office or employment.

Sec. 239. Public records.

The records of the city shall be made available to the public in accordance with general laws of the state.

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. 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 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.