

To the Members of Council and Mayor Ginther:

On behalf of each member of the Charter Review Committee I want to thank you for giving us the opportunity to solicit information, comments and concerns from citizens and develop our recommendations. The staff support provided by City Council and Mayor Ginther was critical to our work and we are all grateful for their efforts to gather and share as much data as possible.

I believe our recommendations reflect the City's long history of success, growth, diversity and being a leader with respect to innovation and building strong partnerships that guide our City, and of that leadership has emanated from our City Council and Mayor. We focused on the facts and statistics relevant to our City today while understanding the successes of our past and looking to our future.

There are two key ideas that I took from this process, it is critical that we continue to engage the community to better understand the needs of citizens as well as educate citizens on how local government is working for them. The second idea I believe is essential to our continued success is for our work as leaders to be done in as transparent of a manner possible. The messages we heard from citizens who participated were clear they are looking for local leaders who are accountable to them and who are responsive to the diverse needs of our citizens. To that end, we encourage Council to implement the spirit of these recommendations, as practical, even before the long process of amending the charter is completed.

Yours in service,

Stefanie L. Coe
Chair
Charter Review Committee of 2016

BACKGROUND ON THE CHARTER REVIEW COMMITTEE

The people's charter, established in 1914 and amended throughout its 103-year history outlines the fundamental rights, powers and responsibilities of the citizens and their elected municipal officials. Throughout the duration, Columbus has been served by a seven-member, at-large City Council.

On September 6, 2016, Columbus City Council and Mayor Andrew J. Ginther appointed the members of the Charter Review Committee as an *ad hoc* body to review the sections of the City Charter relative to Council in light of a citizen-initiated charter amendment to change the structure and size of Council. The amendment was rejected by the electors of Columbus on August 2, 2016 with 14,163 (28.5%) in favor of the change and 35,456 (71.5%) against it.

The Charter Review Committee was comprised of nine members, as follows:

- Stefanie Coe, Chair – General Counsel, MPW Industrial Services; Chair, Southwest Area Commission; former Assistant City Attorney, City of Columbus
- Lourdes Barroso de Padilla – Senior Director National Events, City Year, Inc.; former Executive Director, City Year Columbus
- Jennette B. Bradley – Former Ohio Lt. Governor, Ohio Treasurer, and Columbus City Councilmember
- Frieda L. Gilyard – Faith Community Task Force Director, The Columbus Coalition Against Family Violence
- Rev. Tyrone A. Lawes – Associate Minister, Mt. Vernon Avenue Missionary Baptist Church; President, Baptist Ministerial Alliance of Columbus and Vicinity
- Frederick E. Mills – Retired Partner, Vorys, Sater, Seymour, and Pease; former reading clerk, chief of staff, clerk and majority counsel for the Ohio House of Representatives
- Keary McCarthy – President and CEO, Innovation Ohio; former minority chief of staff, Ohio House of Representatives
- John C. Rosenberger – President, Central Ohio Community Improvement Corporation
- Robert Vitale – Former Editor-in-Chief, Outlook Magazine (Note: Mr. Vitale withdrew from the committee on 12/20/2016 due to a change in employment.)

Beginning on September 22, 2016, the Charter Review Committee held 12 public meetings. Meeting materials, minutes, and videos of the meetings were provided online at www.columbus.gov/council/Charter-Review/Charter-Review-Committee/. Meetings took place on the following dates/locations:

- 09/22/16: Fedderson Recreation Center
- 10/13/16: Glenwood Recreation Center
- 10/27/16: Tuttle Recreation Center
- 11/10/16: Barack Recreation Center
- 11/17/16: Barnett Recreation Center

- 12/15/16: Carriage Place Recreation Center
- 01/15/17: Columbus City Hall
- 01/11/17: Columbus City Hall
- 01/12/17: Columbus City Hall
- 01/20/17: Columbus City Hall
- 02/09/17: Columbus City Hall
- 02/17/17: Columbus City Hall

In addition to research and presentations from subject matter experts, including city staff, the Committee also solicited public comments via a dedicated email address and web link. The comments were compiled and provided to the committee prior to each meeting. All comments were also made available on the Committee's webpage. Below is a summary of comments and inquiries received:

- Thirty-five individuals submitted comments and inquiries
- Sixty-eight public comments and inquiries received

The Charter Review Committee was staffed by the following:

- J. Edward Johnson, Director of Legislative Affairs, Columbus City Council
- Bryan M. Clark, Chief Policy Advisor, Mayor Andrew J. Ginther
- Stephanie Megas, Legislative Assistant, Columbus City Council
- Tracy Retchin, Chief Ethics Officer, Mayor Andrew J. Ginther
- Adam Friedman, Senior Policy Advisor, Mayor Andrew J. Ginther
- Andrea Blevins, Columbus City Clerk and Secretary to the Committee

The August 2016 charter amendment was the latest in a series of episodic attempts to change the structure of council over the charter's 103-year history:

- 1968: Electoral defeat.
- 1973: Electoral defeat.
- 1975: Issue failed to qualify for the ballot.
- 1993: Charter Review Commission expresses reservations about changing council's structure, but recommends further study.
- 1998: Charter Review Commission recommends maintaining at-large representation.
- 2012: Issue failed to qualify for the ballot.
- 2014: Issue failed to qualify for the ballot.
- 2014: Charter Review Commission recommends maintaining at-large representation.
- 2015: Issue failed to qualify for the ballot.
- 2016: Electoral defeat.

INTRODUCTION

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

THE COUNCIL: SIZE AND STRUCTURE

Sec. 3-19

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

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

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

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

Recommendation:

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

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

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

COUNCIL VACANCIES AND APPOINTMENTS

Sec. 5

[Six votes in favor, two abstentions]

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

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

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

Recommendation:

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

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

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

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

COUNCIL EMPLOYMENT STATUS

Sec. 6

[Six votes in favor, two abstentions]

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

Recommendation:

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

SUPPORTING AREA COMMISSIONS

[Six votes in favor, two abstentions]

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

Recommendation:

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

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

1. Welcome and opening remarks
2. Introduction of Committee Members
3. Adoption of by-laws
4. Appointment of Secretary, announcement of City staff liaisons to the Committee
5. Adoption of Committee meeting schedule
6. Presentation on municipal charters
7. Presentation on the scope of the committee and previous changes to the Columbus City Charter
8. Announcement of public hearing, methods of public comment
9. Public comments
10. Adjournment

**Charter Review Committee
Minutes**

September 22, 2016, 5:30 p.m.
Fedderson Recreation Center
3911 Dresden Street, Columbus, Ohio
(audio tape available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair
Lourdes Barroso de Padilla
Jennette B. Bradley
Frieda L. Gilyard
Rev. Tyrone A. Lawes
Frederick E. Mills
Keary McCarthy
John C. Rosenberger
Robert Vitale

Committee Chair Stefanie Coe opened the meeting at 5:52 p.m.

Welcome and Opening Remarks

Chair Coe thanked Mayor Ginther, Council President Klein, Council Member Hardin and other members of City Council for giving this opportunity to learn and hear community input on suggestions for improvement and process, etc. Coe also thanked the Recreation Center Director, Tommy Brown and his staff for allowing use of the facility for the meeting.

Introduction of Committee Members

Adoption of By-Laws

By-laws were emailed in advance to committee members for review. Coe asked for comments, questions or concerns. McCarthy commented on section 1.5.1. The requirements for providing public testimony to the committee indicates that individuals must submit their name, address, organization no later than 12:00 p.m. on the day of the regular meeting and asked for an amendment so that we don't present any challenges for people to come after work and still have the opportunity to sign in and provide public input. Chair Coe stated that it was her intention to take comments submitted in advance first that are relevant to our scope of focus for that meeting and then if people arrive at the meeting and wish to speak, we will have a process for them to speak that night. She indicated her preference was to leave that section of the by-laws as written, if the committee members agree.

Mr. Vitale asked that we add that part to clarify that anyone can speak. Mr. Mills questioned the last sentence of rule 1.1.2 regarding the presiding member conducting an orderly meeting, but not being required to follow Robert's Rules of Order. He

commented that he understood that we may not need a strict set of rules, but felt like there should be something the committee is guided by. Coe responded that we would like to structure the committee in a less formal way so that we have a little flexibility to do what is most effective, but she did expect that we will follow rules and have positive, respectful conversation. Bradley questioned that members can still make a motion and it will be followed by a second, etc. Coe confirmed that the committee will have a motion followed by a second and that the committee will make recommendations at the end of the process that will require five of the nine members' affirmative vote to forward a specific recommendation. Coe also stated that everything the committee does will be public. There will be no executive sessions, nothing done outside of what is public and everything is subject to public records requests. Bradley requested to clarify the fact that it currently states the public shall submit comments no later than 12:00 p.m., but then states the person shall provide 14 copies at the time of the meeting. Coe clarified that they can submit their materials ahead of time via e-mail. However, if they don't attach them at that time, they can bring copies to the meeting for distribution. All comments addressed to the committee will be included in the final materials/record of the committee's work.

Chair Coe recognized Committee Member Vitale. Vitale suggested that Section 1.5.1 be amended to say "an interested person who requests to offer public comment at a regular meeting, should submit the address, name, organization represented and the subject to the address no later than 12:00 p.m. on the day of the regular meeting. Individual should either submit an electronic copy to the charter@columbus.gov email address or provide 14 written photocopies at the time of the meeting." He also suggested that the committee add a sentence that reads "people may also offer public comments by submitting the person's name, address, and organization represented", but note that priority is given to those who register in advance. Chair Coe suggested that addition of "as time permits" after "at the meeting". Bradley suggested that the starting time of the meeting be identified as the cut off time for slips to be submitted. Vitale was concerned that may restrict people from speaking on a subject matter discussed later during the meeting. Chair Coe suggested that due to traffic concerns, the meeting start time should be moved from 5:30 to 6:00 p.m. Rosenberger agreed that 6:00 p.m. start time would be preferable. Chair Coe suggested that speaker slips submitted at the meeting site be required to be submitted no later than 5:30 p.m. Chair Coe entertained a motion to accept the additions to Section 1.5.1 of the proposed by-laws. Rosenberger moved, McCarthy seconded. All voted in favor, Motion carried.

Appointment of Secretary, Announcement of City Staff Liaisons to the committee

Coe suggested that Andrea Blevins, City Clerk serve as secretary to the Committee. Rosenberger moved, McCarthy seconded. All voted in favor. Motion carried.

Coe introduced staff members Adam Friedman, Senior Policy Advisor in Mayor Ginther's office. Edward Johnson, Director of Legislative Affairs for Columbus City Council, Stephanie Megas, Legislative Assistant to Council Member Stinziano, Tracy

Retchin, Chief Ethics Officer for Mayor Ginther, and Josh Cox, Chief Counsel for City Attorney Richard C. Pfeiffer, Jr.

Adoption of Committee Meeting Schedule

Chair Coe referred to the draft meeting schedule and stated that there are seven meetings on the schedule, all Thursday evenings from 5:30 to 7:30 pm, but pursuant to conversation earlier in this meeting, they will be moved to 6:00 to 8:00 p.m. The location for the last two meetings is yet to be determined. All meetings are open to the public and notice will be provided in the City Bulletin. Upcoming meeting dates are October 6th at the Glenwood Recreation Center. October 20th at the Tuttle Recreation Center. November 3rd at the Barack Recreation Center and November 10th at the Barnett Recreation Center, and then December 8th and December 15th, with those locations to be determined. Chair Coe asked for a motion to approve the schedule as read. Bradley moved, Rosenberger seconded, all in favor. Motion carried.

Presentation on Municipal Charters

Chair Coe called for a presentation on municipal charters by Josh Cox, Chief Counsel in the City Attorney's office. (presentation on file in Charter Review Committee records) Attorney Cox also discussed the scope of this committee and clarified that it is an ad hoc committee and not a Charter Review Commission and is not charged with a comprehensive review of the charter.

Attorney Cox also addressed open meetings law and public records and gave instruction on compliance as it relates to public notice, minutes, and meetings being open to the public. He also reminded committee members that communication needs to take place at the meetings and read the syllabus of a Supreme Court Case, *White v. King* into the record (on file in Charter Review Committee records) and cautioned members to keep communication with each other to the open meetings.

Chair Coe reiterated that the scope of this committee is limited and it is defined in the bylaws to a very specific and narrow topic, and that there may be issues that arise that may be for future consideration during a Charter Review Commission.

Presentation on the scope of the committee and previous changes to the Columbus City Charter

Coe introduced the second presentation by Edward Johnson, Director of Legislative Affairs to Columbus City Council. Mr. Johnson began with background about the formation of the committee and the intention of the Mayor and City Council to provide the framework for an inclusive, community-driven process to explore how the city's legislative branch can best serve all of the city's residents. (presentation on file in Charter Review Committee records)

Announcement of Public hearing, methods of public comment

Chair Coe gave the committee website address:

WWW.Columbus.gov/council/charter-review/charter-review-committee and stated that information about speaking at meetings will appear on the website and interested persons can e-mail comments with attachments to the charter@Columbus.gov e-mail address. Coe also stated committee will limit public comments to five minutes per person. No speaker slips were submitted in advance for this meeting.

The next charter review committee meeting will be Thursday October 6th at 6:00 p.m. at Glenwood Recreation Center. The topic for that meeting is City Council's structure including various forms of representation, including at-large districts, etc. Committee members will receive material about other communities that are successfully working and how they are structured. McCarthy asked if there is an expert on the subject for the next meeting. Coe suggested there will be guest speakers and data but experts have been difficult to identify on this subject.

Speakers

Chair Coe recognized a speaker from the audience, Holly Borghese, 1562 Myrtle Avenue, North Linden Area Commission. Ms. Borghese asked if someone has a question or an issue that they would like addressed but can't make it to the meeting, could he/she e-mail it to the Committee and the discussion occur in the meeting and be reflected in the minutes. Chair Coe responded that the committee may not be able to address every question but materials, questions and comments submitted via e-mail will be reviewed to determine if they fit within the scope of this committee and can be addressed at the next meeting. Borghese questioned that if the inquiry doesn't get discussed at the next meeting, would it be tabled to another meeting. Chair Coe indicated that each meeting will have different topics, so if the comment pertains to subject matter of a different meeting, we may hold off talking about it until that time. She reiterated either way, all materials and comments that are submitted to the committee will be included in the records retained as part of the committee's work.

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

McCarthy moved, Barroso de Padilla seconded. Motion carried, all in favor. Meeting adjourned at 6:45 p.m. Chair Coe thanked everyone for their attendance and thanked CTV for their assistance in setting up the meeting.

Presentation of Joshua T. Cox, Chief Counsel, Columbus City Attorney's Office

Municipal Home Rule and Charters

Unlike a county or a township, a municipality is more than a mere subdivision of the state; it is a separate legal and political entity created by the state as set forth in the Ohio Constitution. (Art. 13, § 6; Art. 18, § 2)

In 1912, the people of Ohio adopted what is known as the "Home Rule Amendment" to the Ohio Constitution, which is set forth in Article 18. Prior to the 1912 Home Rule Amendment, Ohio municipalities had no right to local self-government; they were considered wholly subservient to the state legislature. Since the 1912, however, cities in Ohio enjoy constitutional home rule rather than legislative rule. That is, a city's authority to govern itself comes from the Ohio Constitution and not the General Assembly.

What is "Home Rule"? "Home Rule" was described by one of the delegates to the 1912 Constitutional Convention as "the right of the people...to control their own affairs." The leading treatise on Ohio local government law describes it as follows: "The authority to exercise all powers of local self-government, subject only to the limitations imposed by the Ohio Constitution, and to choose the form of government to carry out these powers, constitutes the essence of home rule." It should be noted that those powers are, of course, also subject to the limitations contained in the United States Constitution.

There are two sections of Article 18 (the Home Rule Amendment) that are most relevant to the concept of Home Rule:

Section 3.

Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.

This section deals with the two types of powers municipalities are authorized to exercise--the power of local self-government and the power to exercise police powers concurrently with the state. Local self-government powers include the determination of the structure and form of a city's government, the power to tax and spend, and to incur debt and issue bonds. While these powers are not absolute and are subject to various restrictions applicable statewide, it is only the police powers that are subordinate to conflicting laws passed by the General Assembly. "Police power" does not, as the name implies, deal with law enforcement, but is generally considered to mean the authority of the government to enact and enforce laws that promote or preserve the public health, safety, moral, or general welfare—matters such as licensing, zoning, code enforcement and health safety. Whether a local police power law is or is not in conflict with state law is the most frequent source of home rule-related litigation.

Section 7.

Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government.

Cities that do not choose to adopt a charter may instead choose to structure themselves and operate pursuant to one of the plans provided for by the General Assembly in the Ohio Revised Code—so-called statutory plans. While those statutory cities do retain some measure of local self-governance under the self-executing provisions of Article 18, the cities that do choose to adopt a charter do so in order to exercise the full measure of the power and authority granted to them by the Ohio Constitution, without their governmental structure and organization being subject to control by the General Assembly.

Just what is a city charter? One treatise describes it as "the constitution of the municipality, establishing the framework of its governmental organization and controlling the exercise of those powers of local self-

government granted to it by the Ohio Constitution, but as limited by the General Assembly within the constitutional authority vested in that body to do so.”

For purposes of this Committee, it is not necessary to have a comprehensive understanding of home rule authority and where it yields to the authority of the state. That is fortunate since it is a constantly evolving area of law which is not amenable to definitive guidance. The following conclusion to an informational brief prepared by the Legislative Service Commission for members of the General Assembly on the issue of Home Rule aptly summarizes the state of the law in this area as follows:

The home rule provisions of the Ohio Constitution generally authorize municipal corporations to govern themselves in local municipal matters independent of state law. This authority, however, is not without limitations. Nonchartered municipal corporations must follow procedures set forth in statutes, although chartered municipal corporations may deviate both substantively and procedurally in matters of local self-government. Municipal corporations exercising police powers cannot act in conflict with general laws. And other provisions of the Ohio Constitution may allow interference from the General Assembly.

It is far easier to set forth general principles gleaned from the abundant case law of home rule jurisprudence than it is to predict an outcome in any given set of circumstances. Although the courts have established some basic principles, some tests, and some analytical frameworks, they do not consistently apply them. There is sufficient leeway in the tests to reach varying outcomes. Some outcomes are fact specific. So, one must exercise caution when finding a case that seems to answer a specific home rule question; there may be other cases with different outcomes under similar facts, or the court may not follow precedent, or the case may be limited to its

facts, or a later refinement of a given test may apply. It is difficult to simplify this area of law. This is why members are often advised that we cannot be sure how a court will rule on the constitutionality of legislative action affecting municipal corporations.

Charter Adoption and Amendment Process

The process for adopting a city charter is set forth in Section 8 of Article 18. It is a 2-step process.

First, either by the city's existing legislative authority, on its own initiative, or upon a petition signed by 10% of the electors, a question is submitted to the electors with the question being, "Shall a commission be chosen to frame a charter." That charter commission is comprised of 15 at large members who, if the voters approve the question, frame a charter.

The next step in the process is that the proposed charter framed by the charter commission is submitted to the electors of the city at an election held within a year of the commission's election. If the proposed charter is approved by a majority of the voters, it becomes the city's charter.

Most important for purposes of this Committee, the Ohio Constitution also provides for amendment of city charters after they are adopted. In Section 9 of Article 18, a charter can be amended in either of two ways. The first and most common method begins with a two-thirds vote of the legislative authority to place a proposed amendment on the ballot. The second method is initiated upon the filing of a petition containing at least 10% of the electors of the municipality based on the total number of votes cast at the last preceding general municipal election. (The Columbus City Charter contains a nearly identical provision as this Constitutional provision--Sec. 234)

Regardless of which of these two amendment processes is used, it is the electors who have the ultimate say whether a charter amendment will be adopted. That is, any change to the charter requires approval by a majority of those voting on the proposed amendment.

Columbus City Charter

On May 5, 1914, less than 2 years after the adoption of the Home Rule Amendment to the Ohio Constitution, the people of the city of Columbus voted to adopt a charter, as did many other cities across Ohio, whose charters also contain similar provisions. Many of the Columbus City Charter's provisions remain unchanged since 1914, but there have been numerous proposals on the ballot to amend or repeal existing sections or to enact new ones.

The most recent amendments were the result of the comprehensive review conducted by the 2014 Charter Review Commission. The last comprehensive reviews of the Charter prior to 2014 were in 1998 and 1993. The 2014 amendments involved a variety of issues, including modernizing and simplifying the petitioning process for citizen-initiated proposals, elimination of obsolete provisions, and the addition of provisions dealing with equal rights, public records and open meetings. Some previous charter reviews have been much more limited in scope. In 2010, the Charter was amended to allow for executive sessions by City Council as permitted by state open meetings law. And in 1999, changes were made dealing with the selection and removal process for the police and fire chiefs.

Municipal home rule charters, and polices and proceduers



Home rule in the Ohio Constitution

Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government.
(1912)

- Article 18, section 7

Amending home rule charters

Amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and, upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors The Constitution of the State of Ohio 121 shall be governed by the requirements of section 8 as to the submission of the question of choosing a charter commission; and copies of proposed amendments may be mailed to the electors as hereinbefore provided for copies of a proposed charter, or pursuant to laws passed by the General Assembly, notice of proposed amendments may be given by newspaper advertising. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter of the municipality. A copy of said charter or any amendment thereto shall be certified to the secretary of state, within thirty days after adoption by a referendum vote. (1912, am. 1970)

- The Ohio Constitution, Article XVIII, section 9

Amending home rule charters, cont'd

Amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council, and shall be submitted by the council upon a petition signed by ten per cent of the electors of the city, setting forth any such proposed amendment. The ordinance providing for the submission of any such amendment shall be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty days prior to such election the city clerk shall mail a copy of the proposed amendment to each elector whose name appears upon the registration books of the last regular municipal or general election; or, pursuant to laws passed by general assembly, give notice of the proposed amendment by newspaper advertising. If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed therein. (Amended 5-4-71.)

- Columbus City Charter section 234

Open meeting

Ohio Revised Code, Sec 121.22

Public officials are required to “take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law.” A public meeting is considered “any prearranged discussion of the public business of the public body by a majority of its members.”

Columbus City Charter, Sec 240

“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.”

Public records

Ohio Revised Code, Sec. 149.43

“Public record” means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code.

Columbus City Charter, Sec. 239

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

Presentation by J. Edward Johnson, Director of Legislative Affairs for Columbus City Council (as prepared for delivery)

Good evening members of the Charter Review Committee.

My name is Edward Johnson and I am the Director of Legislative Affairs for Columbus City Council. Chair Coe asked me to present on the scope of this committee to give the members and the public context on why we are all gathered here and will continue to gather at locations throughout the City to discuss our City Charter, and our City Council's place within the city's constitution.

Earlier this year, on July 9, Mayor Andrew J. Ginther and Columbus City Council announced the formation of a charter review committee, to be convened after the August 2 special election, where Issue 1, a citizen-initiated referendum to amend and enact section of the City Charter to create city council districts, provide for the election of members from districts and change the number of council members elected at-large, was defeated by the electors of Columbus with 14,163 electors voting yes, and 35,456 electors voting no.

The intention of the Mayor and City Council was to provide the framework for an inclusive, community-driven process to explore how the City's legislative branch can best serve all of the City's residents.

The authority to convene a body such as this is contained in section 236 of the Columbus City Charter, however, it is worth noting that this body is NOT a full commission, but rather a "committee," hence the increased members and the narrowed scope.

For historical context, our City Charter has been in effect since 1914 – two years after the Ohio General Assembly authorized municipalities to create home rule charters for themselves, to unburden cities of the passions of state legislators involvement in municipal governance.

Subsequently, the Columbus City Charter has been amended 53 times in its 102-year history. Staff has provided the Committee with a history of those

amendments and other attempts that failed to amend this City Charter in the “HISTORY” tab of your binders.

I will not encumber the committee with a comprehensive history of charter amendments, however, I will simply remark on certain trends , and recent committees and commissions that have been convened to suggest changes to the City Charter. The majority of committees and commissions that have been convened have been episodic and issue-driven – that is to say that the convening of the body was neither at a regular interval, nor was it intended to explore all sections of the charter – this was true of the recent committees and commissions convened in 1998, 1999, and 2010.

The 2014 commission was episodic, yet comprehensive and established that thereafter, charter review commissions would occur in 2022 and then ever 10 years subsequent – thus, allowing the electors of Columbus to regularly and comprehensively review the City Charter. Regardless of the potential recommendations of this committee and subsequent action by the electors, if any, a Charter Review Commission will be convened by City Council and the Mayor in 2022 to examine the City Charter, in its entirety.

This committee falls in the former of the two categories that I have described – it’s formation is episodic and issue-driven.

The Mayor and Columbus City Council would like this Committee to look at successful cities around the country and state to help determine what is the best way for Columbus’ City Council to be structured (for example district-based membership, at-large membership, or a hybrid system); how many members should be on City Council; the manner in which vacancies are filled; and how that may impact council members’ workload.

In the City Charter, there are currently sixteen sections that comprise the “Council” portion of the Charter that committee members are being asked to focus their attention towards.

The Committee is respectfully asked to deliver a final report to the community, the Council and the Mayor by February 2017.

When the report is delivered to the people, the committee may make recommendations for amendments to the charter, recommendation that Council pass an ordinance, , recommendation for adoption of a best practice, recommendations for further study of an issue, or recommendations for no change.

As outlined, in the “Charter Amendment Process” document in members’ binders, upon receipt of the committee’s recommendations, Council may at its discretion submit, in whole or in part, any of the proposed amendments to a vote of the people. This means that Council will be the body that decides whether or not an amendment proposal will be placed before the electors.

Thank you for this opportunity to address the Committee.

Scope of Work and History of Changes



Overview

- July 9, 2016: Council Member Shannon G. Hardin and Mayor Andrew J. Ginther announce the formation of a charter review committee after the August special election:

“As Columbus grows, our City Council structure should adapt to meet our changing needs. This means having conversations throughout Columbus to collectively determine how our City Council looks and functions. Community input will be at the crux of this process as we look at the current vacancy appointment process, the number of council members, wards and numerous other potential changes”

- Council Member Shannon G. Hardin

Authority - Columbus City Charter § 236

- A charter review commission, composed of five qualified electors of the city, shall be appointed at the second regular meeting of council in the year 2022 and of each succeeding tenth year thereafter, and at any time council may, by vote of six of its members, call for such a commission. The charter review commission shall consist of two members appointed by the council, two members appointed by the mayor, and one member jointly appointed by the president of council and the mayor, each member serving as chair of the commission. Members of the commission shall not hold any other office or employment in the government of the city, and shall serve without compensation. Vacancies shall be filled in the same manner as prescribed for the original appointment. The commission shall be considered a public body. Within six months after appointment, the commission shall report its findings and recommendations regarding the charter, if any, to council. Council may at its discretion submit, in whole or in part, any of the proposed amendments to a vote of the people in the manner provided for by this charter. Any such amendment shall be in a form as provided by council. Nothing in this section shall limit the authority of council to submit any proposed charter amendment to a vote of the people as otherwise provided for in this charter.
- (Ord. No. 1747-2014, 7-21-2014)

Scope of work

- The Columbus City Charter is the equivalent of the Constitution for the City, setting the framework for all laws, adopted by the electors of Columbus in 1914.
- The Charter has been amended 53 times in its 102-year history
- Recently, commissions were convened in 1998, 1999, 2010 and 2014 to offer recommendations
 - The 1998, 1999 and 2010 reviews were episodic
 - The 2014 review was a comprehensive review

Scope of Work

“The Committee will look at the most successful cities across the country and research how their Councils are structured, as well as how vacancies are filled.”

- July 6 press release announcing the committee’s formation

The Council in the City Charter

- Sec. 3 – Legislative powers
- Sec 4 – Council members
- Sec 5 – Vacancies
- Sec 5-1 – Temporary inability
- Sec 5-2 – Permanent inability
- Sec 6 – Qualifications of council members
- Sec 7 – Reserved
- Sec 8 – Meetings of council
- Sec 9 – Rules
- Sec 9-1 – Journal
- Sec 9-1 – Organization of council
- Sec 9-3 – Expelling, removing, forfeiting office
- Sec 10 – President of Council
- Sec 10-1 – President pro tempore of council
- Sec 10-2 Acting president pro tempore of council
- Sec 11 – The city clerk
- Sec 11-1 Duties of the city clerk
- Sec 11-2 The City Bulletin
- Sec 12 – Reserved
- Sec 13 – The city treasurer
- Sec 14 – Officers and employees
- Sec 15 – Compensation of officers and employees
- Sec 15-1 – Citizens’ commission on elected official compensation
- Sec 15-2 – Commission membership
- Sec 15-3 – Commission duties
- Sec 15-4 – Commission report
- Sec 15-5 Council action to establish salaries
- Sec 16 – Official bonds
- Sec 17 – Legislative procedure
- Sec 18 – {Action on ordinances or resolutions}

Recommendations

“The goal of the Committee is to report back to the community by February 2017.

Any recommendations made by the Charter Review Committee to amend the Charter will require a vote of Council and the approval of Columbus voters.” – July 6 press release

Recommendations

- The committee shall report its findings and recommendations regarding the charter, if any, to Council.
- Council may at its discretion submit, in whole or in part, any of the proposed amendments to a vote of the people ”



Recommendations

Recommendations will derive from a majority of the Committee members. Other than amendments to the Columbus City Charter, options that may best serve the needs of our community include, but are not limited to, the following:

- Recommendation for changes to City Council policies or rules;
- Recommendation for adoption of ordinances;
- Recommendation for further study beyond the Committee's deliberations;
- Recommendation for no change.

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Committee discussion on previous public comments and presentations
 - a. Municipal home rule, and public meetings/records
 - b. Scope of the committee and history of charter amendments
5. Presentation and discussion
 - a. History of charter review bodies – The Honorable Michael F. Curtin, State Representative for Ohio House District 17
 - b. Structures of city governments and comparisons – Edward Johnson, Council’s liaison to the Committee
6. Announcement of future meeting dates
7. Public comments
8. Closing remarks
9. Adjournment

Columbus Charter Review Committee
Meeting of Oct. 13, 2016, 6 p.m.
Glenwood Community Recreation Center
Remarks of Michael F. Curtin

Chairwoman Coe, members of the Committee:

Thank you for your service to the City of Columbus, and for this opportunity for me to provide some historical background and context for your deliberations.

As a newspaperman for 38 years at The Columbus Dispatch, and over the past four years as a state representative, I've long tried to study and report on the evolution of our state and city governments.

In 2014, I had the privilege of serving as one of five members of a Charter Review Commission that recommended several charter revisions that were approved by the voters of Columbus in the Nov. 4, 2014 election.

One of the least noticed but most important of those revisions, in my view, was the addition of Section 236 of the Charter, requiring that a Charter Review Commission be empaneled at least once every 10 years commencing in 2022.

This requirement reflects the Jeffersonian notion that, to properly serve the people, our constitutions and charters cannot stay fixed under glass, but need to adapt to changing times and circumstances, and be examined at regular intervals to give citizens an opportunity to voice concerns over the structure and workings of their government.

This philosophy is why, every 20 years, Ohioans are asked to vote on whether to hold another state constitutional convention to consider revisions in our state's founding document.

That we now have a similar requirement in our Columbus City Charter, albeit on a decennial schedule, is a healthy provision.

The purpose of this committee is a limited one – to examine Section 3 of the Charter, stipulating that the legislative powers of the city shall be vested in a council consisting of seven members, elected at large.

I commend the effort to thoroughly study this provision, which has been in place for a century and today stirs spirited debate across our city.

Over the 200-year history of our city, the question of the proper structure of the legislative body has inspired debate on a number of occasions.

On Feb. 10, 1816, when Columbus was organized as a borough, the act passed by the General Assembly gave governing authority to nine council members, all elected at-large. Those council members were responsible for choosing among themselves a mayor, a recorder and a treasurer. Council terms were three years.

Two decades later, when Columbus was elevated from a borough to a city, the council was converted from an at-large system to a ward system.

This was done by the Ohio General Assembly, which on May 3, 1834, passed an act incorporating Columbus as a city. The act divided the city into three wards, and provided for 12 council members – four from each ward. It also provided for the independent election of a mayor.

All cities in Ohio were governed by the Ohio General Assembly, which authorized cities to add wards as they grew, and to adjust the size of councils accordingly.

By 1855, for example, Columbus had grown to five wards but reduced the number of council members to two per ward, for a 10-member council.

By 1894, Columbus had grown to 19 wards and had 38 council members, a size that was viewed as unwieldy. So, three years later – in 1897 – the city reduced the council to 19 members – one per ward.

At the turn of the century, Columbus adjusted the size of council again, by consolidating some wards and reducing their number to 12, and adding three at-large members. Thus, the city had a 15-member council – and its first hybrid council.

This turn-of-the-century period, as we all learned in school, is known as the Progressive Era – generally defined as the period spanning the 1890s to the 1920s.

It was a period of great social activism and political reform, targeting corporate ownership of politicians, urban political machines and their bosses, vote buying and selling, and a variety of other corrupt practices.

Columbus, as a much smaller city, did not have the big-city political machines that Cincinnati and Cleveland did, but Columbus newspapers in the Progressive Era regularly complained about city politics being ruled by the brewers, other liquor interests, the utilities and the owners and managers of vice districts.

George S. Marshall, our city's 35th mayor from 1910 to 1911, wrote, "The brewers and other liquor interests and the public-service corporations dominated the life of the city . . . (and) the spoils system ruled most everywhere."

It was in this environment that Ohio held its fourth state constitutional convention, at the Statehouse in 1912, which produced 42 proposed amendments to the Ohio Constitution, 34 of which were adopted by the voters.

One of the most important of the adopted amendments established municipal home rule – for the first time allowing Ohio cities to craft their own charters and escape micromanagement by the state legislature.

Columbus created a special commission to draft a city charter for voter consideration. It was led by noted reformer Washington Gladden, pastor of First Congregational Church, and William Oxley Thompson, president of The Ohio State University. The report of that commission is attached to my testimony.

Among other things, the commission called for a charter that would:

- Remove party labels from the ballot.
- Provide citizens with the power of the initiative, the referendum and the recall.
- Lengthen the terms of office from two years to four years.
- Combat the spoils system with a strong civil service, and
- Provide for a seven-member council with all members elected at-large.

The rationale given for the at-large system was: “The most democratic form of government is certainly that which secures to each individual citizen the right of voting for or against any candidate for an office in which, if elected, he would be invested with the power of imposing a tax on, and regulating the conduct of, all citizens.”

On May 5, 1914, Columbus voters approved the proposed charter. The new council system went into effect in 1916.

Over time, the at-large system was viewed as having both positive and negative effects. These perhaps were best summarized by *Columbus Citizen-Journal* reporter Betty Garrett and Columbus historian Ed Lentz, in their 1980 book, “Columbus: America’s Crossroads.”

They wrote: “This innovation (the at-large council) was supposed to eliminate political corruption and ensure that every council person would be responsible to every voter. But it also eliminated entire classes of persons from the

opportunity to hold office. Many of the poorer and ethnic minority neighborhoods had representation on the old council simply because candidates could afford to run in a small area like a ward. Now without independent means or the support of a political party, a candidate from one of these segments of the population simply could not get elected.”

The most obvious example of this exclusion was that, from the adoption of the new charter in 1914, until 1969 – a period of 55 years – no African-American was elected to the at-large city council.

Between 1916 and this year’s special August election on the question, Columbus experienced two major election debates focused on the at-large vs. by-district council. The first was in May 1968; the second was in November 1975.

The 1968 effort was led by a first-term Democratic councilman – James L. Baumann, and John E. Jones, a political director for then-Mayor Maynard E. (Jack) Sensenbrenner.

Baumann and Jones persuaded the council, then controlled 5-2 by Democrats, to put a charter amendment on the ballot to create a 13-member council, with seven elected by district and six at-large. Mayor Sensenbrenner supported the amendment; the Franklin County Democratic Party remained neutral. The Franklin County Republican Party opposed the amendment.

The arguments made in that 1968 campaign would sound familiar to you today. Those in favor cited greater representation of neighborhoods and a better chance for the little guy to get elected. Those opposed cited efficiency of government and the principle espoused in the 1914 charter proposal of every councilperson being responsible to every voter.

The charter proposal was defeated by a 60-40 ratio. Across the city’s 36 wards, it carried in 7 and was defeated in 29. The 7 wards in favor were concentrated in the minority

neighborhoods of the East Side, and the Ohio State University area.

Seven years later, in 1975, Democrats in control of council (again by a 5-2 majority) put another hybrid plan on the ballot. This charter proposal called for an 11-member council, with six members elected by ward and five at-large. The Democratic candidate for mayor – Dr. John H. Rosemond – championed the issue. The Republican incumbent, Mayor Tom Moody, opposed it. The arguments for and against resembled those of 1968.

And, the proposed amendment failed by the same ratio – 60-40 – as it had seven years previously. Support for the amendment was concentrated in 13 of the city's 59 wards – again predominantly in the East Side and University-area neighborhoods.

Chairwoman Coe, members of the committee, this question of the optimum structure of Columbus City Council – as you can see – is one that persists over time. The question needs to be examined anew from time to time, in the light of the new realities of an ever-changing city, and is never permanently answered.

I commend you for your study, and I hope this historical overview is of some help. I would be happy to try to answer any questions.

Presentation by J. Edward Johnson, Director of Legislative Affairs for Columbus City Council (as prepared for delivery)

Good evening members of the Charter Review Committee.

My name is Edward Johnson and I am the Director of Legislative Affairs for Columbus City Council. Chair Coe asked staff to offer an overview of the structures of municipal government throughout the United States and to provide committee members with data on the top 15 largest cities in Ohio and to offer the committee a brief overview on how Columbus City Council works.

First, an overview of the forms of municipal government, with an acknowledgment of the assistance of the National League of Cities for providing much of the following information.

Forms of Municipal Government

The first form I will introduce members to is the ***mayor-council*** form of government, which is the category Columbus falls into.

Primary characteristics of mayor-council governments include:

- The mayor is elected separate from the council, is often full-time and paid, with significant administrative and budgetary authority;
- Depending on the municipal charter, the mayor could have “weak” or “strong” powers – in Columbus’ case we have a strong mayor system:
 - Strong mayors are the chief executives of cities, centralizing executive power:
 - The mayor directs the administrative structure, appoints and removes department heads;
 - May exercise veto powers;
 - The council does not oversee daily operations of city government
 - Weak mayors have a powerful council, with both legislative and executive authority:
 - The mayor is not truly the chief executive officer, and has limited or no veto powers;

- The council can prevent the mayor from effectively supervising city administration;
- There may be many administrative boards and commissions that operate independently from city government.
- Council is elected and maintains legislative powers;
- Some cities – like Cincinnati – appoint a professional manager who maintains limited administrative authority

The mayor-council form of government is used in 34 percent of cities surveyed by the International City/County Management Association, making it the second most common form of city government. It is found mostly in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. New York, Houston, Salt Lake City and Minneapolis are examples of other mayor-council cities.

The next form of government is the ***council-manager*** system. Several cities throughout Ohio use the council-manager system, as well as several peer cities that Columbus tends to benchmark itself against.

For the purposes of this committee and its scope, however, it should be noted that Columbus is neither a council-manager form of government, nor is the committee being asked to consider changes to that effect. Accordingly, the differences in council responsibilities will show that comparison between cities that employ a council-manager system and Columbus are not “apples-to-apples.”

Characteristics of council-manager forms of municipal government include:

- City council oversees the general administration, makes policy and sets the budget;
- Council appoints a professional city manager to carry out day-to-day administrative operations;
- The mayor is chosen from among council members on a rotating basis to serve a ceremonial role.

Large peer cities that using a council-manager form of government are Phoenix and San Antonio.

Lastly, I will remark on the **commission** form of government, which has some degree of popularity in southwest Ohio, in addition to one of Columbus' major peer cities, Portland.

The commission form of government is the oldest form of government in United States, however, is present in less than one percent of cities, mostly with populations below 100,000. Characteristics of the commission form of government include:

- Voters elect individual commissioners to a small governing board;
- Each commissioner is responsible for one specific aspect of city business, such as fire, police, public works, health, or finance;
- One commissioner is designated as chair or mayor, and presides over meetings;
- The commission has both legislative and executive functions.

The Columbus City Charter provides for a mayor-council form of government with a strong mayor system. This explanation is not provided to preclude members from looking at the size and structure of city councils around the nation that do not fall into that category, rather to provide useful information in how the members analyze the data being presented and understand that there may be a city or cities that we admire and look to, however, their form of government may necessitate a certain size or form.

The second piece of information members should be aware of when looking at research that has been or will be provided, is that several cities employ a city-county consolidated government, which is different from the context Columbus is in.

The United States Census Bureau identifies 34 city-county consolidated governments out of the 3,069 county governments that exist throughout the nation. The cities that this information applies to that members should use caution when examining are the City and County of San Francisco, California; The City and County of Denver; Nashville/Davidson County; the County of Duval/City of Jacksonville; the County of Marion/City of Indianapolis; and County of Jefferson/City of Louisville.

City-county consolidations are attempts at metropolitan reorganization for one of many reasons, depending on local context.

For example, the City of Jacksonville consolidated with Duval County in 1968 after the industrial city's center declined. With population shifting to the suburbs, the tax base was eroded and its services overlapped with other governments in the area. Additionally, three major scandals in the city led to a reorganization with an elected chief executive, and a 19-member council.

Additionally, we can look to the consolidated City and County of San Francisco's consolidation in 1900 as the result of residents seeking to remedy the City of San Francisco's ails of enormous debt and taxation, which was deterring capital investment, and leading to population at flight at the time. Consolidating with the more frugal and economic County of San Francisco provided the remedy to an impending fiscal crisis and gave California its only city-county consolidated government to this day.

I mention these examples because it is worth noting that major events in local politics usually lead to the city-county consolidated government, with peculiar local sensitivities being catered to in the formation of the new government. Accordingly, any examination of a city-county consolidated government should be done with the knowledge that further historical context may be required to explain attributes of the respective municipal government.

I will further note that not all major cities have home rule authority, while many have state constitutional factors that directly limit the ability of municipalities to craft local solutions for government structure and form of election. For example, Chicago, Boston, and Memphis are ruled by a byzantine collection of state constitution, state law, quasi-home rule, and local charter provisions. Other states, such as Indiana and South Carolina, do not provide home rule authority as we have in Ohio.

The Ohio experience

Staff has provided members with a spreadsheet, outlining the characteristics of legislative branches of Ohio's 15 largest cities. This list provides members with

information on the form of government, council structure, council size, and meeting frequency for cities ranging in size from 50,000 to over three-quarters of a million; mayor-council, council-manager, and commission-manager forms of government; and at-large, hybrid and district-based councils.

As members can see, 13 of the 15 largest cities in Ohio use the mayor-council form of government, with Dayton and Springfield of southwest Ohio being notable users of the commission-manager form of government.

Nine cities employ a hybrid structure of representation, five elect members at-large, with one city exclusively electing members from districts. It is notable that Ohio's three largest cities – Columbus, Cleveland and Cincinnati – are not in the majority of cities using a hybrid form of representation. Columbus and Cincinnati elect all of their members at-large, while Cleveland is the one major Ohio city to elect all members from districts. Additionally, Cleveland stands alone in being the only legislative body to have a variable number of municipal legislators based upon city population.

Historically, it is worth noting Cincinnati's storied history with its charter and municipal government, which has ultimately produced the longest running third-party in American politics to continually have elected officials in office – the Charter Party or Committee. Established in 1924, the Charter Committee was a direct response of the Boss Cox era of city politics, where the City of Cincinnati had a 32-member city council, with six of those seats being reserved for at-large election. In 1924, the year of the Charter Committee's founding, Cincinnati City Council was split between 31 Republicans and one Democrat – orchestrated by Boss Cox's lead protégé, Rudolph Hynicka. Leading to the adoption of a new city charter, the Charterites brought Cincinnati a council-manager form of government, a civil service bureaucracy, and a nine-member nonpartisan city council. Those at-large members are served by city's 52 community councils, covering all 80 square miles of the city.

Cleveland's history is also notable in this area. Prior to home rule, Cleveland City Council's sized varied between six and 40. Once home rule was introduced in Ohio in 1912, Cleveland's charter gave the city a ward-based 26-member council. The electors of Cleveland would fundamentally change their charter in 1921 to move to a council-manager system, in addition to adding three council members,

moving the total membership to 29. Two years later, four additional members would be added, raising the total number of municipal legislators to 33 within ten years of adopting a home rule charter. By 1931, the council-manager system was abandoned in Cleveland, but the 33-member city council persisted. Twenty years later, in 1951, Cleveland's electors reduced the size of council from 33 to 21. In 2008, the electors of Cleveland once again instituted further change to their charter relative their city council, introducing a population-based system ensuring a City Council between 11 and 25 members. The current Cleveland City Council has a membership of 17, with a decennial review after every census.

Lastly, as members deliberate, it is worth noting that Akron, Cincinnati, Cleveland, Columbus, Dayton, Elyria, Hamilton, Kettering, Lakewood, Springfield, Toledo and Youngstown are home rule charter cities, as outlined by City Attorney's Office Chief Counsel Joshua T. Cox. The other cities – Canton, Lorain and Parma – are statutory cities under Ohio law, making those cities subject to state legislative changes to their governmental structures.

Specifically, as it relates to the City of Columbus, our form of government is a mayor-council form of government, with a strong mayor. Columbus City Council has seven seats, all elected at-large. While Columbus is a strong mayor, mayor-council form of government, City Council maintains legislative authority under the classical separation of powers – Council is responsible for enacting the laws of the city and appropriating the money necessary to operate the government through its role in deliberating and taking action on the Mayor's budget when it is submitted to Council. Additionally, Columbus City Council makes land use decisions through the Zoning Committee. In those regards Council is an equal partner with the Mayor in the governing of Columbus.

Council members must be residents of the city for at least one year prior to election and maintain that residency throughout his or her term of service, and may not hold any other public office except notary public or member of an Armed Forces reserve unit.

Members of Council serve four-year terms on a staggered basis, and elect a president and a president pro tempore from amongst their membership. The Council President organizes and appoints members to the committee structure of Council. The committee structure organizes legislation to provide a division of

labor to give departments an appropriate level of oversight from Council. Currently, Columbus City Council has 18 committees to cover a variety of policy areas ranging from Public Safety, to Economic Development, Public Utilities, and Zoning. Each council member chairs at least one standing committee.

Once organized, Council acts through legislation, which takes one of two forms – a resolution or an ordinance. A resolution expresses the views of City Council on a topic, while an ordinance directs that specific action be taken. Enacting new “law” requires action by City Council and at least one other branch of municipal government. Often times, executive departments are requesting authorization to do something, and so that agency submits an ordinance or resolution to City Council for review. Other times, council members, in their respective capacity as legislators, enact new policies after consultation with the community and executive branch.

After adoption of a resolution or passage of an ordinance, the legislation is sent to the Mayor, who may veto any legislation passed by City Council. The checks and balances provided by the City Charter give the City Council the authority to override a mayoral veto. The Mayor may also return legislation to Council unsigned, in which case the resolution or ordinance becomes law ten days later.

Council is supported in its work by two staffers assigned to each member and a pool of support staff for communications, research and community engagement functions.

Conclusion

It is my hope that this presentation has provided members with the tools to evaluate cities’ legislative branches moving forward, with a deeper understanding of the intricacies of municipal governance and how Columbus City Council operates.

In subsequent meetings, staff will provide the committee with research on national peer and benchmark cities based on size, similarity, growth rates, placement on the best cities index, other factors and committee member input.

Thank you for your time and attention and I am available to answer any questions members have.

Structures of city governments



Overview

- Overview of forms of municipal government
 - Including an overview on how Columbus City Council operates
- Comparative data on Ohio's 15 largest cities
- Comparative data on national peer cities

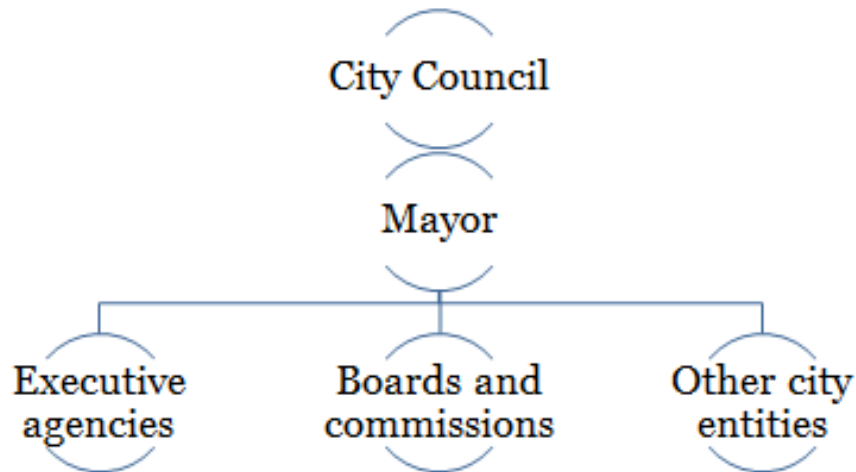
Mayor-Council city government



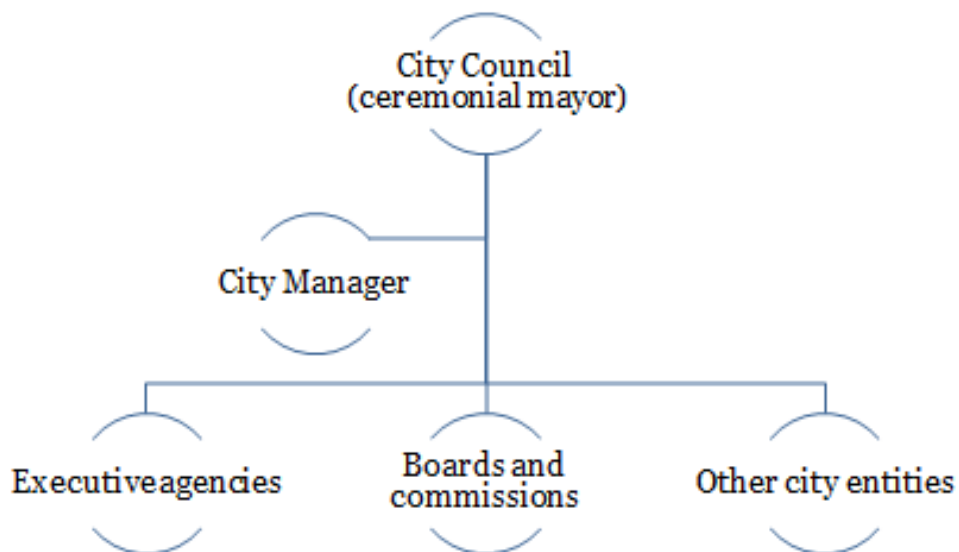
“Strong Mayor” Council-Mayor systems

- The mayor is the chief executive of the city;
- The mayor directs administrative structures, appoints and removes department heads;
- The mayor has veto powers over legislation;
- City council does not oversee daily operations of government.

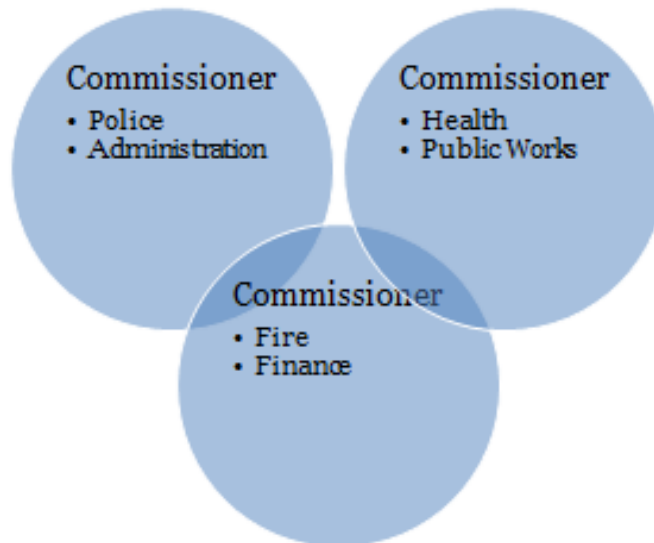
“Weak Mayor” Council-Mayor systems



Council-manager systems



Commission form of government



City-County Consolidated Governments

- City-county consolidations are attempts at metropolitan reorganization;
- There are only 34 city-county consolidated governments of 3,069 counties, nationwide;

The Ohio experience



The Ohio experience - council structure

At-large

- Cincinnati
- Columbus
- Dayton
- Hamilton
- Springfield

Hybrid

- Akron
- Canton
- Elyria
- Kettering
- Lakewood
- Lorain
- Parma
- Toledo
- Youngstown

District

- Cleveland

The Ohio experience - home rule

Home rule cities

- Akron
- Cincinnati
- Cleveland
- Columbus
- Dayton
- Elyria
- Hamilton
- Kettering
- Lakewood
- Springfield
- Toledo
- Youngstown

Statutory cities

- Canton
- Lorain
- Parma

Columbus City Council



City	City (2010)	MSA (2015)	Form of Government	Council structure	Council size	Fixed number of members	Districts	At-large	Meeting Frequency	Reference	Notes
Akron	199,110	703,200	Mayor-Council	Hybrid	13	✓	10	3	Weekly	Charter of the City of Akron, Ohio, Section 28-1	
Canton	73,007	404,420	Mayor-Council	Hybrid	13	✓	9	4	Weekly	Ohio Revised Code, Title VIII (Municipal Corporations); Codified Ordinances of the City of Canton, Ohio Chapter 111	Canton is a statutory city under Ohio law; Canton City Code provides geographic definitions of the nine wards.
Cincinnati	296,943	2,114,755	Mayor-Council	At-Large	9	✓	0	9	Weekly	Charter of the City of Cincinnati, Article II, Section 4	All members serve four-year terms, elected en banc.
Cleveland	396,815	2,077,240	Mayor-Council	Districts	17	✱	17	0	Weekly	Charter of the City of Cleveland, Chapter 5, Section 25	The City is divided into wards based on Census data, with a minimum of 11 members (275,000 or less residents), and a linear progression of two additional members for every additional 50,000 residents, up to a maximum of 25 members (575,000 or more residents)
Columbus	787,033	1,901,015	Mayor-Council	At-Large	7	✓	0	7	Weekly	Charter of the City of Columbus, Ohio, Sec. 3	
Dayton	141,527	799,232	Commission-Manager	At-Large	5	✓	0	5	Weekly	Charter of the City of Dayton, Article I	The Mayor and four City Commissioners comprise the Dayton City Commission in a Commission/Council-Manager form of municipal governance.
Elyria	54,533	2,077,240	Mayor-Council	Hybrid	11	✓	7	4	Bi-monthly	Charter of the City of Elyria, Ohio	
Hamilton	62,477	2,114,755	Mayor-Council	At-Large	7	✓	0	7	Bi-monthly	Charter of the City of Hamilton, Ohio, Article III	The Mayor is elected separate from Council, however, sits in and presides over Council; the Vice Mayor is the highest voter total at each Council election
Kettering	56,163	799,232	Mayor-Council (week)	Hybrid	7	✓	4	3	Bi-monthly	Charter of the City of Kettering, Ohio, Section 3-2	The Mayor sits in Council and is selected from the members-at-large.
Lakewood	52,131	2,077,240	Mayor-Council	Hybrid	7	✓	4	3	Bi-monthly	Charter of the City of Lakewood, Ohio	
Lorain	64,097	2,077,240	Mayor-Council	Hybrid	11	✓	8	4	Bi-monthly	Ohio Revised Code, Title VIII (Municipal Corporations)	Lorain is a statutory city under Ohio law; Council President is elected citywide
Parma	81,601	2,077,240	Mayor-Council	Hybrid	10	✓	9	1	Bi-monthly	Ohio Revised Code, Title VIII (Municipal Corporations); Codified Ordinances of the City of Parma, Ohio Chapter 105.01	Parma is a statutory city under Ohio law; Parma City Code provides geographic definitions of the nine wards.
Springfield	60,608	799,232	Commission-Manager	At-Large	5	✓	0	5	Bi-monthly	Charter of the City of Springfield, Ohio	The Mayor and four City Commissioners comprise the Springfield City Commission in a Commission/Council-Manager form of municipal governance.
Toledo	287,208	610,001	Mayor-Council	Hybrid	12	✓	6	6	Weekly	Charter of the City of Toledo, Ohio, Chapter IV	District represent approximately 20,000 residents; Mayor's vote breaks ties in Council
Youngstown	66,982	555,773	Mayor-Council	Hybrid	8	✓	7	1	Bi-monthly	Charter of the City of Youngstown, Sections 5-6, 83	The Youngstown City Charter calls for a seven-member Council with seven wards; however, the Council President is "elected by the people."



**Columbus Charter Review Committee
Committee Meeting Agenda
Thursday, October 27, 2016
6:00 p.m.**

Tuttle Recreation Center, 240 W. Oakland Ave.

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Committee discussion on previous public comments and presentations
 - c. History of charter review bodies
 - d. Structures of city governments and comparisons
5. Presentation and discussion
 - a. Size of City Councils nationally and in Ohio – Edward Johnson, Council’s liaison to the Committee
 - b. Summary of research requests from Committee members – Bryan Clark, Mayor’s liaison to the Committee
6. Public comments
7. Closing remarks
8. Adjournment

**Charter Review Committee
Minutes**

October 27, 2016 6:00 p.m.

Tuttle Recreation Center

240 W. Oakland Avenue, Columbus, Ohio

(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair

Lourdes Barroso de Padilla

Jennette B. Bradley

Frieda L. Gilyard

Rev. Tyrone A. Lawes

Keary McCarthy

John C. Rosenberger

(Committee Members absent) Frederick E. Mills, Bob Vitale

Welcome and Opening Remarks

Committee Chair Stefanie Coe opened the meeting at 6:02 p.m. and welcomed everyone to Tuttle Community Recreation Center. Committee members introduced themselves.

Chair Coe highlighted the scope of this committee and referred to the by-laws and stated that the purpose of the Charter Review Committee is to survey the community input on a focused set of issues relating to the vacancy and appointment process, structure, and size of Columbus City Council and to identify relevant sections within the charter. She concluded by stating that following the public meetings, the committee will issue an assessment of findings and recommendations to the mayor and city council.

Approval of the Minutes

Hearing no questions or corrections, Chair Coe asked for a motion to approve the Minutes, as submitted. Rosenberger moved, Bradley seconded. All in favor, no one opposed. Motion carried and Minutes were approved.

Summary of Public Comments received to date

Edward Johnson reported on public comments received electronically, three were provided and will be included as speakers at the meeting.

Committee Discussion on previous public comments and presentations

Coe called for discussion on previous public comments or presentations. Hearing none, she reiterated that we covered the history of charter review bodies as well as the

structure of city governments in comparisons, primarily focused on Ohio at the last meeting; all of the committee meetings are recorded and that link was shared with committee members.

Presentation and Discussion

Rosenberger asked about the report on citizen satisfaction. Coe replied that Edward Johnson, Director of Legislative Affairs for Council will be covering it as part of his comments.

(Mr. Johnson's presentation is on file in Charter Review Committee records)

Mr. Johnson introduced Mr. Bryan Clark, chief policy advisor to Mayor Ginther to present on the ballot initiatives.

Mr. Clark began by thanking the committee and stated that the last time he had the opportunity to address a group like this was 2014 for the Columbus Charter Review Commission. That Commission's work led to three ballot issues (6, 7 and 8) in November 2014. Columbus residents overwhelmingly supported all three of the issues and stated that Columbus residents put a high degree of confidence in groups like this, and he thanked the committee members for serving.

(Mr. Clark's presentation is on file in Charter Review Committee Records)

Mr. Clark continued his presentation with an analysis of Issue One and began by acknowledging Jonathan Beard, the spearhead of Issue One and stated that Mr. Beard is the first and only person who has succeeded at placing an issue before Columbus voters on the ballot and deserves a great deal of credit for that effort. (Mr. Clark's presentation on Issue 1 is on file in Charter Review Committee Records)

Mr. Clark closed by stating that when this issue has been placed on the ballot, voters have uniformly rejected a change to their charter in favor of a hybrid or an all-ward system in the City of Columbus and the vote has grown over time. He concluded by stating that he would be happy to answer any questions the committee members may have.

Chair Coe asked about typical voter turnout and Clark replied that 35 percent would be a massive turnout in an odd-year election.

Coe asked for clarification on the system in which someone would designate a specific area

Clark replied that it was "by-place" and discussion followed with details on that system.

Chair Coe asked if there were questions from members of the committee

Bradley asked when staff was looking at the top 25 and the "at-large contested", was there anything noted about those at-large such as the top vote-getter becoming the

President of Council or if there was anything that might have generated that level of competition?

Clark replied that is definitely the case in at-large by-place elections where the mayor is typically the at-large seat in a council/mayor form of government and the Mayor serves as Council President. He indicated that is not the case in other at-large systems. Staff has found that the field races just tend to be a little bit more contested because as we see in the data it is easier to win in a field race than it is sometimes in a head-to-head race.

Rosenberger asked Mr. Clark if he could join the committee at the next meeting. Chair Coe agreed that there is a lot of data and it may be helpful to review it further and add this as an agenda item at the next meeting to allow for follow-up questions.

Rosenberger commented that as committee members were being impaneled he read some articles in the paper that there are Republicans and Democrats both on this body and stated that his issue is one of getting the best people elected regardless of their politics.

Clark commented that just like elections are decided by the people who choose to show up, elections are formed by the people who choose to run. He shared some of the polling data going back five years in Columbus of a very basic question "Do you think that things in Columbus are going in the right direction or are they off-track?" and shared results that speaks not just to how people feel about their city, it's direction, but also the leadership that they have chosen.

Barroso de Padilla questioned where these polls come from, and who do they represent. Clark explained standard practice for polling and how results are calculated.

Rosenberger reiterated that we should be worried about getting the best people elected and the best way to do that is to get the best people to run. His take on this is that systems that give us competitive races will allow people to run because they think they might get elected.

Clark responded that we see the opposite happen in large cities that have ward or district elections. There is a reason that in Philadelphia 60 percent of the districts were not contested and it wasn't because Philadelphians feel great about the direction of their city or because of where it falls in the best cities index. It is because there is a very strong Democratic Party in the city and the strong Democratic Party protects the incumbents that have been elected in those districts.

Rosenberger stated that he wants to see good people to run and questioned whether people are more willing to run if they think they might be competitive.

Clark responded that his experience in running campaigns is not that people make a decision based on their likelihood of winning at the beginning. The people who choose

public service typically do because it is a calling, like any other calling, and they can't imagine doing anything else. He indicated has had the pleasure to work with a lot of different elected public servants of both parties and can say they do it because they love their city, county or state and they want to serve. He thinks that's what motivates most of the people, at least in Central Ohio, who choose to get involved.

Bradley commented that there is obviously the motivation but there is the reality that for a fantastic person, issue or candidate, the message still has to get out. She stated that she didn't think you can just answer why you can't get the best person. This is an individual race, an individual time, off-year elections or even; there is just a lot that goes into getting the best person.

Rosenberger replied that he feels we have had some really good people run for office. His concern is that we are talking about potentially changing the system, so the question is whether we are going to cause less good people to run for office.

McCarthy thought the data was interesting and if we are looking at incentivizing high quality people to run, he felt as if a governance structure that produces low margins of victory and tight margins of victory and has a high rate of contested elections would present clear opportunities for good people to run.

Barroso de Padilla added she has lived in cities where there are ward systems and there are those strong holds of people who have name recognition. She stated that's part of the challenge we are facing. How do you combat that incumbent that has that name recognition and put forth that message if you do not have the resources, people and the power behind it?

McCarthy questioned the statement during the presentation that field elections were more competitive than head-to-head elections and asked for more detail on that subject.

Clark responded that there are a couple of theories about why field elections would be more competitive. The margin of victory necessary to win is lower and the ability to run with other candidates sharing the burden for the cost of fundraising and campaigning. There is a lot of incentive to run as a team in a field race. One of the downfalls of field races that academics will point to is the likelihood of a slate to win all the seats. So there are downsides to a field at-large versus by-place elections. He continued by pointing out that if you look at cities that have hybrid systems, the at-large by-place and the district elections, people still run on a slate. People still appear on a sample ballot of a party, still share resources, still run commercials together. It would seem that if a district is smaller than a city, it shouldn't cost as much to run and you should have a better chance of winning, but the data doesn't back that up.

Chair Coe commented that the point Clark just made is counterintuitive to what most people think and asked for clarification. Clark responded that the data shows that you would assume that a smaller district would take less money and you would have a better chance of winning, but data shows you do not. In a media market like Columbus,

you still have to be on TV in a tight race and do a lot of direct mail. It is just as expensive to buy TV for your district as it is for the entire city.

Chair Coe asked if there were other questions and then stated for those in the audience that we will address this topic again for questions from the committee and from anyone that wants to submit speaker slips before the next meeting related to this subject. There is a lot of data to digest so we will definitely start the next meeting with these same topics initially to address our questions as well as anyone in the audience. (Committee Member Lawes had to leave the meeting at this point)

McCarthy asked about the satisfaction index and while staff sifted through research, if they came across any measure of responsiveness for governance structure, and if there is any way to measure that. Johnson replied that he would probably have to dig deeper to see if that is a metric that is measured, but not as part of the "are you satisfied with where you live?" Johnson stated that his understanding would be that as the citizens are satisfied with where they live, part of that is leadership, part is city services provided throughout so he believed it could be a healthy conclusion of the satisfaction metric.

Rosenberger stated his satisfaction with the work of staff and was pleased that research results provided insights on citizen satisfaction. He thought the work on council size was very helpful and he stated that normally a good idea comes with a bit of cost. In looking at the population, members of council and all of their aides and legislative service office personnel, communications division, and all of the people that support council, he would like to have that costed out so that we can determine what it actually costs to have a city council person. He added that he has done business with council and he was always comforted that he could see all seven of them and talk things out. If there were 20, he wouldn't try to meet them all because you can't make your case with so many people. He feels pressured that maybe our current Council is a bit too small, but wants to use caution about it getting too big.

Chair Coe agreed that this question of cost is something we need to be able to answer before we would suggest a larger Council and suggested that there will most likely be some level of controversy as to how costs are calculated.

Johnson added that research had already been conducted with the finance and management department, and in terms of a member, a legislative aide, a legislative assistant, office equipment and things of those nature, the estimate is about \$280,000 to add a new member of council. There are also other costs that are unable to be calculated at this time related to capital costs associated with renovations to the Council Chamber and office space to accommodate additional elected officials and staff.

Rosenberger stated that he felt that number is probably low considering all that would be involved. Chair Coe agreed that the figure is probably low. Rosenberger commented that the more members there are, more work is generated which requires additional people.

Rosenberger added that there is another piece to consider, constituent service. At 121,000 people per member of council, constituent service is a real load on that person. While we are trying to get good people to run and be elected, if the task is overwhelming and it rules out all the life or practice of a profession, those are not good results. He stated that he didn't believe that we would get better decisions with more people, but he does believe that constituent service is huge in citizen satisfaction. Barroso de Padilla agreed that constituent service is why we are having the conversation. If people feel like they are represented and their voices are heard, that can work to their satisfaction or dissatisfaction.

Bradley stated that there is only so much we can control. We can decide to have nine council members but if those members aren't responsive to the citizens, it doesn't matter whether we have nine or 25. There has to be the commitment for the people elected to be responsive. The level of citizen satisfaction falls back on the elected person.

Public comments

Chair Coe indicated that there are four speakers that submitted speaker slips which will be taken in order and called upon Mr. Tom Dillard. Note: (Mr. Dillard submitted a presentation which is on file in Charter Review Committee Records but comments are summarized here as they do not mirror the presentation on file)

Mr. Dillard stated that the committee needs to figure out what the function of council is and then create a form or mechanism to fulfill that function. Putting together a structure that will yield a 34 or 38 percent participation rate in voting would be a crime. He indicated there is a lot of pressure on the committee, but that is the problem and there is work to be done. His interest is maximum feasible citizen participation. Part of the thing the committee needs to consider is the legislative process which really is social policy planning. Social policy has two core functions, one is to enable a particular behavior, and two is to restrict a particular behavior. Number one is do we have a structure that allows for the citizens to actively participate and engage in the social policy formation and discussion? If we do, then you have the right structure. Politicians like votes, citizens like engagement and participation which are two different things. He referred to items contained within his presentation submitted previously. Community participation makes it more likely that they will come up with policies that are effective and leads to community ownership and support of whatever comes out of the social part of the legislative effort. Policymakers, particularly elected officials, can gauge involvement in the community. Community members can inform policymaking about changing of circumstances. He stated that for any that have worked at the neighborhood level, door-to-door communication makes a difference and feels that the structure we have now does not facilitate citizens really being involved and engaged in the decision-making process. The structure must enhance and improve the whole participation in the process. He referred to criteria that he was going to provide for the committee to use to evaluate structure and said there is no structure without process.

He thanked the committee for their effort and encouraged them to keep up the good work.

Chair Coe thanked Mr. Dillard for his comments and introduced the second speaker, Ruth Parisi.

Ms. Parisi stated her address as 4759 Market Drive and indicated that she lives in the Northland area but does not represent Northland Community Council or any other group other than residents of Columbus. She indicated she was there to express reasons why the city charter needs to be modified relative to city council. She noted that she was somewhat mistaken on the math that staff provided so she made some incorrect assumptions in her presentation/comments on file.

(Presentation on file in Charter Review Committee records)

Chair Coe thanked Ms. Parisi and introduced the third speaker, Jonathan Beard.

Mr. Beard stated his address as 1815 Franklin Park South, Columbus, Ohio. Note: (Mr. Beard submitted a presentation which is on file in Charter Review Committee Records but comments are summarized here as they do not mirror the presentation on file)

He stated that he sponsored Issue one, a citizen-initiated effort and that he sent prepared comments but will instead, respond to conversation that has occurred during the meeting. First, with regard to size of Council and one issue that has not yet been addressed, the size of our city geographically which is 225 square miles. Cleveland, Cincinnati, and Akron fit within our corporate boundaries and we still have a smaller Council than all of them. Among the top 50 cities, the average city council is 13 members, two elected at-large and 11 from districts. He suggested that with districts you have a higher level of satisfaction with your elected representatives because he or she is there, knows you, and knows your issues and advocates for you. He suggested that seven members elected at large results in burnout and a lack of accountability and that Cleveland probably did not rank well in the best cities but he recalled that Jeff Johnson, his city council member showed up at his home after a medical incident in his family to see if there was anything he could do. He stated that he feels somebody from the neighborhoods who understands residents is what is needed. He continued by speaking of a democratic party that is in control and those on Council have been selected first, and then residents vote on them as incumbents. He stated that we have a system that is set up to be noncompetitive and non-representative and we need a system where there is potential for competition. He referred back to his prepared remarks related to the voting rights act and stated that structurally at-large systems dilute minority votes. He added that The National Association for the Advancement of Colored People legal fund sent an FAQ addressing Columbus at-large elections and they have termed it as a discriminatory practice. He thanked the committee for their time.

Chair Coe thanked Mr. Beard and stated that we will hear from OSU professors on the question of the Voting Rights Act and then introduced the fourth speaker, Deb Supelak.

Ms. Supelak indicated she serves on an area commission but is not representing them, just speaking this evening as a private citizen. (Presentation on file in Charter Review Committee records)

Chair Coe thanked Ms. Supelak for her comments and asked if the committee had questions.

Rosenberger commented that when he was more active, he thought area commissions were highly regarded and listened to and shared that there was a time that you couldn't get it done in city council unless the area commission knew about it. Bradley responded that responsiveness to the needs of the citizens is what each council member is elected to do. Rosenberger followed by stating that there is not a one-size-fits all solution.

Bradley commented that the commissions, for many years, have been the cornerstone of getting feedback from our neighborhoods. There are dedicated citizens out there who thankfully go to the meetings, meet with developers, and present recommendations to Council and that she didn't think the system had totally gone away. She felt that it did work; it was a very formal process and the council members did take it very seriously.

Chair Coe shared that she is extremely passionate about area commissions. She has chaired the area commission where she lives for many years and has been involved since 2008 and has been involved in some controversial development issues and felt that Ms. Bradley's comments were accurate. She agreed that some points made this evening are some of the issues we may be able to make recommendations about addressing such as getting elections structured and consistency among the area commissions and how they operate. She commented that we wouldn't want to make them identical so they lose their neighborhood and community touch but there are things that could be done for more consistency among them.

Ms. Supelak suggested one measure to use when evaluating the effectiveness of area commissions is how many times Council votes in agreement with an area commission vote and stated that close to 100 percent of the time Council voted against the commissions. Chair Coe responded that she would negate that comment and that she couldn't think of a time that Council had voted against one of her commission's recommendations

Mr. Johnson interjected that he believed Ms. Supelak's comments were related to the recent development of the Pavey Square and issues related to that and that he could provide more detail on that. Ms. Supelak stated that the moratorium request she spoke about was not related to Pavey Square, but another issue.

Chair Coe responded that the committee can't really address specific issues of that nature and asked the speaker what changing the structure of city council would change

about this process. Supelak responded that you could go to a ward representative and, as their constituent, share the concern and that person would bring it up in a formal process in city council chambers for public debate and a vote. Chair Coe questioned how does the change of the structure addresses what the speaker was requesting if responsiveness lies with the actual member, regardless of how many there are. Ms. Supelak stated that it would guarantee that the concern gets heard by council in public, subject to law and all the disclosure requirements.

Chair Coe asked if there were any other questions and closed the comments portion of the meeting.

Bradley asked if staff could also provide information on how many civic associations there are as they also come before Council, and are another opportunity for citizen engagement. Chair Coe agreed that a list could be provided.

Barroso de Padilla also asked for the basic structure of the commissions and how does information from them get to Council.

McCarthy commented that based on the testimony this evening, there is a real challenge for the committee to think about. Some feel that would there would be more responsiveness in a ward system, but if you look at the macro level you see elections that are uncontested. How do we contemplate the macro level data with individual viewpoints of the citizens in the community to ensure there is greater responsiveness? And it seems like having the conversation around these area commissions could be a constructive way to get at that responsiveness.

Barroso de Padilla replied that she thinks the issue is how to know that you have a person that champions your specific cause or the cause of the people in your neighborhood. Based on what she is hearing, she wants to understand that if an area commission brings an issue to the Council, who is going to own it and make sure that it goes forward. Rosenberger stated that some may have the sense that a ward person is always going to do what they want and that may not be the case.

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

McCarthy moved, Bradley seconded.

Meeting adjourned at 8:10 p.m.

Presentation by J. Edward Johnson, Director of Legislative Affairs for Columbus City Council (as prepared for delivery)

Good evening members of the Charter Review Committee.

This evening my presentation will have several parts for members:

1. City satisfaction metrics;
2. Best Cities Index ranking and explanation; and
3. Comparative analysis of the size of city councils around the country.

Please feel free to ask questions throughout the presentation, and I will do my best to provide answers.

City satisfaction metrics

Per the Committee's request regarding metrics on resident satisfaction in various cities, staff has provided members with a spreadsheet that summarizes the finds of a 2014 Gallup-Healthways survey of metropolitan service areas (MSAs) for the years 2012-2013. The initial survey polled residents in 189 of the country's MSAs on whether or not residents were satisfied with the city or area in which he/she lives.

So as not to overwhelm the committee with data sets, staff has pulled the survey results for the MSAs anchored by the country's top 25 largest cities and all of the MSAs in Ohio.

The survey results will show that 86.6 percent of respondents in the Columbus MSA are satisfied with where they reside. That result makes Columbus the MSA with the most satisfied residents in the state, and clusters us in the 85-90 range with MSAs like Austin-Round Rock, Charlotte, Nashville, San Diego, Portland, Seattle and San Francisco.

Based upon the results of this Gallup-Healthways survey, staff would conclude that Columbus has a generally satisfied citizenry.

Best Cities Index

Next, I'd like to provide some background on the Best Cities Index, which you will hear referenced quite a bit throughout my presentation.

The Best Cities Index is compiled by WalletHub and ranks the 62 largest cities with populations over 300,000 on the basis of metrics that include livability, local economy and taxes, the quality of each city's health and education systems. The information for each of those metrics come from the U.S. Census Bureau, the U.S. Bureau of Labor Statistics, the Federal Bureau of Investigation, the Centers for Disease Control and Prevention, the Council for Community and Economic Research, the Child Care Aware of America, the National Partnership for Women and Families, GreatSchool.org, U.S. Environmental Protection Agency, and other organizations.

Municipal governance and satisfaction are not a rich veins of research, and through staff's work, we found the methodology used in the Best Cities Index provided one of the better "apples-to-apples" comparisons of quality of life in cities throughout the country.

Size of City Councils

Building on the presentation from the Committee's last meeting, where we discussed the various structures of municipal governments around the country the Chair has asked that I provide members with information on top twenty-five largest cities' legislative bodies. Additionally, staff has included data on Ohio's seven largest charter cities.

TOP 25 CITIES – RANKINGS AND TOTAL COUNCIL MEMBERS

CITY	POPULATION RANKING	SIZE OF COUNCIL
New York	1	51
Los Angeles	2	15
Chicago	3	50
Houston	4	17
Philadelphia	5	17
Phoenix	6	9
San Antonio	7	11
San Diego	8	9
Dallas	9	15
San Jose	10	11
Austin	11	11
Jacksonville	12	19
San Francisco	13	11
Indianapolis	14	25
Columbus	15	7
Fort Worth	16	9
Charlotte	17	11
Seattle	18	9
Denver	19	13
El Paso	20	9
Detroit	21	9
Washington, D.C.	22	13
Boston	23	13
Memphis	24	13
Nashville	25	40

Comparative cities with populations in the 800,000 range, based on 2015 population figures, were assessed (with the exception of Jacksonville and Indianapolis as outliers) for the average of size of councils. San Francisco (864,816), Fort Worth (833,319) and Charlotte (827,097) were averaged with Columbus (850,106) for a total of 9.5 members.

TOP 25 CITIES – BEST CITIES INDEX AND TOTAL COUNCIL MEMBERS

CITY	BEST CITIES INDEX	SIZE OF COUNCIL
San Francisco	1	11
Seattle	2	9
Denver	5	13
San Jose	6	11
Austin	7	11
San Diego	8	9
Washington, D.C.	10	13
Charlotte	18	11
Boston	19	13
Nashville	27	40
Columbus	30	7
Houston	36	17
Los Angeles	38	15
Fort Worth	39	9
Phoenix	41	9
New York	42	51
Jacksonville	43	19
Dallas	48	15
San Antonio	49	11
El Paso	52	9
Chicago	53	50
Indianapolis	56	25
Philadelphia	58	17
Memphis	61	13
Detroit	62	9

Cities with a Best Cities Index of 30 or less, and populations in the 800,000 range, including San Francisco (864,816), Charlotte (827,097) and Columbus (850,106), comprise an average of 9.66 council members. An assessment of the top 12 Best Index cities, with the exception of Houston (17) and Nashville (40) as outliers, demonstrates an average of 10.8 total council members.

Using Columbus' ranking of 30 as a benchmark, eight of the top 10 U.S. cities (80%) on the Best Cities Index ranked above 30, including New York, Los Angeles, Chicago, Houston, Philadelphia, Phoenix, San Antonio, Dallas. Two of the top 10 U.S. cities (20%) on the Best Cities Index ranked under 30, which included San Diego and San Jose.

TOTAL NUMBER OF COUNCIL MEMBERS:

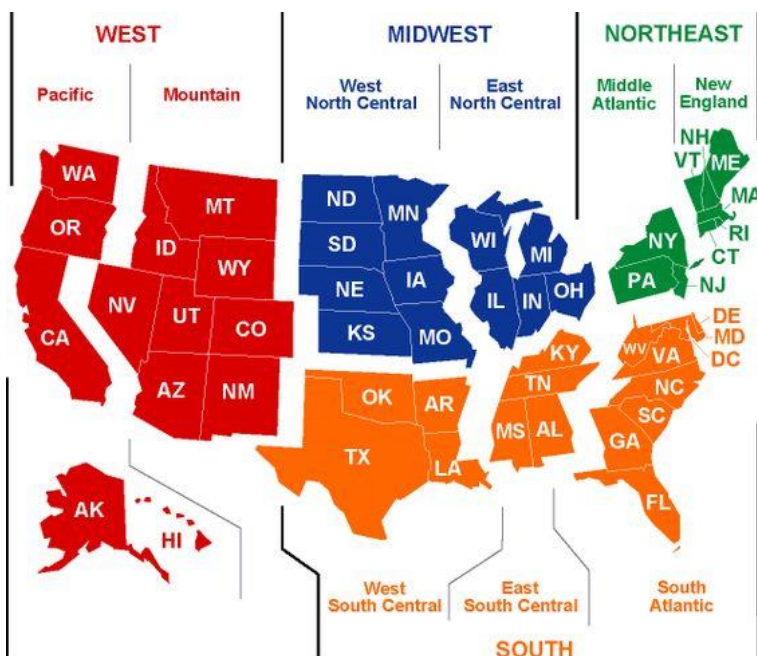
CITY	SIZE OF COUNCIL	BEST CITIES INDEX
Dayton	5	DNR
Columbus	7	30
Youngstown	8	DNR
Cincinnati	9	DNR
El Paso	9	52
Fort Worth	9	39
Phoenix	9	41
Detroit	9	62
San Diego	9	8
Seattle	9	2
Austin	11	7
Charlotte	11	18
San Antonio	11	49
San Jose	11	6
San Francisco	11	1
Toledo	12	DNR
Akron	13	DNR
Boston	13	19
Memphis	13	61
Washington, D.C.	13	10
Denver	13	5
Dallas	15	48
Los Angeles	15	38
Cleveland	17	60
Houston	17	36
Philadelphia	17	58
Jacksonville	19	43
Indianapolis	25	56
Nashville	40	27
Chicago	50	53
New York	51	42

A comparison of top cities in Ohio, which incorporate the size of council by Charter, establishes an average of 10.1 members. However, of these cities, only Columbus ranks in the top 30 on the Best Cities Index (Cleveland ranks 60th). Top

Midwest cities – including Chicago, Detroit, Indianapolis, as well as other cities throughout Ohio – generally do not offer an apt comparison to Columbus because they have non-comparable or no Best Cities Index rankings. Further, aside from Detroit, the total numbers of Council members for Chicago (50 members) and Indianapolis (25 members) do not provide an applicable comparison.

TOP 25 CITIES BY REGION – RANGE: RATIO OF RESIDENTS PER COUNCIL MEMBER

The chart presented below divides the United States into regions, West, Midwest, Northeast, and South with further delineation in each region.



TOP CITIES BY REGION THROUGHOUT THE U.S.	RANGE: RATIO – NUMBER OF COUNCIL MEMBERS TO	RANGE: TOTAL COUNCIL MEMBERS
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	RESIDENTS	
West / Pacific: Los Angeles, San Diego, San Francisco, San Jose, Seattle	264,792 → 76,050	15 → 9
West / Mountain: Denver, Phoenix	173,669 → 52,503	13 → 9
South / West South Central: Austin, Dallas, El Paso, Fort Worth, Houston, San Antonio	135,072 → 75,680	17 → 9
South / East South Central: Memphis, Nashville	50,444 → 16,365	40 → 13
South / South Atlantic: Charlotte, Jacksonville, Washington, D.C.	75,191 → 45,686	19 → 11
Northeast / Middle Atlantic: New York, Philadelphia	167,655 → 92,202	51 → 17
Midwest / East North Central: Chicago, Columbus , Detroit, Indianapolis	121,444 → 34,127	50 → 7
Northeast / New England: Boston	51,318	13
Midwest / East North Central: Other Cities in Ohio - Akron, Cincinnati, Cleveland, Dayton, Toledo, Youngstown	33,172 → 8,148	17 → 5

A majority of the most populous U.S. cities have a large range regarding the ratio of resident to council member. If Council were to be enlarged to 9 members, the number of members per resident would be 94,456 per member; if it were to increase to 11 members, the number of members per resident would be 77,272

per member. An increase to 9 members would be a 29% increase in the size of council, while 11 members would be a 57% increase.

With respect to comparable cities in terms of population, the number of residents per member is the following: San Francisco (11 members), 78,620; Charlotte (11 members), 75,191; and, Fort Worth (9 members), 92,591. Other top U.S. cities with 9 total members include Phoenix, San Diego, Seattle, El Paso and Detroit, and range from 173,669 to 75,235 residents per member. Further, other top U.S. cities with 11 members include San Antonio, San Jose and Austin, and range from 133,622 to 84,712 residents per member.

CITIES AND POPULATION CHANGE

CITY	PERCENT CHANGE IN POPULATION FROM 2010 CENSUS TO 2015 POPULATION	TOTAL COUNCIL MEMBERS
Detroit	-5%	9
Youngstown	-3%	8
Toledo	-3%	12
Cleveland	-2%	17
Dayton	-1%	5
Akron	-1%	13
Cincinnati	+1%	9
Chicago	+1%	50
Memphis	+1%	13
Philadelphia	+3%	17
Indianapolis	+4%	25
New York	+5%	51
Los Angeles	+5%	15
El Paso	+5%	9
Jacksonville	+6%	19
San Diego	+7%	9
San Francisco	+7%	11
Columbus	+8%	7
Boston	+8%	13
Phoenix	+8%	9

Dallas	+9%	15
San Jose	+9%	11
Nashville	+9%	40
Houston	+9%	17
San Antonio	+11%	11
Washington, D.C.	+12%	13
Fort Worth	+12%	9
Seattle	+12%	9
Charlotte	+13%	11
Denver	+14%	13
Austin	+18%	11

The cities with 8 percent growth in population include Columbus, Boston and Phoenix with an average of 9.6 council members. With the exception of Nashville and Houston as outliers, the median as well as the average number of council members for top cities with 8% *or more* change in population is 11.

CONCLUSION

An analysis of the data reveals the inherent difficulty of extrapolating from these various components to determine potential appropriate modifications to the current size of City Council. Among the top most populous 25 cities in the nation, there are nine with Mayor-Council governance: Los Angeles, Houston, San Diego, Columbus, Seattle, Detroit, Washington, D.C., Boston, and Memphis. The mean or average 2015 population was 1,318,871, number of council members was 11.6, with a 6.3% change in population, and ratio of 109,006 residents per council member.

From another perspective, of the nine top 25 cities with a Mayor-Council structure, the median 2015 population was 684,451, with 13 total council members, an 8% change in population, and 76,050 residents per council member. Top largest cities with Council-Manager forms of government, including Phoenix, San Antonio, Dallas, San Jose, Austin, Fort Worth, Charlotte, and El Paso had a 2015 median population of 979,369, 11 total council members, 10% change in population, and 89,632 residents per council member.

Several large cities share analogous metrics that would prove useful for an apt comparison to the City of Columbus regarding the size of council. Seattle appears

to be the most suitable comparison to Columbus as a city closest in population size and with Mayor-Council governance. While Columbus is ranked 15th among the most populous cities, Seattle is ranked 18th; in the top 30 of the Best Cities Index, and has 9 total council members.

Like Columbus, Phoenix has an 8% growth rate. It has 9 total council members. Unlike Columbus, its system of governance is Council-Manager.

Fort Worth is ranked 16th among the largest cities in the U.S., shares an 800,000 range of population, and has 9 total council members. However, it has a Council-Manager form of government.

Further, in recent years, three cities, Seattle, Detroit, and Austin, underwent changes to the form of their city councils. Seattle and Detroit, each with 9 council members, did not change the size of council; Austin grew from 7 to 11 members.

An emerging trend that has come out in research is that an inverse correlation exists between the size of a city's legislative body and its ranking on the Best Cities Index. There are some exceptions, however, staff has observed that the larger a city's legislature is, the lower on the Best Cities Index it places; with the converse of that statement also being true.

In conclusion, this overview requires a thorough evaluation of diverse variables to determine whether and how the size of Columbus City Council should be modified.

Thank you for your time and attention, and I am available to answer any questions members have.

Additionally, Mr. Bryan Clark, Chief Policy Advisor to the Mayor, is available to answers members' questions. Mr. Clark will also be presenting at the chair's direction on the several research requests initiated by the Committee related to Issue 1's and elections.

Mr. Clark is assisting with these research requests because of his expertise as a veteran of the Ohio Secretary of State's office as the Director of Policy and Research and his role in revising Title 35 of the Ohio Revised Code; he chaired the

Ohio Elections Summit in 2008 and the Ohio Elections Conference in 2009; served as City Council's liaison to the 2014 Charter Review Commission; and has been involved in over two dozen candidate and issue electoral campaigns – including the recent Issue 1 campaign, and Mayor Ginther's campaign.

2014 Gallup-Healthways survey

Range	MSA	Form of Gov't for anchor city	Form of Council	Total members	% Satisfied with the city or area where he/she lives
90-100	Minneapolis-St. Paul-Bloomington, MN-WI	Mayor-Council	District	13	91
	Denver-Aurora, CO	Mayor-Council (consolidated)	Hybrid	13	90.4
85-89.9	Austin-Round Rock, TX	Council-Manager	Hybrid	11	89.2
	Charlotte-Gastonia-Concord, NC-SC	Council-Manager	Hybrid	11	89.1
	Nashville-Davidson-Murfreesboro-Franklin, TN	Mayor-Council (consolidated)	Hybrid	40	88.4
	San Antonio, TX				88.3
	San Diego-Carlsbad-San Marcos, CA	Mayor-Council	District	9	88.3
	Indianapolis-Carmel, IN	Mayor-Council (consolidated)	District	25	88
	Boston-Cambridge-Quincy, MA-NH	Mayor-Council	Hybrid	13	88
	Portland-Vancouver-Beaverton, OR-WA	Commission	At-large	3	87.8
	San Jose-Sunnyvale-Santa Clara, CA	Council-Manager	Hybrid	11	87.4
	Dallas-Fort Worth-Arlington, TX	Council-Manager	Hybrid	15	87
	Houston-Sugar Land-Baytown, TX	Mayor-Council	Hybrid	17	87
	Seattle-Tacoma-Bellevue, WA	Mayor-Council	Hybrid	9	87
	Washington-Arlington-Alexandria, DC-VA-MD-WV	Mayor-Council	Hybrid	13	86.8
	Columbus, OH	Mayor-Council	At-large	7	86.6
	San Francisco-Oakland-Fremont, CA	Mayor-Council (consolidated)	District	11	86.2
	Phoenix-Mesa-Scottsdale, AZ	Council-Manager	Hybrid	9	85.8
	Los Angeles-Long Beach-Santa Ana, CA	Mayor-Council	District	15	84.9
	Cincinnati-Middletown, OH-KY-IN	Mayor-Council	At-large	9	84.7
	Jacksonville, FL	Mayor-Council (consolidated)	Hybrid	19	83.9
	Akron, OH	Mayor-Council	Hybrid	13	83.9
80-84.9	Canton-Massillon, OH				83.8
	Dayton, OH	Commission-Manager	At-large	5	83.6
	El Paso, TX	Council-Manager	Hybrid	9	83.5
	Chicago-Naperville-Joliet, IL-IN-WI	Mayor-Alderman	District	30	83.1
	New York-North New Jersey-Long Island, NY-NJ-PA	Mayor-Council (consolidated)	District	51	82.3
	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	Mayor-Council (consolidated)	Hybrid	17	82.3
	Cleveland-Elyria-Mentor, OH	Mayor-Council	District	17	82.1
	Memphis, TN-MS-AR	Mayor-Council	District	13	79.7
	Youngstown-Warren-Boardman, OH-PA	Mayor-Council	Hybrid	8	78.7
	Detroit-Warren-Livonia, MI	Mayor-Council	Hybrid	9	78.5
79.9 and below	Toledo, OH	Mayor-Council	Hybrid	12	78.4

Full results available at:
<http://www.gallup.com/poll/168485/city-satisfaction-highest-fort-collins-loveland-colo.aspx>



MUNICIPAL ELECTIONS

ANALYSIS OF COMPARISON CITIES

RESEARCH REQUEST

- Staff asked to research the following:
 - What is impact of council governance on election outcomes?
 - In particular, what council governance features, if any, may lead to more competitive elections?

KEY TERMS

- **Plurality voting** – A candidate does not need to receive a majority (50%+1) to win; he/she need only receive the most votes among the other candidates.
- **Majority voting** – A candidate must get 50%+1 to win; usually accompanied by a runoff if no candidate exceeds 50%+1
- **By-Place Election** – An election where candidates file for a specific seat and voters may only choose 1 candidate for that race. May be by plurality or runoff
- **Field Election** – An election where candidates file for a specific office and voters may choose up to the number of seats to be filled (e.g., if 3 seats are vacant, a voter may choose up to 3 candidates); only by plurality.

KEY TERMS

- **Mayor-Council** – Cities with elected mayor and council; may be weak or strong mayor
- **Council-Manager** – Cities with an elected council and an appointed city manager
- **Consolidated Mayor-Council** – City/County consolidated council (aka, unigov)
- **Partisan Elections** – Elections that identify a candidate on the ballot as a member of a political party
- **Nonpartisan Elections** – Elections that do not identify a candidate's political affiliation

KEY TERMS

- **Top/Lower Ranked Cities** – Ranked based on the Best Cities Index
- **Ward Elections (No At-Large)** – Cities with only wards.
- **Ward Elections (At-Large By-Place)** – Cities with ward and at-large elections, which are by place
- **Ward Elections (At-Large Field)** – Cities with ward and at-large elections which are by field

METHODOLOGY

- Benchmark Top 25 Cities in the US
- Collected original election data for the previous cycle(s) covering all CMs in that city
- Total of 405 council seats included in the analysis

TOP 25 CITIES

Austin	Los Angeles
Boston	Memphis
Charlotte	Nashville
Chicago	New York
Columbus	Philadelphia
Dallas	Phoenix
Denver	San Antonio
Detroit	San Diego
El Paso	San Francisco
Fort Worth	San Jose
Houston	Seattle
Indianapolis	Washington, DC
Jacksonville	

ELECTIONS OVERVIEWS

- 36% of cities have staggered terms; 64% elect all councilmembers in a single year election
- 80% of cities have election in odd-numbered years; 20% of cities – primarily in CA – have elections in even years

DATA SUMMARY

CATEGORY	NUMBER OF CITIES	2015 POP	TOTAL CM	RATIO, CM TO POP	BEST CITIES INDEX
Mayor-Council	9	684,451	13	109,006	30
Council-Manager	8	979,369	11	101,937	40
Consolidated Mayor-Council	6	860,602	22	68,090	43
Top Ranked Cities	13	850,106	11	96,625	10
Lower Ranked Cities	12	1,084,062	14	90,166	57
Partisan Elections	7	868,031	17	87,155	42
Nonpartisan Elections	18	864,816	11	96,471	34
Ward Elections (No At-Large)	6	2,057,737	20	125,766	40
Ward Elections (At-Large By-Place)	10	947,470	9	119,174	42
Ward Elections (At-Large Field)	7	677,116	9	60,534	19
At-Large, By Place Election	10	947,470	3	94,747	42
At-Large, Field Election	7	677,116	4	96,731	19
ALL	25	864,816	13	93,525	38
Columbus	-	850,106	7	121,444	30

MARGIN OF VICTORY

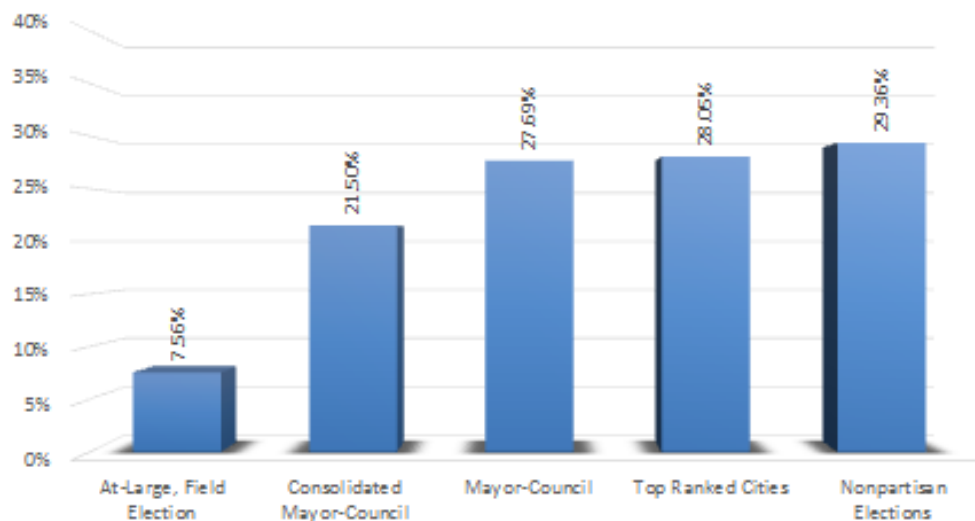
- Margin of victory is the difference between the winner and next-closest challenger
- A lower margin indicates more competitive elections
- Margins for plurality races are typically lower than 50%+1 elections

MARGIN OF VICTORY

CATEGORY	MARGIN OF VICTORY
Columbus	5.20%
At-Large, Field Election	7.56%
Consolidated Mayor-Council	21.50%
Mayor-Council	27.69%
Top Ranked Cities	28.05%
Nonpartisan Elections	29.36%
At-Large, By Place Election	32.05%
ALL	33.03%
Ward Elections (At-Large By-Place)	33.66%
Ward Elections (No At-Large)	35.07%
Lower Ranked Cities	38.02%
Council-Manager	38.36%
Partisan Elections	41.95%
Ward Elections (At-Large Field)	53.75%

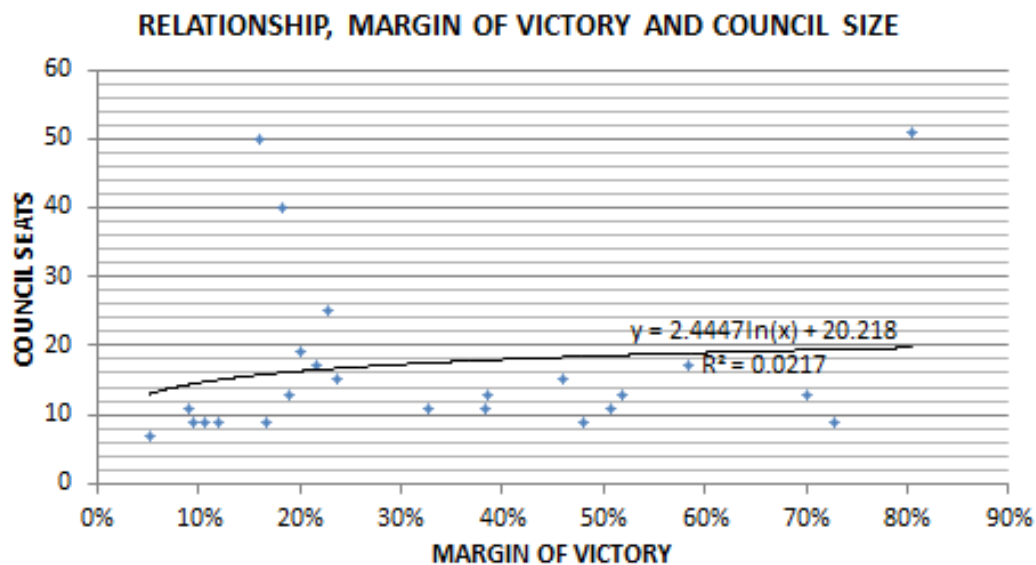
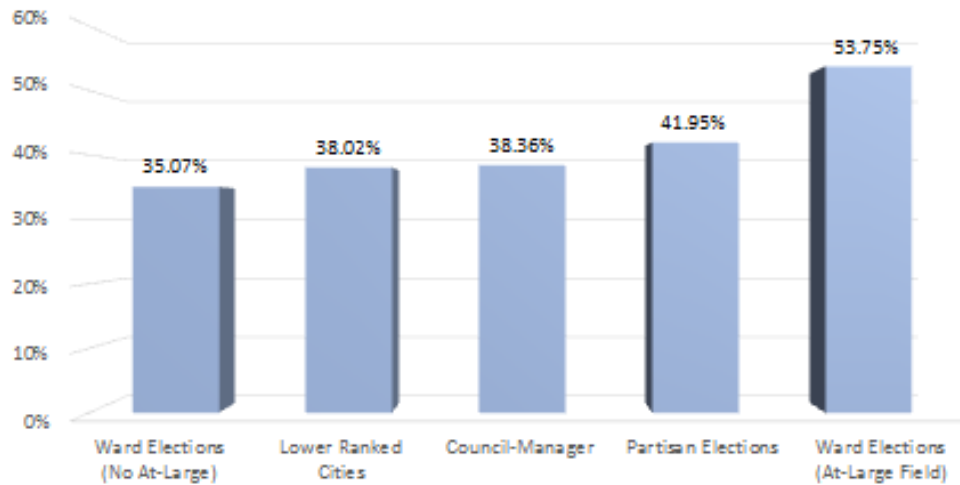
LOWEST MARGIN OF VICTORY

The lowest margin of victory is associated with:

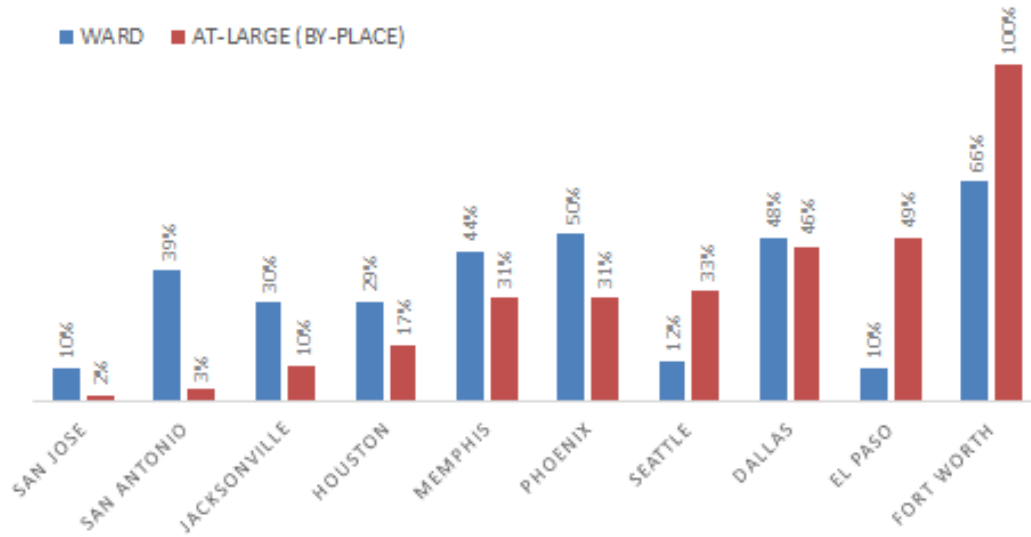


HIGHEST MARGIN OF VICTORY

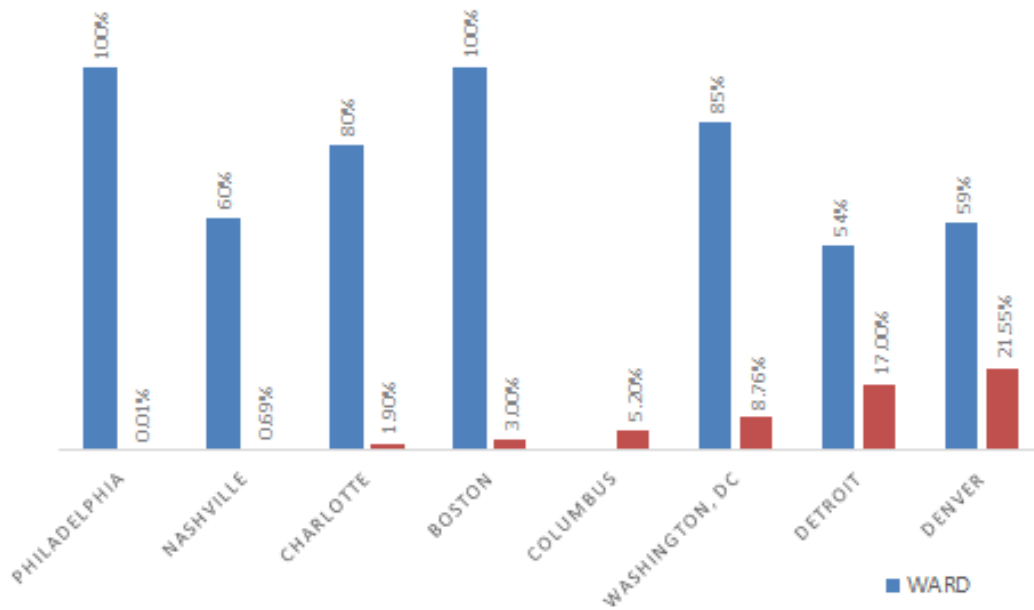
The highest margin of victory is associated with:



MARGIN OF VICTORY, HYBRID COUNCIL WARD AND BY-PLACE



MARGIN OF VICTORY, HYBRID COUNCIL WARD AND AT-LARGE



CONTESTED RACES

- Refers to races where more than one candidate appears on the ballot for the general election
- In a runoff-election system, only one candidate appears on the ballot in the general and there is no runoff
- In a primary-election system, only one candidate appears on the ballot in the general election

CONTESTED RACES

CATEGORY	CONTESTED
At-Large, Field Election	100.00%
Columbus	100.00%
Mayor-Council	92.58%
At-Large, By Place Election	90.00%
Ward Elections (No At-Large)	88.72%
Top Ranked Cities	85.33%
Nonpartisan Elections	84.15%
ALL	83.48%
Partisan Elections	81.88%
Lower Ranked Cities	81.64%
Consolidated Mayor-Council	80.86%
Ward Elections (At-Large By-Place)	67.40%
Council-Manager	66.67%
Ward Elections (At-Large Field)	64.19%

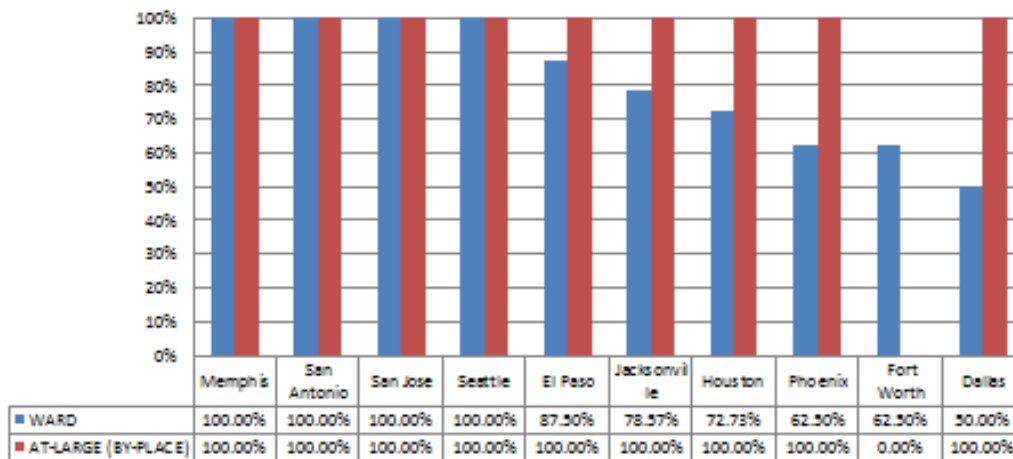
MOST CONTESTED RACES

- The most contested races are associated with the following:
 - At-Large Field Elections
 - Mayor-Council governance (municipal only)
 - At-Large By-Place Election

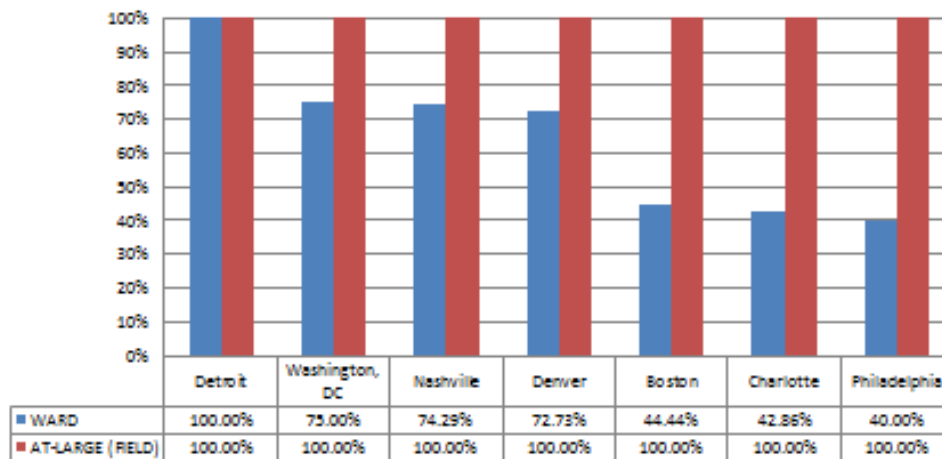
LEAST CONTESTED RACES

- The least contested races are associated with the following:
 - Ward elections in cities with Hybrid Ward/At-Large Field councils
 - Council-Manager cities
 - Ward elections in cities with Hybrid Ward/At-Large By-Place councils

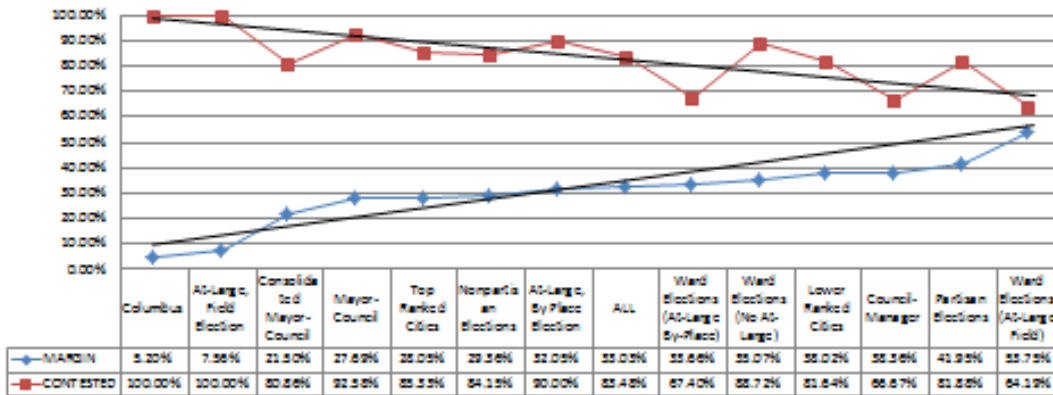
CONTESTED ELECTIONS, HYBRID COUNCIL WARD AND BY-PLACE



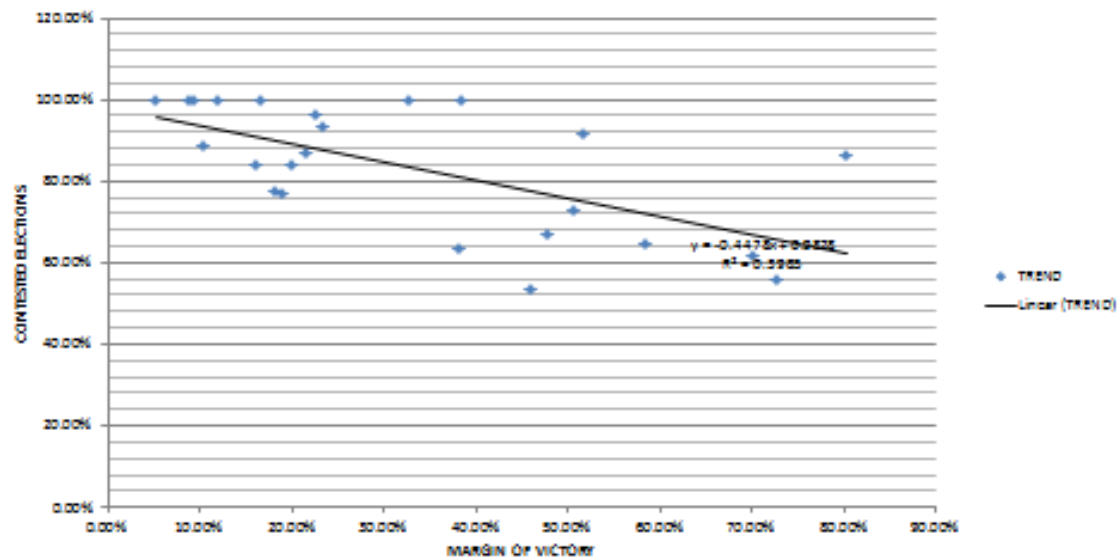
MARGIN OF VICTORY, HYBRID COUNCIL WARD AND AT-LARGE



TREND, MARGIN OF VICTORY AND CONTESTED ELECTIONS



RELATIONSHIP, CONTESTED ELECTIONS AND MARGIN OF VICTORY



MOST COMPETITIVE

- At-Large, Field Election
- Mayor-Council
- Top Ranked Cities
- At-Large, By Place Election
- Nonpartisan Elections

LEAST COMPETITIVE

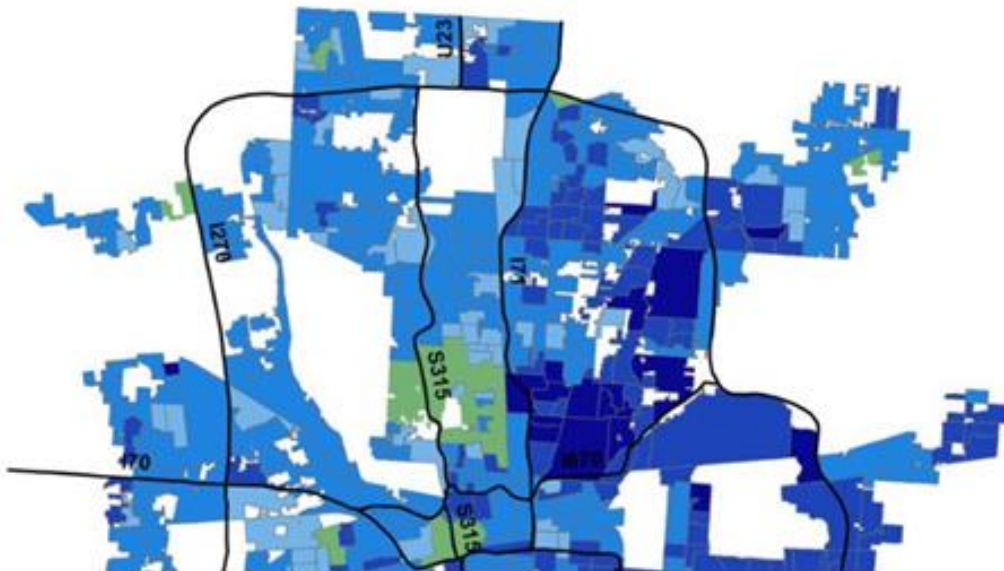
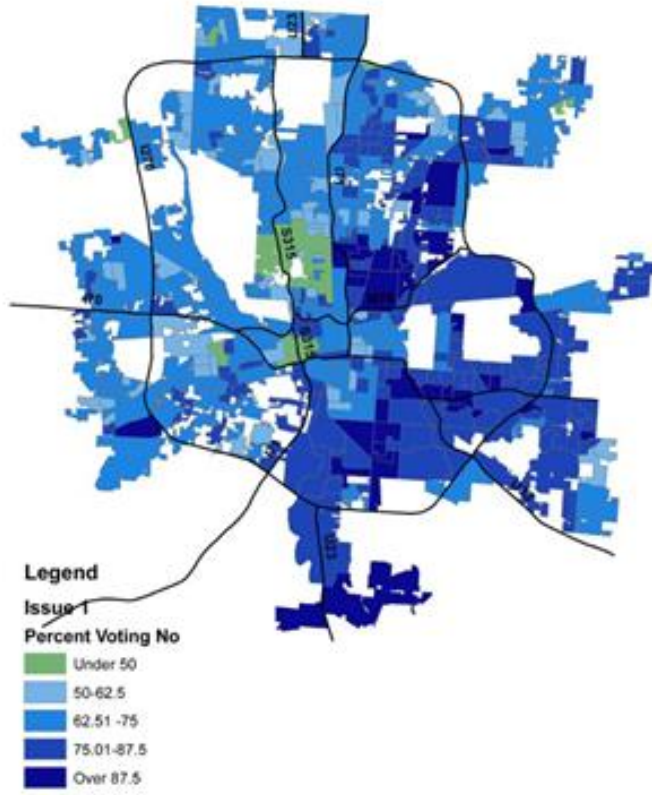
- Lower Ranked Cities
- Ward Elections (At-Large By-Place)
- Partisan Elections
- Council-Manager
- Ward Elections (At-Large Field)

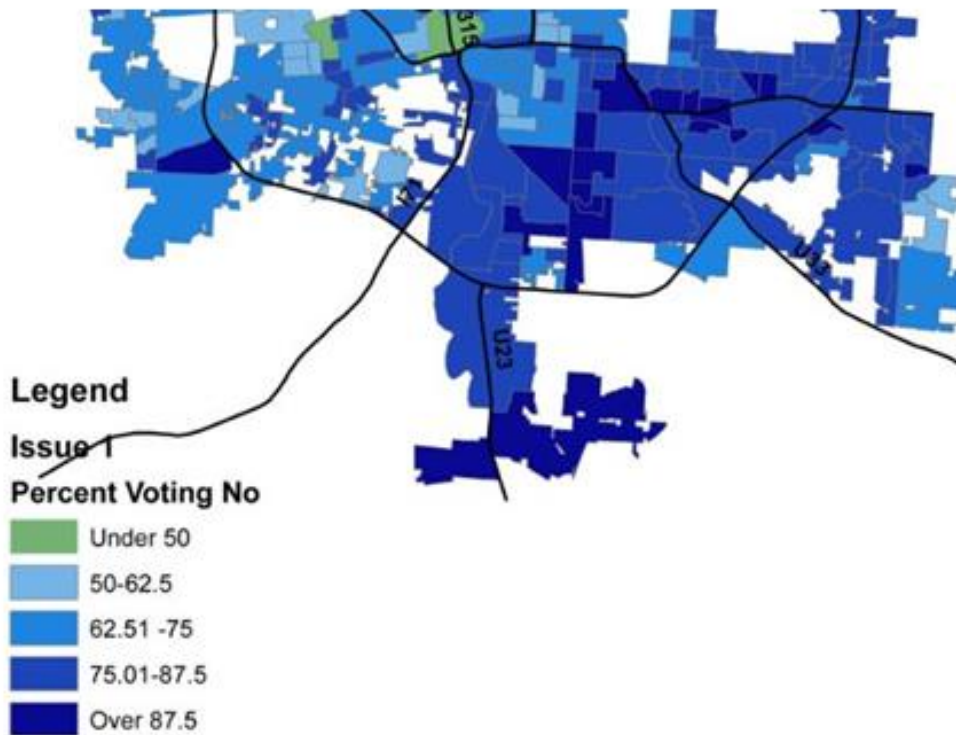
FINAL THOUGHTS



ISSUE 1

ANALYSIS OF ISSUE 1 IN COLUMBUS





ISSUE 1 BREAKDOWN

- Cost: \$1,300,000 for a special election
- Voter Turnout: 9.37%
- Outcome: Issue 1 failed 71.4% to 28.6%
 - The largest defeat in Columbus' history
 - Next closest was 1984 amendment to civil service (defeated 68.2%-31.8%)
 - Previous ward issues failed 60%-40%

ISSUE 1 BREAKDOWN

- Precinct Breakdown (505):
 - 95% of Columbus Precincts voted against Issue 1
 - 481 Precincts voted **against** Issue 1
 - 24 Precincts voted **for** Issue 1



**Columbus Charter Review Committee
Committee Meeting Agenda
Thursday, November 10, 2016
6:00 p.m.
Barack Recreation Center, 580 Woodrow Ave.**

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Committee discussion on previous public comments and presentations
 - e. Size of city councils nationwide and in Ohio;
 - f. Electoral summaries
5. Presentation and discussion
 - a. Methodology for filling vacancies in city councils nationwide and in Ohio - Adam Friedman, Senior Policy Advisor to Mayor Andrew J. Ginther
6. Public comments
7. Closing remarks
8. Adjournment

Charter Review Committee Minutes

November 10, 2016 6:00 p.m.
Barack Recreation Center
580 Woodrow Avenue, Columbus, Ohio
(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair
Jennette B. Bradley
Frederick E. Mills
John C. Rosenberger
Robert Vitale
Rev. Tyrone A. Lawes
Keary McCarthy

(Lourdes Barroso de Padilla, Frieda L. Gilyard absent)

Welcome and Opening Remarks

Committee Chair Stefanie Coe opened the meeting at 6:10 p.m.

Approval of the Minutes

Chair Coe asked for a motion to approve the Minutes, as submitted. Bradley moved, McCarthy seconded. All in favor, no one opposed. Motion carried and Minutes were approved.

Summary of Public Comments received to date

Stephanie Megas reported on public comments received electronically via the website.

Committee Discussion on previous public comments and presentations

Chair Coe reiterated that the focus of the committee is related to the vacancy and appointment process, structure and size of Council. Upon conclusion of the public meetings, the committee will make a formal assessment for charter amendments or items to study further.

Future meetings:

Chair Coe stated that the committee has two more scheduled meetings at this point in time. One on Nov. 17, the topic of which will be districts, and then the final meeting on the schedule currently is December 15th. That meeting will be a follow-up to all the topics the committee has discussed and there will be working meetings scheduled after

that. All meetings are open to the public and all discussions will continue to take place in an open setting.

Presentation and Discussion

Chair Coe called upon Edward Johnson, Council's Director of Legislative Affairs. Mr. Johnson referred to a spreadsheet that had been provided to committee members containing the most current comprehensive list of 298 civic associations in the City of Columbus that support and work with area commissions. Additionally, Mr. Johnson referred to a spreadsheet prepared per the committee's request (following comments by a speaker at the previous meeting) containing research that in 96 actions taken by Council in zoning matters during the previous year there were only two instances where Council voted for an ordinance that had disapproval from the area commission.

McCarthy asked about the difference between civic associations and area commissions. Johnson replied that civic associations vary and don't always represent just a geographic territory, but can also be a homeowners/condo association or an interested group of residents or citizens coming together for the betterment of the community. Area commissions, however, were established and authorized by City Code to serve in an advisory capacity to City Council. Currently that happens by keeping Council abreast of neighborhood activities and looking at zoning matters that fall into the geographic territories. If the project fits with community wishes, they grant approval and if it does not fit, they state they are in disapproval.

Bradley asked when boundaries are drawn for area commissions if civic associations are automatically included within that boundary or do they have to formally petition to say they want to be a part of the commission. Johnson replied that when an area commission is formed, it's usually through a petition process where they're polling residents about being included. There could be a civic association that decides as a group, but primarily it's formed based on a certain number residents that are in agreement. Chair Coe stated that for the area commission that she works with, civic associations are not automatically included however there are some area commissions where civic associations have a member elected to a seat on the commission. Each has different bylaws, etc. Bradley added that there are some large civic associations that are somewhat independent and Johnson added that there are large parts of the city that are not covered by an area commission but very well served by a civic association.

Chair Coe called upon Bryan Clark, Chief Policy Advisor for Mayor Andrew J. Ginther. Clark stated that is presentation is based on dialogue from the last meeting and involves some of the data we already have coming out of the 2016 election that may shed additional light on voter satisfaction here locally. (Presentation on file in the records of the Charter Review Committee)

Vitale questioned whether any members of Council lived in the areas on the map that voted no on any of the bond issues. Clark responded that Council Member Hardin lived in the near south side and Council member Stinziano represented one of those areas

prior to joining council. Vitale replied that he thought there may be a correlation with people's satisfaction if they don't live by anyone that is in City Hall. Clark responded that looking at elections over time, the general sense is that these areas are more conservative areas and are more likely to vote no on tax issues and that there may be more of a correlation between political ideology versus any relationship to that individual and a given council member.

McCarthy stated that his notes reflect that district elections had a higher degree of competitiveness and questioned if that was accurate. Clark responded and gave some detail based upon research results and concluded by responding that at large elections are more competitive than the ward elections in the same city and stated that this is common in cities across the country.

McCarthy followed up with a question relating to voter turn-out and competitive elections and Clark stated that staff did not present data on turn-out, because it is subject to the "eye of the beholder" as to what constitutes low or moderate turn-out, and it is not uncommon to see single digit turn-out in district and in at-large elections. Discussion continued regarding voter turnout in recent elections locally.

Mills asked what was being used as the definition of competitiveness. Clark responded two things - margin of victory (average gap between winner and the loser) and contestedness. What staff found was that there is a correlation between the best cities index and having more competitive, contested elections and a smaller margin of victory. In field races you see a greater likelihood of a non-incumbent winning in a field race than you do in that same city in a head-to-head race in the district.

Mills asked based on that definition and research with regard to competitiveness, had staff ranked elections for City Council here as to whether or not they're competitive. Clark replied that they took a snapshot of elections but did not do a longitudinal analysis. Elections here are relatively competitive because there are cities where the winner is decided by 80 plus percent in the district elections and that is not uncommon. McCarthy asked about the last council race and what the margin of victory was for the winner in the field race versus the first person that wasn't successful, and also the same figure for the head-to-head race. Clark stated the average of the last two cycles was roughly 12% in the field race and 40% for the head-to-head race and referred to results back in 2007 where there was a similar outcome where the margin of victory in the head-to-head race was much larger than the margin of victory in the field race.

Rosenberger commented that it comes back to accountability and referred to a previous presentation about what percentage of single member district races went uncontested. Clark stated that an extreme example was that in Philadelphia, a highly democratic city in a presidential election it's not uncommon for 80% of the electorate to vote democratic and 60% of their districts were not contested. Staff felt it was very important to talk about contestedness and margin of victories. The notion would be that the more competitive your elections, the broader the marketplace of ideas and the greater the likelihood that important issues can actually be discussed. He also discussed Mr.

Rosenberger's question about why someone would run for office and stated that generally, there are four reasons that a person would choose to run for office, and the first is a personal reason, it's the right time in your life, right place. The next is psychological, could be ego, could be a vendetta or anger, but it's not because you're happy with how things are going. There is opportunity, or maybe an individual who sees an opportunity as a stepping stone, it's not really about that particular office, but more about getting their foot in the door or taking the next step in the ladder. Last reason and unfortunately the rarest, is a person who's a true believer, feels a deep commitment to a set of ideals and feels compelled to run to see that put into action.

Vitale stated that it doesn't matter if the race is competitive or not, someone's first hurdle to getting into office is to be appointed to City Council. He stated that five of our seven city council members were appointed. The two elected last year are the first two who were elected by the people in 18 years. Every council vacancy, every Member who left City Council between that time resigned and a successor was appointed by Council. He stated that someone might be inspired to run for office but if he/she can't get the six members who are left to appoint them they can't get into office. He is looking forward to the information and about the appointment process because the issue of non-competitiveness is raised.

Mills followed up with a question on the Philadelphia research and in the 80% of races that were non-contested, whether they had primaries. Clark discussed that most cities with districts use a runoff election and explained how that works.

Bradley stated that being a former elected member of Council, she knows the perception can be that only the people who have been appointed eventually go on to win and part of that is the power of incumbency, but there are instances when an individual decides to challenge an incumbent. Although there have been a number of appointments who have gone on, that's not to say that people cannot challenge that incumbent to be a Member of Council. McCarthy asked if it is the power of incumbency that gives the advantage or the slate card. Having worked in the state legislature, he stated that he could see how you would argue that incumbency may give some level of advantage but he felt it seems like running as a ticket allows for success.

Vitale commented that when he covers these stories, he doesn't write that someone was up for reelection. The City Charter calls for nonpartisan elections but the only thing nonpartisan is the ballot doesn't say what party they belong to. He stated however, that he didn't think there would be a way to make our elections nonpartisan without limiting someone's speech. Everything goes back to the fact that people can't run for office unless they're supported by a party. He stated that he had friends who have gone to the Democratic Party to ask about running for office and they were told they should volunteer for campaigns and then they will get their turn.

Chair Coe stated that she thought the points had merit but wasn't sure how this process will address some of those philosophical issues. Rosenberger commented that the conversation is relevant about the incumbency and how it gets bestowed. Bradley

stated that the power of incumbency, depending on the candidate can be good or bad and one shouldn't automatically assume that the power of incumbency is going to be a shoe-in. It is basically a two-party system and some may think their chances are pretty slim, but the reality is that there is the opportunity.

Staff pulled up the data and gave some statistics on recent Council races and percentages of votes and research on the impact on margins of victory in partisan and nonpartisan elections.

Committee took a five-minute break.

Chair Coe called the meeting back to order and called upon Adam Friedman, Senior Policy Advisor in the office of Mayor Ginther for his presentation: (presentation on file in the records of the Charter Review Committee)

Chair Coe questioned the difference between a true appointment to Council and a hybrid, versus a special election. Friedman responded that in Columbus, we don't have to call for a special election. We have a straightforward process where someone is appointed and then they run for election at the next regular election and there is no requirement to do so in a special election.

Chair Coe referred to recent process in which Council Member Hardin had to run for election after being appointed that same year. Bradley stated that may be the area of confusion, and that the Columbus system is a hybrid of sorts because there is a process and a timeline for when that person would have to run for election during the next municipal election, but it is not a special election as we did for Issue One. Friedman commented that he categorized it more as an employment process where we don't have a standalone special election for a particular Council Member; they stand for election at the next regular election. Conversation continued about running for election in a municipal vs. special election.

Chair Coe asked about other cities and the frustration and anxiety that comes from the appointment process and how they handle some of those issues. Retchin replied that if you look at some of the comparable cities like Charlotte and San Francisco, they both have an appointment process. Seattle matches Columbus closely, it ranks 18th in terms of population and in the top 30 on the best cities index, and also has a mayor-council form of government and it has an appointment process as well.

Friedman continued with the second part of his presentation, an analysis of the largest charter cities in Ohio. (presentation on file in the records of the Charter Review Committee)

Rosenberger asked about the option of having a person who just missed getting elected being appointed in the event of a vacancy. Discussion followed regarding the research on other comparable cities, and about choosing a successor in the event of a vacancy.

Vitale stated that each city has different traditions and ours seems to be that people resign before their term is up. Chair Coe asked if there was any data about what other cities experiences are with the appointment process and if they too, have frequent vacancies and if so, do they have controversy surrounding their appointment process. Vitale stated that he has been critical of this appointment process and recalled that a lot of council members had resigned for good reasons.

Mills asked about the 1.3 million cost of the recent election and who bears that cost? Clark replied that in the 2009 august special election for the income tax increase, there were also southwestern city school issues on the ballot so we shared the cost of those precincts. Cost is determined by how many other items appear on the special election ballot. Clark also commented in response to Chair Coe's previous question that it is important to note that not every city has four-year terms and followed with comments on the hybrid system and appointment processes and concluded by stating that over 2/3 of the cities in the nation allow an appointment prior to either a full time, a special election or in the City of Columbus, the next regular municipal election.

Bradley asked if, under the hybrid system, the appointee was prohibited from running for that particular seat. Friedman indicated that they did not come across any provision that used, what could be considered a caretaker role (a person who is appointed that position but agrees not to run or is prohibited from running).

Rosenberger stated the discussion on the appointment process is intriguing and hopes we will continue to look into it. He commented on a situation where the runner up gets it, for example, if voters thought that individual was the next best person, maybe that has some appeal and also suggested the question "do we really need to appoint anybody"? He added that staff had shared that there are a few places in the charter that require a super vote of Council to get something done so if we don't have a full complement of Council, that would put the city in jeopardy.

Chair Coe stated that she tries to figure out what the real problem is and will the changes we're thinking about actually change how we feel when those processes take place. The reality is, people will resign, there are a lot of good reasons and you're not going to stop that. Someone will fill that seat whether appointed or the group that's running designates them to be part of the group. Either way, do we get to a different feeling than we have right now?

Vitale stated if an appointee is filling more than half the term left of the council member who resigned, there's an election at the next municipal election and stated that he doesn't care how much a special election costs, because that's democracy, and we elect people. He referenced primaries and how they cost money, but don't elect anybody. We have an election every year in Ohio, municipal, gubernatorial, congressional, a presidential election every four years and there's always a primary and fall election in Ohio. We could have an appointee run for the seat or have the seat

elected at the next scheduled election, whether it's a primary or a general and save that cost of a special election.

Clark clarified that if a person steps down from council in the first two years of their term, there would be a mid-term election. If they stepped down during the second two years, it would be the next regular election for that office. One important note to make though about the number of elections we have here in Ohio, most of these are nonpartisan elections and followed by explaining about the inability of a nonpartisan candidate to appear on the ballot with a partisan candidate. Discussion continued on the subject

Retchin added that when this committee was formed, they were given the option of not necessarily making only changes to the City Charter, but there may be recommendations for modifications through ordinance or policy. One thing to keep in mind in the case of the caretaker or substitute member until an election is that there is already de facto policy in place because we have had someone appointed and serve for a limited period of time until someone else ran. This is basically more of a policy as opposed to putting it in the charter which goes to the electorate and becomes imbedded as part of the Charter.

Bradley asked what the current process is now for selecting the candidate to be appointed. Johnson replied with an overview of the process. Vitale questioned the current process vs. what it was in 2007. Johnson clarified that prior to 2010 Council did not have the authority to utilize executive session.

Rosenberger requested that staff work on the notion of care taker and present a more sound presentation about advantages and disadvantages and also the notion of leaving the seat vacant until the next municipal election.

McCarthy added perspective from the state legislature and discussed appointment process, caucuses in private and public votes that follow, a degree of transparency at every level of the process and lastly, the importance of making sure there is outreach along the way related to what local officials and key stake holders in the district thought about a particular candidate, etc.

Chair Coe followed up on Ms. Retchin's comment that the committee doesn't necessarily have to suggest only charter amendments, but can think about other creative recommendations that can help with this process, like transparency that may help the community feel more engaged, maybe giving the community an opportunity to ask questions, or a public interview process.

Vitale commented that people elect who they want to elect and we can't make elections competitive with a charter change. Coe stated that the response comes down to the person and that we can add people and can change processes, but it really does come down to that elected person and how they're responding, how their staff responds. She questioned what the value is that we are going to get from the change we may or may

not propose and that it ends up being the person we actually elect that will influence whether they're responsive to the community.

Discussion followed regarding insiders selecting other insiders, running as a group and leveling the table and whether that would change the community feeling and encourage them if they show up to vote, it may make a difference. Bradley commented that there is a selection process and people aren't going to be happy if they're not selected, and that the actual application process has become more formalized over the years

Mills stated that there is only so much we can do to make people feel included because it is an open process. The committee still has to look at the fact that this city has to do its business and that is the bottom line as to why we are making appointments, and we do have a process that the person appointed does have to stand for election to the public. Clark added that Council Member Mitchell Brown served under Republican Governors, is well respected in both parties, is not viewed as a partisan and was unanimously appointed to Council. His party was not taken into consideration, but instead, it was his ability to serve.

Public comments

Chair Coe indicated there were comments submitted by Judy Box who had to leave, but is providing written copies of her comments. (Comments on file in the records of the Charter Review Committee.

Chair Coe called upon the second speaker, Jonathan Beard. (comments are summarized)

Mr. Beard gave his address as 1815 Franklin Park South and commented that we have a system that's broken. We have a small City Council that is all at large, which is discrimination. The question is whether it's unlawfully discriminatory, which is being looked at in the wake of Issue One's defeat. Lieutenant Governor Bradley is only black elected official since 1969 that was elected to Council without being appointed. We have four black City Council members right now, three of whom were city employees in their last job, which is an issue. When looking for the best and most qualified, it's not necessarily going to be a city employee. John Rosenberger's points were on target. Columbus is becoming more and more democratic, the county is democratic, and you have a party that does not like competition and punishes office holders who choose to compete against incumbents. With the levels of hurdles you have to overcome, we are going to get to a point where smart people don't want to run for City Council; people aren't going to want to risk future political career going against an incumbent. Politics is like everything, it's corrupt. We have partisans that make the rules to benefit themselves, and that's not what citizens want. Citizens deserve fair and competitive elections and this committee has an opportunity to understand all the data and information presented and then do something that makes sense. He continued by asking if that is the way we want to choose our council member, that they have to have a family connection to raise the money and get the type of publicity that makes them

competitive in city-wide elections. He gave some statistics on votes in recent field elections for Council and stated they were not competitive and encouraged members to figure out what make sense for Columbus.

Chair Coe called upon a speaker from the audience, Deborah Diggs. (comments are summarized)

Ms. Diggs thanked the committee and residents for their time. She stated that the problem is a popularity contest where you put your application/resume in and spend \$80,000 to get a \$40,000 job and stated that if you were truly running for the office to be a representative of the people, you don't spend that kind of money. She stated that these are politics, politicians that talk and have smiled in her face and then do what they want because the people that write the checks are who they're working for and not her. She indicated she could put her name on the ballot and get elected as she has been on the battlefield a long time fighting for her community, but it's like the draft. You play good and get out on the playing field, they see your talent and skills and go to the draft, and the commission calls your name, you go up and get your hat and jersey and play book and you play like the book says or sit on the bench. They make good money for a part-time job. They need to get out and talk to the community and represent us. We have to stop the "get in line, wait your turn", that's not fair to citizens and that's why she stopped canvassing and phone calls, because it is not fair. She indicated she ran for ward person in her area and we need to all work together. She commented that if you are a democrat and support the party, following the primary the person with the most votes should be the person that's endorsed and stated that if you run for an office and the office said you're committed to four years, you should stay in your chair and serve those people that elected you.

Vitale commented that Deborah has worked with the south side area commission for a long time and has been so responsible to people in this neighborhood and thanked her for her efforts.

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

Rosenberger moved, McCarthy seconded.

Meeting adjourned at 8:30 p.m.

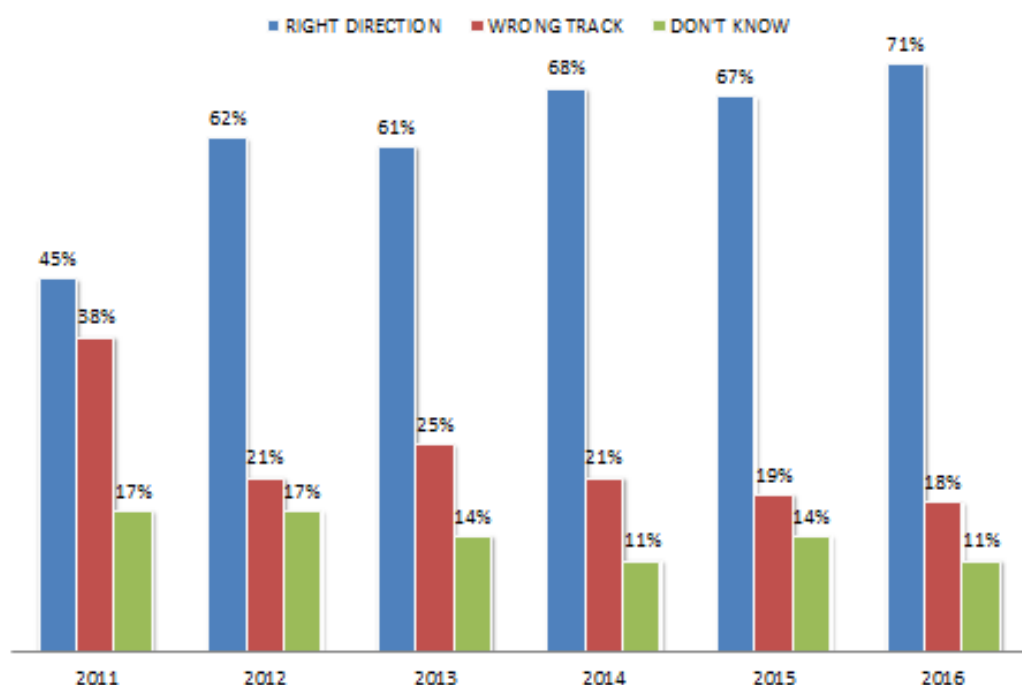
Next meeting is next week, November 17th.

THE CITY OF
COLUMBUS
CHARTER REVIEW
COMMITTEE

ELECTIONS

VOTER SATISFACTION AND THE 2016 GENERAL ELECTION BOND ISSUES

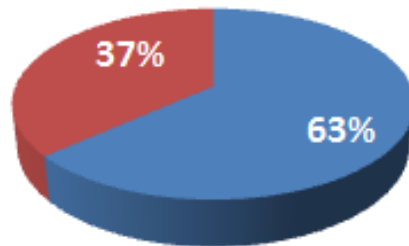
POLL ATTITUDES OF COLUMBUS VOTERS, 2011-2016



2016 GENERAL ELECTION

	TOTAL	VOTER TURNOUT
REGISTERED VOTERS	550,057	-
VOTES CAST	348,978	63%

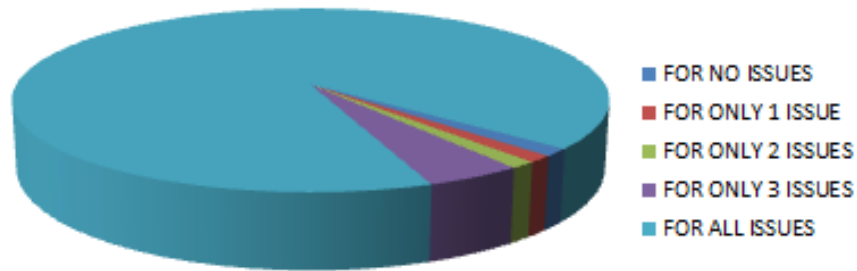
■ VOTED ■ DID NOT VOTE



COLUMBUS BOND ISSUES

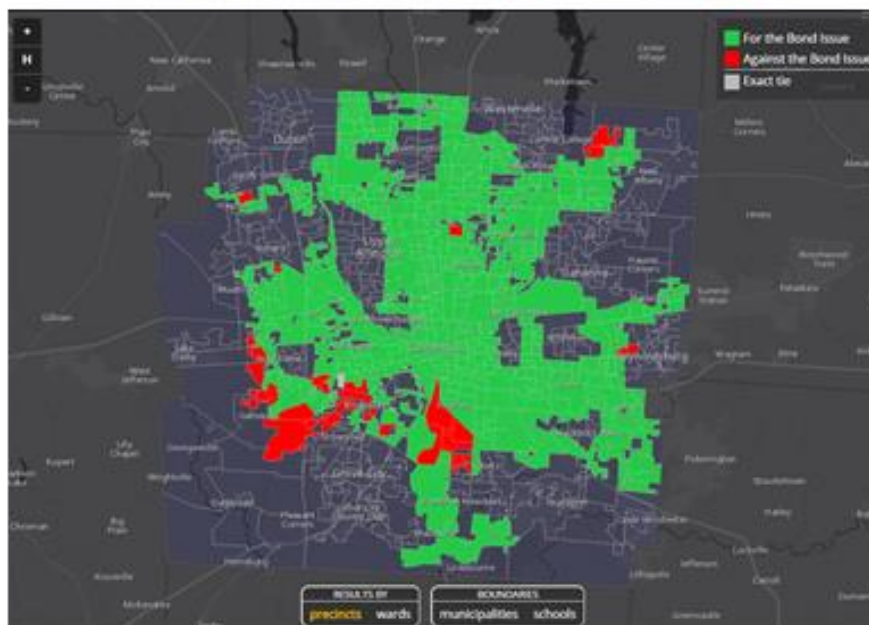
LOCAL	#1 Columbus Bond Issue - Safety				#3 Columbus Bond - Streets			
	For the Bond Issue	192,271	64%		For the Bond Issue	206,935	68%	
	Against the Bond Issue	110,275	36%		Against the Bond Issue	95,833	32%	
	#2 Columbus Bond - Rec and Parks				#4 Columbus Bond - Public Utilities			
	For the Bond Issue	214,958	70%		For the Bond Issue	199,560	66%	
	Against the Bond Issue	91,048	30%		Against the Bond Issue	102,011	34%	

HOW PRECINCTS VOTED

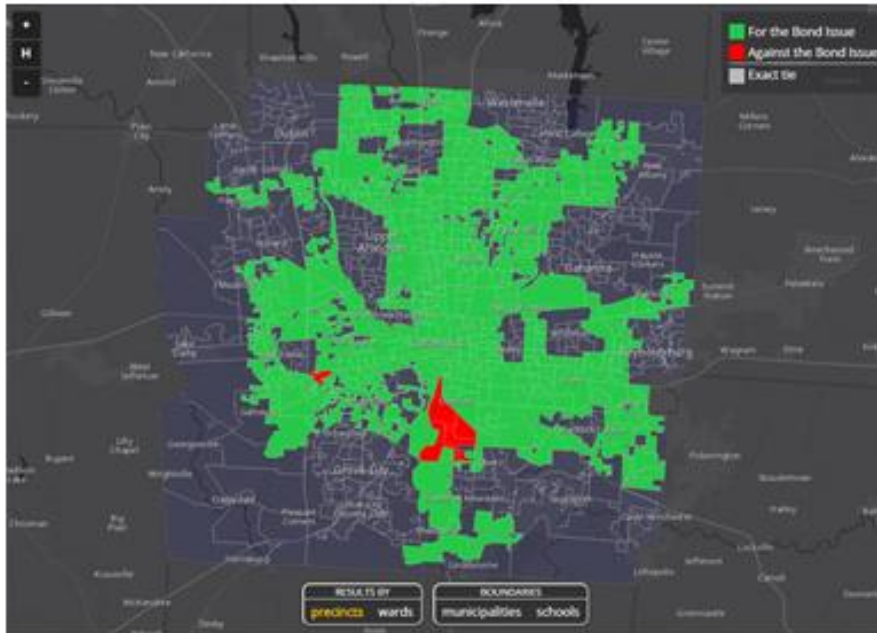


PRECINCTS VOTING FOR NO ISSUES	10	1.34%
PRECINCTS VOTING FOR ONLY 1 ISSUE	9	1.20%
PRECINCTS VOTING FOR ONLY 2 ISSUES	9	1.20%
PRECINCTS VOTING FOR ONLY 3 ISSUES	34	4.55%
PRECINCTS VOTING FOR ALL ISSUES	685	91.70%

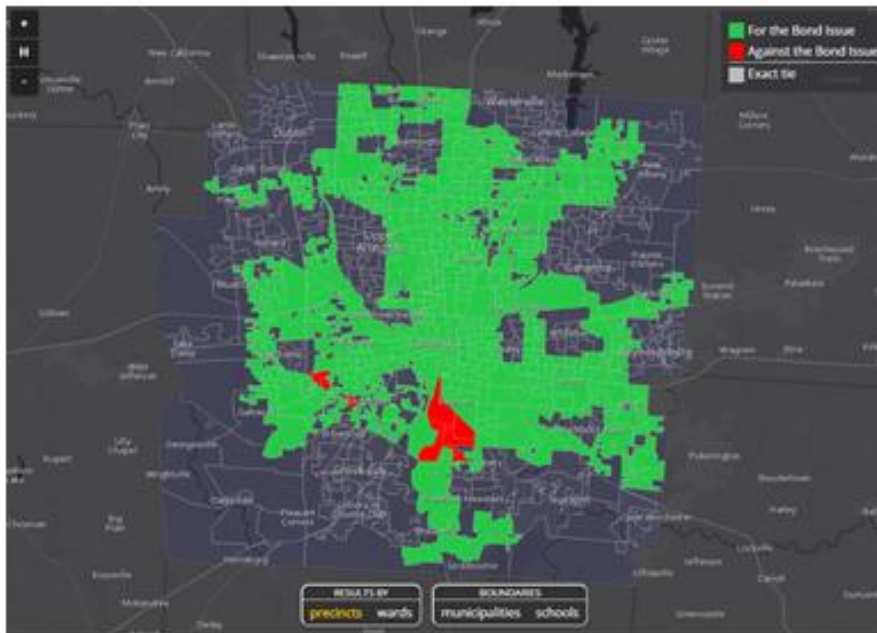
COLUMBUS BOND ISSUE 1



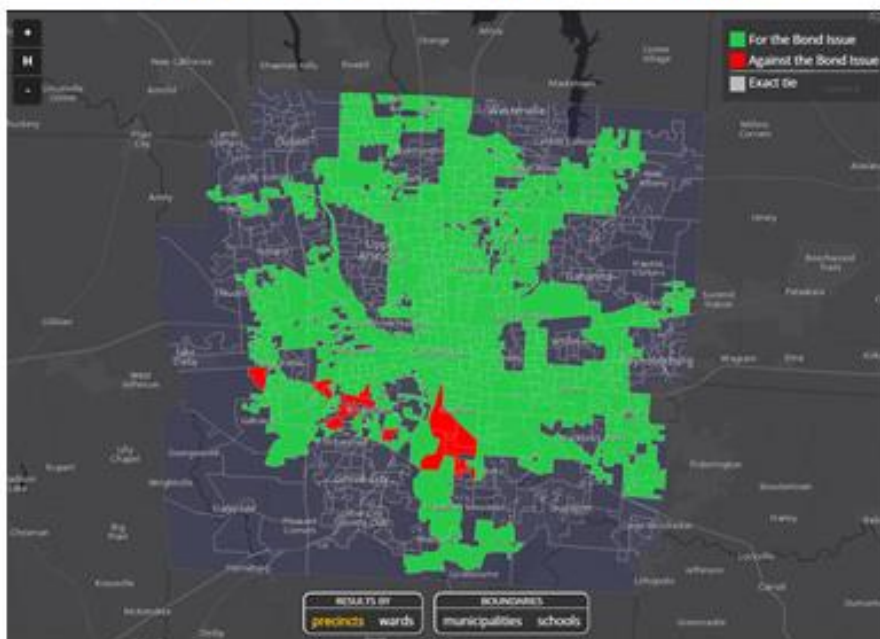
COLUMBUS BOND ISSUE 2



COLUMBUS BOND ISSUE 3



COLUMBUS BOND ISSUE 4



I. OVERVIEW

This presentation shall focus on the alternative methods used by various cities around the United States to determine how to fill a vacant office seat within their respective legislative bodies. The goal is to present an accurate and comprehensive breakdown of each city's methodology by analyzing data set compilations of the top 25 most populous US cities as well as Best Large Cities to Live Index published in July of 2016 by WalletHub. The latter compilation compared 62 cities in the U.S. with a population of more than 300,000 each across four key dimensions: 1) Livability, 2) Education, 3) Health, and 4) Local Economy & Taxes.¹ This is the exact same data set used by Edward Johnson and presented to the Charter Review Committee on the topic of council size.

This presentation's focus is a macro perspective offering categorical similarities within each city's method for filling a vacancy. In parsing the data, this presentation will offer insight into the process of filling a vacancy by looking at 1) the top 25 most populous US cities; 2) national trends by region; 3) a comparison of codified placements in charters, city/state codes, and state constitutions; 4) a comparison of a Best Large Cities to Live Index ranking; and 5) a conclusion.

II. THE METHODOLOGY OF FILLING A VACANCY

Generally, there are three methods all cities in the data sets use to decide how to fill a vacancy: 1) an appointment process; 2) a special election; or 3) a hybrid approach. The hybrid approach incorporates both methods, with either process being triggered by several contingencies: 1) the date of a vacancy in relation to that particular city's next regular municipal election; 2) by whether the vacant seat is categorized as a district/ward or at-large seat; or 3) by preference for one method being used prior to implementation of the other.

III. DEFINITIONS

To understand these processes more clearly, the terms used in legislation must be first defined.

a. In General

¹ <https://wallethub.com/edu/best-worst-large-cities-to-live-in/14358/#methodology>

- i. “Appointment” - While no city defines the term “appointment,” Meriam-Webster’s Dictionary defines the term as “the designation by virtue of a vested power of a person to enjoy an estate.”²
- ii. “Vacant” - Under the same source, the term is “*of a job or position*; not occupied by a person; available to be taken by someone”³

b. Elections

- i. With regards to the particular type of election called a “special election” it helps to put the term in context of other forms of elections. Under the Ohio Revised Code, there are several types of elections: General, Regular Municipal, Regular State, Primary, Presidential Primary, and finally a Special Election. Each type is specifically defined by the date on which the election shall be held, unless the Revised Code defers authority to a municipal charter.
 - 1. “General Election” is held on the first Tuesday after the first Monday in November⁴
 - 2. “Regular Municipal Election” is held on the first Tuesday after the first Monday in November in every odd-numbered year⁵
 - 3. “Regular State Election” is held on the first Tuesday after the first Monday in November in every even numbered year.⁶
 - 4. “Special Election” is “any election other than those elections defined in other divisions and may be held only on the first Tuesday after the first Monday in May, August, or November, or on the day authorized by a municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in May, except as authorized by a municipal or county charter, but may be held on the first Tuesday after the first Monday in March.”⁷

² <http://www.merriam-webster.com/dictionary/appointment>

³ <http://www.merriam-webster.com/dictionary/vacant>

⁴ Ohio Rev. Code Ann. § 3501.01(A)

⁵ Ohio Rev. Code Ann. § 3501.01(B)

⁶ Ohio Rev. Code Ann. § 3501.01(C)

⁷ Ohio Rev. Code Ann. § 3501.01(D)

IV. TOP 25 MOST POPULOUS CITIES

This analysis surveyed each of the top 25 most populous city's charter, city/state code, and/or state constitution. These cities, when ranked in order of highest population to lowest, included New York City, Los Angeles, Chicago, Houston, Philadelphia, Phoenix, San Antonio, San Diego, Dallas, San Jose, Austin, Jacksonville, San Francisco, Indianapolis, Columbus, Fort Worth, Charlotte, Seattle, Denver, El Paso, Detroit, Washington DC, Boston, Memphis, and Nashville.

Under each city's legislative authority on filling a vacancy, 8/25, or 32%, use an appointment process, 9/25, or 36%, use a special election, and the remaining 8/25, or 32%, use a hybrid approach combining both an appointment and a special election process.

I'd like to direct your attention to the PowerPoint slide to make a key point. In essence, no one particular approach dominated the top 25 most populous US cities' methodology for filling a vacant seat.

DIAGRAM A

<u>CITY</u>	<u>METHODOLOGY</u>	<u>CITY</u>	<u>METHODOLOGY</u>
Charlotte	APPOINTMENT	Austin	SPECIAL ELECTION
Chicago	APPOINTMENT	Dallas	SPECIAL ELECTION
Columbus	APPOINTMENT	Denver	SPECIAL ELECTION
Detroit	APPOINTMENT	El Paso	SPECIAL ELECTION
Indianapolis	APPOINTMENT	Fort Worth	SPECIAL ELECTION
Memphis	APPOINTMENT	Jacksonville	SPECIAL ELECTION
San Francisco	APPOINTMENT	Nashville	SPECIAL ELECTION
Seattle	APPOINTMENT	New York	SPECIAL ELECTION
Boston	HYBRID	Philadelphia	SPECIAL ELECTION
Houston	HYBRID		
Los Angeles	HYBRID		
Phoenix	HYBRID		
San Antonio	HYBRID		
San Diego	HYBRID		
San Jose	HYBRID		
Washington	HYBRID		

V. NATIONAL REGIONS BREAKDOWN

Reviewing the trends from a regional perspective, it becomes clear particular methodologies are more prevalent than their alternatives. Nationally, the most dominant form of filling vacancies occur in four Midwest cities, which favor the appointment process, and four Southwest cities, which favor

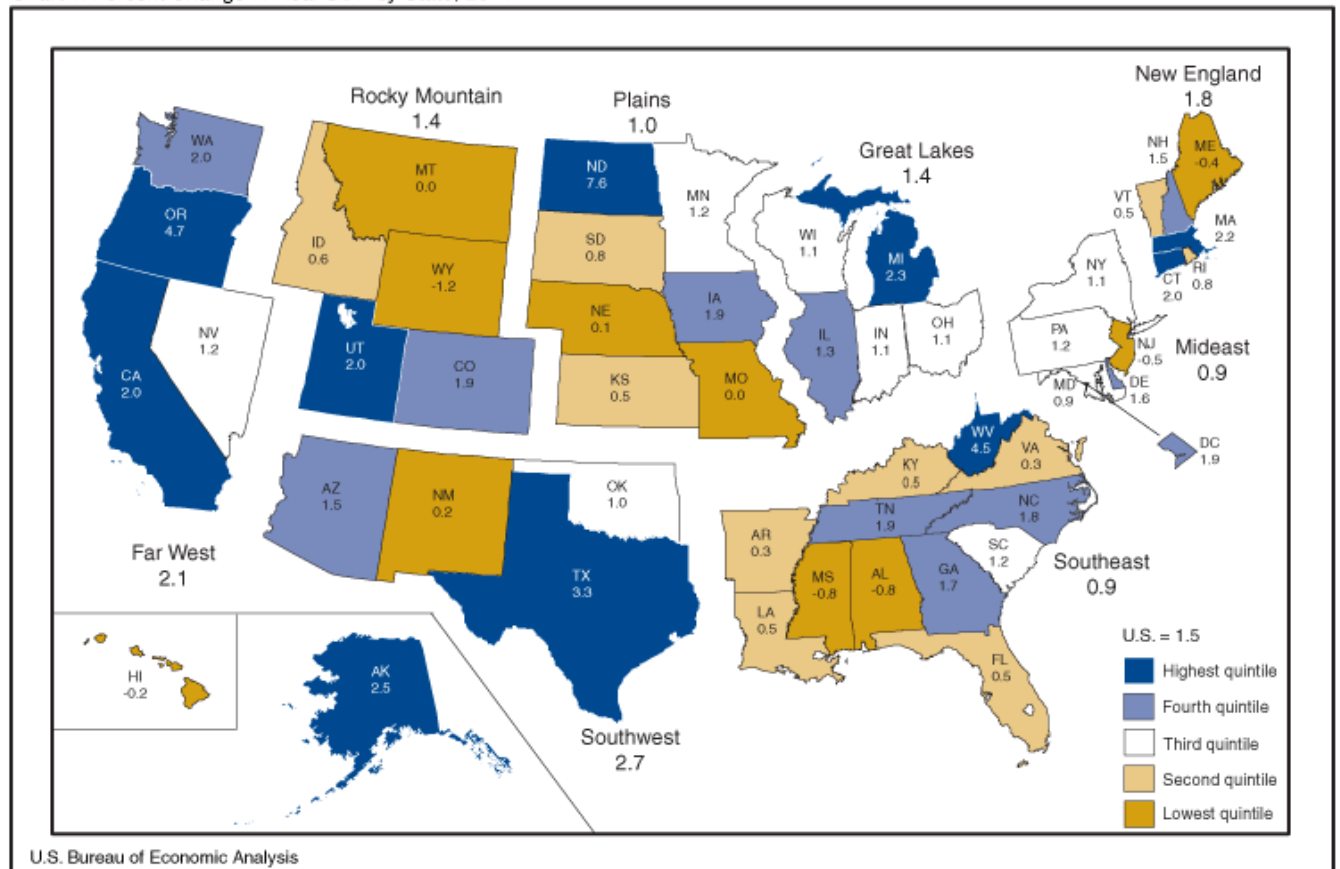
the special election process. The Southeast region is split evenly with two cities utilizing appointments and two utilizing special elections. The remaining regions that use appointments include two in the Far West. The remaining regions that use the special election process include two in the Mideast and one in the Rocky Mountain region.

Nationally, the process of filling vacancies with a hybrid process occurs in three cities in the Southwest and three in the Far West. The remaining two hybrid cities are situated in the Northeast, or New England region, and the Mideast.

The diagram shown here is a good way to separate out the different regions used in this analysis. The displayed chart is used for illustrative purposes only and is broken down by regions to aid in the discussion.

DIAGRAM B

Chart 1. Percent Change in Real GDP by State, 2011



To simplify the categories of processes, some cities focus on appointments only, others are highly focused on a special election, and some cities use a hybrid method of both processes at the same time, or the hybrid method.

I would like to now call your attention to Diagram C on the presentation.

DIAGRAM C

CITY	REGION	METHODOLOGY	CITY	REGION	METHODOLOGY
San Francisco	FW	APPOINTMENT	Boston	NE	HYBRID
Seattle	FW	APPOINTMENT	Denver	RM	SPECIAL ELECTION
Los Angeles	FW	HYBRID	Charlotte	SE	APPOINTMENT
San Diego	FW	HYBRID	Memphis	SE	APPOINTMENT
San Jose	FW	HYBRID	Jacksonville	SE	SPECIAL ELECTION
Washington	ME	HYBRID	Nashville	SE	SPECIAL ELECTION
New York	ME	SPECIAL ELECTION	Houston	SW	HYBRID
Philadelphia	ME	SPECIAL ELECTION	Phoenix	SW	HYBRID
Chicago	MW	APPOINTMENT	San Antonio	SW	HYBRID
Columbus	MW	APPOINTMENT	Austin	SW	SPECIAL ELECTION
Detroit	MW	APPOINTMENT	Dallas	SW	SPECIAL ELECTION
Indianapolis	MW	APPOINTMENT	El Paso	SW	SPECIAL ELECTION
			Fort Worth	SW	SPECIAL ELECTION

As an overall comparison within this data set, there are several significant observations. The most populous cities in the Midwest have a dominant preference for. The entire Southeast does not prefer hybrid method at all as it has an equal number of special elections and appointment processes. Several regions show close preference between special elections/appointments and hybrid processes. For instance, when comparing special elections to hybrid preferences, the Southwest has 4-3 ratio and the Mideast has a 2-1 ratio. On the other hand, the Far West prefers the hybrid approach to the appointment process by a 3-2 ratio.

VI. CODIFICATION OF LAW: CHARTER, CODE, OR CONSTITUTION

A municipality has several options as to which legislative authority contains its process for filling a vacancy. A city may codify its law in a municipal charter, municipal or state code, or state constitution. In deciding where to codify, a city has to weigh the advantages and disadvantages of each source.

In general, a city council can pass an ordinance and such law is codified within a city code. The electorate does not have to approve of the ordinance's passage. However, because the law is in a city code section and not a city charter, the legislative process to replace such language or even repeal the law altogether with another ordinance can be fairly swift and unburdened. A city council can simply alter the law on its own. On the other hand, the process is more difficult to codify a law into a city charter as doing so generally requires a majority vote of the electorate. Depending on one's

perspective, the benefit or harm to this option is that once the law is in the charter, any amendment or repeal would take another majority vote of the electorate. It is the city's equivalent to a state's constitution.

DIAGRAM D

CITY	REGION	LEGISLATIVE AUTHORITY	CITY	REGION	LEGISLATIVE AUTHORITY
Los Angeles	FW	CHARTER	Washington	ME	CITY CODE
San Diego	FW	CHARTER	Indianapolis	MW	CITY CODE
San Francisco	FW	CHARTER	Charlotte	SE	STATE CODE
San Jose	FW	CHARTER	El Paso	SW	STATE CONSTITUTION
Seattle	FW	CHARTER	Chicago	MW	CHARTER, CITY CODE, ST. CONSTITUTION
New York	ME	CHARTER			
Philadelphia	ME	CHARTER			
Columbus	MW	CHARTER			
Detroit	MW	CHARTER			
Boston	NE	CHARTER			
Denver	RM	CHARTER			
Jacksonville	SE	CHARTER			
Memphis	SE	CHARTER			
Nashville	SE	CHARTER			
Austin	SW	CHARTER			
Dallas	SW	CHARTER			
Fort Worth	SW	CHARTER			
Houston	SW	CHARTER			
Phoenix	SW	CHARTER			
San Antonio	SW	CHARTER			

Regardless of region or methodology, the preferred source for a top 25 most populous city's process for filling a vacancy is in a charter. Only 4/25, or 16%, of all remaining cities incorporate the law in a different source. In the data sets, all Far West, North East, and Rocky Mountain cities place the vacancy process in their charters. A near majority of South West, South East, Midwest, and Mid East cities also emphasize the process in charter form. The remaining cities (DC, Chicago, Indianapolis, and El Paso) use city codes, state constitution, or a hybrid of all three to govern their processes.

VII. BEST CITIES INDEX⁸

⁸ Data used to create these rankings were obtained from the U.S. Census Bureau, the U.S. Bureau of Labor Statistics, the Federal Bureau of Investigation, the Centers for Disease Control and Prevention, the Council for Community and Economic Research, the Child Care Aware of America, the National Partnership for Women & Families, GreatSchools.org, US Environmental Protection Agency, Environmental Working Group, Measure of America, Yelp and WalletHub research.

According to US Census Bureau data, big cities are growing nearly twice as fast as they did during the 21st century's opening decade with a variety of factors fueling the trend in favor of more population density, diversity, ease of access to food, entertainment and other activities. But opportunity, both economic and personal, is the main driving force for most.⁹

Here, we used the same data set as was presented by Edward Johnson on the topic of size of council. With real estate and employment markets varying considerably across the country, the Best Large Cities to Live data set compared the attractiveness of the 62 largest U.S. cities in terms of 31 relevant metrics, including measures of livability, health and education system quality, economic growth and tax burden.

Please refer to Diagram E. When comparing the top ten Best Large Cities to Live to the top 25 most populous cities, seven of the largest cities are among the top ten best cities to live in. Four of the top ten Best Large Cities are located in the Far West: San Francisco (1), Seattle (2), San Jose (6), and San Diego (8). Denver (5), Austin (7), and Washington DC (10) complete the remaining top ten Best Large Cities. It should be noted that the first Midwest city to make an appearance on the Best Large Cities Index is Columbus ranked 30th. Of the top ten Best Large Cities, all but DC codify their vacancy process in a charter form. DC is the exception and uses its city code.

DIAGRAM E

CITY	<u>BEST CITIES INDEX</u>	CITY	<u>BEST CITIES INDEX</u>
San Francisco	1	Fort Worth	39
Seattle	2	Phoenix	41
Denver	5	New York	42
San Jose	6	Jacksonville	43
Austin	7	Dallas	48
San Diego	8	San Antonio	49
Washington	10	El Paso	52
Charlotte	18	Chicago	53
Boston	19	Indianapolis	56
Nashville	27	Philadelphia	58
Columbus	30	Memphis	61
Houston	36	Detroit	62
Los Angeles	38		

⁹ <https://wallethub.com/edu/best-worst-large-cities-to-live-in/14358/#methodology>

VIII. CONCLUSION

The analysis reveals that the Best Large Cities to Live are also not the very largest in the US. Six of the top places to live are among the 10th-22nd largest cities. These six cities, predominately in the Far West, also contain their process for filling a vacancy in a charter. Columbus, although 30th in Best Cities to Live, is the 15th largest city in the country, and can compare itself to the ranked cities near its population and the cities near its Best Index ranking. For example, Indianapolis is 14th largest, but #56 on the Best Cities index and uses an appointment process codified in city code. Fort Worth is 16th largest, but #39 on the Best Cities Index and uses a special election process in a city charter.

From a holistic perspective, there is not a consistent national common practice to fill a vacancy. All three methods, appointment, special election, or a hybrid, are represented in the data set near evenly. While no consensus exists, a comprehensive review of the nation's top 25 most populous cities and the Best Large Cities to Live demonstrates that Columbus' appointment methodology is compatible among the majority of processes in the Midwest region. Moreover, each of these Midwest cities place such appointment processes in their respective charter.

After analyzing the combination of national and regional trends with patterns in the areas of methodology and legislative sources, any decision regarding modification to the Columbus process might be best considered in terms of whether the current method is sustainable and meets the current and future needs of our residents.



**Columbus Charter Review Committee
Committee Meeting Agenda
Thursday, November 17, 2016
6:00 p.m.
Barnett Recreation Center, 1184 Barnett Rd.**

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Presentation and discussion
 - a. Legislative districting around the nation and locally – Daniel P. Tokaji, Charles W. Ebersold and Florence Whitcomb Professor of Constitutional Law, and Senior Fellow for Elections Law at Moritz College of Law
5. Public comments
6. Closing remarks
7. Adjournment

**Charter Review Committee
Minutes**

November 17, 2016 6:00 p.m.

Barnett Recreation Center

1184 Barnett Road, Columbus, Ohio

(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair

Jennette B. Bradley

Frieda L. Gilyard

Frederick E. Mills

John C. Rosenberger

Robert Vitale

Keary McCarthy

(Barroso de Padilla and Lawes absent)

Welcome and Opening Remarks

Committee Chair Stefanie Coe opened the meeting at 6:17 p.m. and stated that we would skip directly to a presentation from Professor Daniel Tokaji, The Ohio State University, Moritz College of Law. (presentation on file in the records of the Charter Review Committee) (comments are summarized)

Mr. Tokaji thanked the Chair and Members of the Committee and commented that he had been asked to speak about the federal law constraints on redistricting. Specifically addressing four different kinds of federal law claims that can be and sometimes are used to challenge redistricting plans at the local level as well as at the state and federal level. The supreme court has long stated that the right to vote is fundamental because it is preservative of all rights. The right to vote under the constitution as well as under federal law protects not only being able to vote and have your vote counted, but also one's right to equality of representation. These again are the federal, legal constraints on the drawing of districts. Whether they are congressional districts or state legislative districts or local legislative districts. The first one I mentioned is the doctrine of one person, one vote. The precise legal meaning arises from a series of cases that the United States supreme court decided approximately 50 years ago starting in 1964. Before the 1960s the supreme court really stayed out of the area of redistricting. Its active involvement in this area begins with addressing the fact that representatives in state and local legislative bodies often represented districts of very different populations. Sometimes you would have 40 times as many people in one district as in a neighboring district. The supreme court decided around this era that that was unconstitutional. Legislative districts, whether at the congressional, state legislative or local level have to be of approximately equal population. The baseline rule that now exists is there can be a deviation of no more than 10%. The second federal legal constraint of the drawing of legislative districts: Minority claims under section two of the Voting Rights Act. This

landmark statute that was adopted in 1982. Before 1982, you had to show discriminatory intent to establish a violation of both the United States Constitution and section two that was based on race discrimination. After the 1982 amendments to the Voting Rights Act, what's required is a discriminatory result. In the most important case, the court developed a three-part test, three conditions that have to be satisfied in order to violate section two. Racial polarization is used frequently to challenge districts. There are a variety of other factors that courts will look at, including the effects of discrimination, the extent to which minorities have been elected to office. The main point for your deliberations is these cases are very fact intensive; they tend to require a lot of expert evidence and for that reason can be somewhat expensive. I was asked to look at attorney's fees and have found awards in six figures. The third kind of claim is racial gerrymandering. The Supreme Court starting with Shaw versus Reno in 1993 held that the overuse of race in drawing legislative districts may violate the constitution. Specifically if race is the predominate factor in drawing districts, then those districts must be narrowly tailored to serve a compelling interest. Race sometimes must be considered under the Voting Rights Act, but if you go too far and use race too much, that might violate the equal protection clause. The fourth kind of claim is one on which the supreme court itself has been divided in the last 30 years, is partisan gerrymandering. We see it at the state level as well as the local level and the supreme court has been splintered over the last 30 years regarding these kinds of claims. The median vote seems to be that partisan gerrymandering could conceivably violate the constitution if it has both the intent and purpose of seriously disadvantaging the non-dominate party. Since then, there have been two other cases in which the court was divided. It is possible we will get some clarity from the Supreme Court but it is fair to say the law regarding partisan gerrymandering is very much up in the air. Professor Tokaji clarified that he has no position on what this committee should do in regards to moving from an at large system to a districted system. His sole purpose here is to advise as to the kinds of federal, legal claims that are at least potentially in the air in the event that this body and the people of Columbus were ultimately going to choose to go to a districted system.

Chair Coe thanked Professor Tokaji and stated that there have been a number of comments made at other meetings that the practice of having at large representation is a violation of the Voting Rights Act and asked if he could talk about some cases where at large systems have been found constitutional.

Professor Tokaji stated that assertion is false. It is not categorically true that at large districts violate the Voting Rights Act, but they can. It gets really complicated but the simple answer is no, at large election systems do not always violate the Voting Rights Act. It really depends upon the extent of racial polarization which is a factual question that often requires very detailed political science evidence from experts.

Chair Coe stated that for the city to move forward successfully, the stability and consistency of our system is important not to be tied up in litigation for decades to come and asked if there is litigation surrounding district systems as well as at large systems and if so, does one or the other have more litigation associated with it?

Mr. Tokaji replied that it depends on the circumstances. If we were sitting in a city or a smaller municipality in the deep south where there's a high degree of racial polarization where generally speaking for example African Americans vote one way and the whites vote another or the Latinos vote one way and the white majority votes a different one, at large systems are in that environment very likely to be a problem. In a city like Columbus, it will be difficult to prove the level of racial polarization that would be required to prevail on a section two claim.

Mr. Rosenberger questioned that he thought there typically is a lot of litigation that surrounds the drawing of districts. Professor Tokaji replied that every ten years districts have to be drawn and every time districts are drawn it tends to provoke litigation. He indicated that if we were on the committee, he would examine the level of litigation that has been experienced regarding at large elections in the City of Columbus compared with comparable cities elsewhere in the United States.

McCarthy asked if there has been litigation around municipal redistricting in Ohio. Professor Tokaji replied that he was aware of cases up in Euclid with regard to racial polarization and it was a combined at large and districted system.

Jonathan Beard (from the audience) asked in a city like Columbus where no African American has been elected to Council without first being appointed other than Jennette Bradley in 1991, are there any cases dealing with the fact that black folks are elected without prior appointment or anything along those lines? Professor Tokaji replied that there are hundreds of cases decided under the Voting Rights Act since it was enacted. If these members of a council who were first appointed are subsequently elected, it wouldn't necessarily be a violation by virtue of the fact that nobody had been elected without having first been appointed. But I think that could be a consideration that a court would take into account in determining whether the system being challenged violates the Voting Rights Act.

Chair Coe stated that if committee members or anyone in attendance has questions for the professor staff will take them down and we will get a response. Chair Coe thanked the Recreation Center staff and all the students for hosting the meeting and reiterated that this meeting is going to be focused on the district issue. She indicated she will take comments from those in attendance regarding districts first and if we get through with those and there are other outstanding comments we will address those as the night goes on.

Approval of the Minutes

Hearing no questions or corrections, Chair Coe asked for a motion to approve the Minutes, as submitted. McCarthy moved, Rosenberger seconded. All in favor, no one opposed. Motion carried and Minutes were approved.

Summary of Public Comments received to date

Stephanie Megas reported on public comments received electronically via the website.

Chair Coe thanked Ms. Megas and stated that there are two speakers that have expressed intent to speak tonight and stated that if anyone else would like to address the committee, there are speaker slips that can be completed and submitted to Ms. Megas or Chair Coe. She also noted that State Representative Hearcel Craig is in attendance at the meeting this evening.

Public comments

Chair Coe called upon Mr. William Schuck, first speaker for the evening. (Presentation on file in Charter Review Committee records) In conclusion, Mr. Schuck stated that he would view this as an opportunity to look to the future. He stated that a hybrid council would help the City Council be more diverse and inclusive, help better represent the neighborhoods and if provided appropriate safeguards, he felt it will also have a global outlook.

Chair Coe thanked Mr. Schuck. Mr. Rosenberger stated his presentation was very thoughtful and thanked him for taking the time to present. He questioned how the single topic rule avoids the log rolling.

Schuck replied that the idea is you don't want legislators saying if you vote for my bill or my local project, I will vote for your bill or your local project. Historically, this was put in the Ohio Constitution back in 1851. It was taken from the Pennsylvania Constitution and the courts have wrestled with it over the last century and a half and have gone back and forth. The basic idea is when things get voted on, it is on their merits. There should be some coherent framework that ties these together to accomplish some common purpose.

Vitale commented that a few weeks ago State Representative Mike Curtin shared the history of Columbus, the current charter and our at large City Council and he told us this was done during the progressive era with the philosophy that no one should be represented by anybody they don't have a chance to vote for. Districts would mean that we are all represented by a number of people who we didn't get the chance to elect and asked Mr. Schuck what his thoughts were on that subject.

Schuck responded that the rationale was valid. He commented that you want to be able to vote for or against them if you are happy or unhappy with what they do. As noted, you only get to vote for one member of congress but they all can vote to impose taxes. He added that the districts he is proposing would be significantly larger than a state representative district and another thing that somewhat mitigates that concern with a hybrid council is you have a majority of at large and a minority represented from districts.

Chair Coe called upon Jonathan Beard, the next speaker. (Mr. Beard submitted a presentation which is on file in Charter Review Committee Records but comments are summarized here as they do not mirror the presentation that was submitted)

Mr. Beard began by thanking Mr. Schuck and indicated he agreed with him on many points. Where he would differ is the size of the districts and the balance between at large and districts, but stated that he was in agreement on the hybrid council being preferable to what we have today. He commented that about the size of districts at the state level and added that city government is more hands on, so a smaller district is preferable. He followed with comments about the previous topic of log rolling and competing needs being resolved in a public forum. Seven members sit down and decide where things go, he suggested a better solution would be seven members including one who knows the neighborhood and the benefit to the local community. What voters know about their candidates now is generally their party affiliation, and when you get a smaller district the person is more familiar and overreliance on party affiliation goes away and people start to understand the role of the person who is supposed to represent them. He stated that at large systems are inherently and structurally discriminatory. Every council member right now gets elected because a majority of white folks vote for them, which is discriminatory. At the same time we have expensive elections. Each individual council member ends up getting more than 70% of their campaign funds from the Council President or prior to 2009 it came from a county party. We have people who can't afford their own elections, which is a particular problem for black folks and other minorities who tend to be not as connected. There is a basic question of equity for Columbus, we like to say we are a progressive city but why do we have this old at large voting system that structurally denies people of color the opportunity to vote for a candidate of their choice? This question of hybrid or at large districts is one element of the discussion; he stated he thinks that 11 to 15 members is a good sized council for Columbus. Campaign finance performance is something else. Back in 1994 voters approved the permissible availability in the charter for the city to regulate campaign finance. He referred to a \$20,000 donation from an out of state company and suggested that Mayor Ginther had to fund the campaign of the other three people on the ballot with him.

Mr. Vitale commented that Mr. Shuck suggested an at large system that would have a majority of at large representatives and smaller number of district representatives and asked Mr. Beard if he had thoughts on the specific council structure.

Beard replied that he thought Representative Schuck was on the right track with the hybrid model. He added he has submitted some mappings to this committee to get divisions on what a different council looks like, how many districts and how big a territory is, how many black and white folks, Hispanic, etc. At the end of the day it is putting something on the ballot and letting people vote on what they think is best. Mr. Beard added that they have gathered signatures now for four at large and seven districts and have also gathered more recently for three at large and ten districts. He indicates that was based on feedback from the four-seven model. He also added that having only one person at large is the wrong approach. Setting up an heir apparent to

move up to the office of Mayor is not what we need to do and it would be preferable to have at least three people who are political equals .

Chair Coe asked if there were any other speakers regarding districts specifically before moving to the speakers on other topics. Hearing none, she called the next speaker Sandy Bolzenius. (comments are summarized)

Ms. Bolzenius addressed the committee on the safety of our water, soil and air. She asked what would one think if they were told that a tank of toxic chemicals was dug in the ground just outside the perimeter of their home, and that the tank is made of the most modern materials known to humans and will never leak. She followed with questions about how confident one would be in the safety of their home's water, soil and air from the contamination of that tank's contents. She stated that all of us have a tank of toxins outside our homes, just outside of Franklin County and not just one, but hundreds in the form of injection wells and she stated that she can guarantee they will leak. There's no structure in this world, made by humans that hasn't shifted, altered or deteriorated over time and yet these wells are expected to last forever. She added that she is with the Columbus Community Bill of Rights, a local group of volunteers concerned about the safety of our water, soil and air. Because water is vital to every human being, they have a petition to prohibit fracking in the city. The Bill of Rights references that both the U.S. and Ohio's constitution guarantees that all political power is inherent in the people. They also declare that all of us have inalienable rights to our property and the pursuit of happiness. The people of Columbus demand the inherent right of self-government to protect health and environment. She urged that everyone wants pure water, safe soil and clean air and everyone needs to unite to pass a Columbus Community Bill of Rights. Leakage is not uncommon and the city does not have the sources or the finances to deal with it. She stated that we must act now, not after standing in long lines waiting for bottled water and figuring out how to pay for the clean-up and certainly not after realizing that our youngest children are the victims. This spring, the Columbus Community Bill of Rights group will submit their petition to the city in hopes that the City Council will recognize the need as it pertains to fracking and ensure that the people have a chance to decide on what they want. The damage from radioactive toxic waste is irreversible and unless the problem is addressed, it is also inevitable.

Ms. Coe reiterated that this committee has a specific narrow scope but all public comments are included with our reports. Chair Coe called on the next speaker, Miss Kamani Leftridge. (comments are summarized)

Miss Leftridge began by stating that she is a Junior at Columbus Alternative High School and wishes to speak to the importance of youth being represented in decisions made by City Council. She is part of the youth council and indicated that she represents youth council members who pass a rigorous application process. The council is convened by communities and organizations including Franklin County, Columbus Health services and Franklin County Children's services. She asked that in reviewing the Charter, the committee consider an opportunity to establish a role for

youth in important decision making, particularly as it relates to the Board of Health and to Board appointments in area commissions. Right now young people are not present in these areas and they are direct stake holders with valuable views to share. They feel that a youth seat should be occupied in order for valid proceedings to occur to enable young people to have an impact on decisions made and empower youth to lead peers to constructive solutions.

Chair Coe commended Miss Leftridge for coming and called for the next speaker, Michael Branch, Jr. (comments are summarized)

Mr. Branch stated he was speaking on his own behalf as well as that of his community, his school and as a member of the Franklin County Youth Council and he wished to talk to the committee about the role of student resource officers in the high school and allocation of recreation center funds. He stated that they represent the view that a vital voice is missing at the table and that because youth are not old enough to vote, they don't have a voice in this democracy. He addressed problems with student resource officers in schools and instances where they are involved in arresting students and other forms of punitive punishments. He requested the Charter be amended to more clearly define the role of the resource officers. He suggested that if there is no statement in the Charter that puts a higher level of accountability on these officers, it is left entirely up to the Columbus Police department. He added that he wanted to provide a youth perspective regarding allocations of the bond issue passed for the Recreation Centers. The bond issue for Franklin County was for the purpose of acquiring and renovating infrastructure for Recreation and Parks. He proposed the money be appropriated to engage young people and that the Recreation Centers be open to operate on Mondays as well as any other days of the week.

Mr. Vitale suggested that they may want to talk to the staff of the school board because they have a safety committee and defining the role of the officers in the schools would be an interesting topic. Mr. Vitale also thanked both students for coming down.

Closing Remarks

Ms. Coe indicated there were no other speaker slips and reiterated that the next meeting of the Charter Review Committee is December 15th at Carriage Place Community Center. That meeting will include a variety of topics and there will be follow-up on all of the open research topics, as well as discussion about area commissions. Discussion among committee members followed regarding scheduling dates for working meetings to be held at City Hall. (Those meetings will be open to the public, but there will be no guest speakers. The working meetings will be recorded and posted on the city's YouTube website.)

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

Bradley moved, Rosenberger seconded.

Meeting adjourned at 7:31 p.m.

Federal Redistricting Law

Professor Daniel Tokaji
The Ohio State University
Moritz College of Law
tokaji.1@osu.edu

City of Columbus
November 17, 2016



“[T]he political franchise of voting
. . . is regarded as a fundamental
political right, because [it is]
preservative of all rights....”

- *Yick Wo v. Hopkins* (1886)

The Right to Vote: U.S. Constitution

- 14th Amdt: Equal protection, due process, representation reduced if right to vote denied
- 15th Amdt: No denial or abridgement of right to vote on account of race, color, or previous servitude.
- 19th Amdt: No denial or abridgement of the right to vote on account of sex.
- 24th Amdt: No denial or abridgement of right to vote in federal elections for failure to pay poll tax.
- 26th Amdt: No denial or abridgement of right to vote on account of age for those 18 and older.

Fourteenth Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the *equal protection of the laws*.

Fifteenth Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

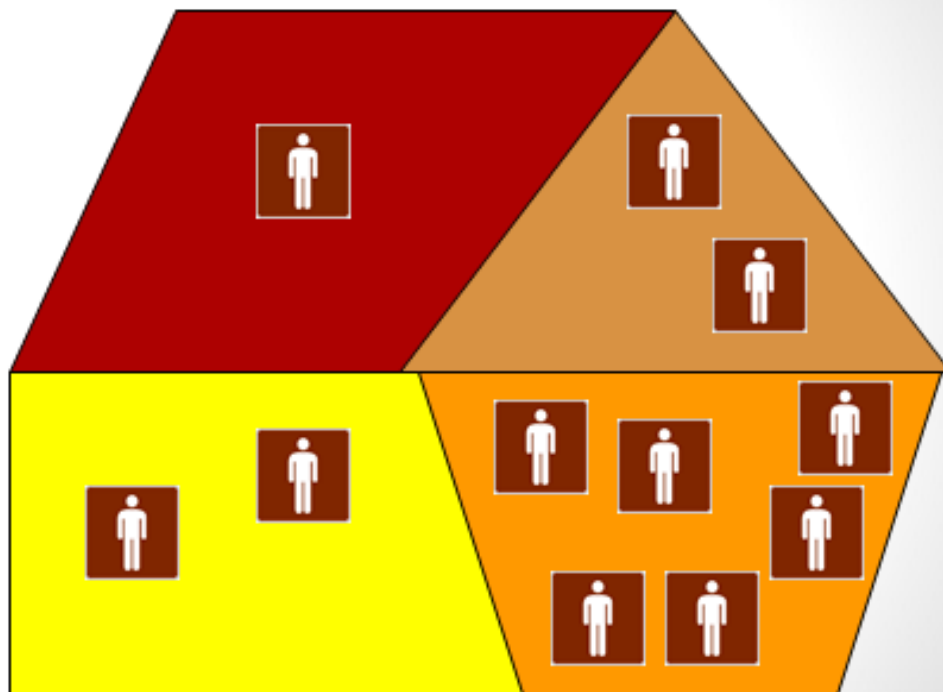
Redistricting

- One Person, One Vote
- Minority Vote Dilution
- Racial Gerrymandering
- Partisan Gerrymandering

Redistricting

- **One Person, One Vote**
- Minority Vote Dilution
- Racial Gerrymandering
- Partisan Gerrymandering

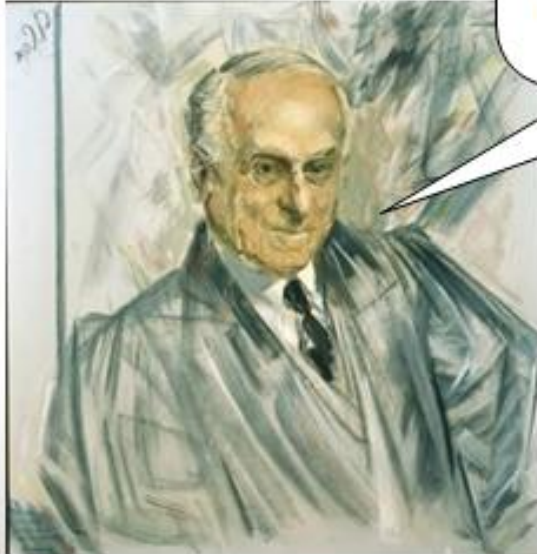
Malapportionment



Colegrove v. Green

(1946)

Frankfurter, J., plurality



Courts ought not to enter this political thicket.
The remedy for unfairness in districting is to secure State legislatures that will apportion properly, or to invoke the ample powers of Congress.

Reynolds v. Sims

(1964)

- No reapportionment of AL between 1901 and 1964
- 25% of state population resided in districts with a majority in AL senate and house
- Population variances of 41 to 1 in AL senate and 16 to 1 in AL house

Alabama Counties and County Seats



Reynolds v. Sims

(1964)



- Both houses of state legislature must be apportioned based on population, i.e. “one person, one vote”
- Later cases establish presumption that total deviations >10% in state legislative elections are problematic
- All states currently use total population to draw districts, upheld in *Evenwel v. Abbott* (2016).

Redistricting

- One Person, One Vote
- **Minority Vote Dilution**
- Racial Gerrymandering
- Partisan Gerrymandering

Section 2 of the Voting Rights Act

- (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which **results in** a denial or abridgement of the right of any citizen of the United States to vote on account of race or color ... as provided in subsection (b) of this section.
- (b) A violation of subsection (a) of this section is established if, based on the **totality of circumstances**, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and *to elect representatives of their choice*.

Thornburgh v. Gingles (1986)



Preconditions for vote dilution claim under Section 2 of the Voting Rights Act:

1. Minority group is *sufficiently large* and *geographically compact* to constitute a majority in a single-member district
2. Minority group is *politically cohesive*
3. White majority *votes as a bloc* so as to usually defeat minority-preferred candidates

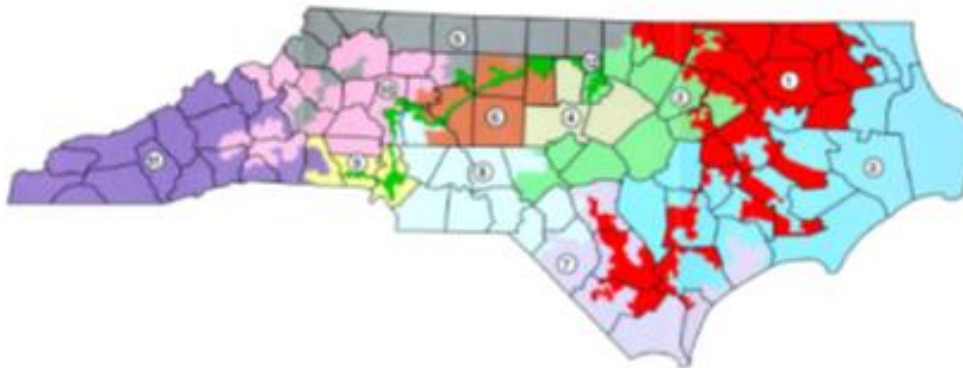
Section 2 of the VRA: “Senate Factors”

- (1) the extent of any history of **official discrimination** in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;
- (2) the extent to which voting in the elections of the state or political subdivision is **racially polarized**;
- (3) the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other **voting practices or procedures that may enhance the opportunity for discrimination** against the minority group;
- (4) if there is a **candidate slating process**, whether the members of the minority group have been denied access to that process;
- (5) the extent to which members of the minority group in the state or political subdivision bear the **effects of discrimination** in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;
- (6) whether political campaigns have been characterized by **overt or subtle racial appeals**;
- (7) the extent to which members of the minority group have been **elected to public office** in the jurisdiction;
- (8) whether there is a significant **lack of responsiveness** on the part of elected officials to the particularized needs of the members of the minority group;
- (9) whether the **policy underlying** the state or political subdivision’s use of such voting **qualification**, prerequisite to voting, or standard, practice or procedure is tenuous.

Redistricting

- One Person, One Vote
- Minority Vote Dilution
- **Racial Gerrymandering**
- Partisan Gerrymandering

APPENDIX
NORTH CAROLINA CONGRESSIONAL PLAN
Chapter 7 of the 1991 Session Laws (1991 Extra Session)



Racial Gerrymandering



- *Shaw v. Reno* (1993) created “analytically distinct” constitutional claim, to challenge excessive use of race in drawing districts.
- Subsequent cases clarify that race must be the “predominant factor” in drawing a district to violate Equal Protection Clause.
- Lots of successful cases in 1990s, virtually none in 2000s

Racial Gerrymandering: Recent & Ongoing Cases

- **Alabama:** SCOTUS allowed a challenge to the “packing” of black voters to proceed. *Ala. Leg. Black Caucus v. Alabama* (2015)
- **Virginia:** SCOTUS will consider a challenge to the “packing” of black voters into state legislative districts (>55%). *Bethune-Hill v. Vir. St. Bd. of Elec.*
- **North Carolina:** SCOTUS will consider a challenge to “packing” of black voters into congressional districts (>50%). *McCrory v. Harris*

Redistricting

- One Person, One Vote
- Minority Vote Dilution
- Racial Gerrymandering
- **Partisan Gerrymandering**

Partisan Gerrymandering

- **Problem:** One political party drawing district lines so as to maximize its own strength and minimize that of the other major party
- *Davis v. Bandemer* (1986): Majority finds case justiciable, plurality requires that plan “consistently degrade” a group’s influence.
- *Vieth v. Jubelirer* (2004): Plurality thinks case isn’t justiciable, swing justice (Kennedy) disagrees but doesn’t articulate a clear standard.
- *LULAC v. Perry* (2006): Majority finds case justiciable, again without articulating a clear standard.

Partisan Gerrymandering: Ongoing Cases

- **Maryland:** USDC denied motion to dismiss partisan gerrymandering claim under 1st Amdt. *Shapiro v. McManus*.
- **Wisconsin:** USDC is considering partisan gerrymandering claims under the 1st and 14th Amendments. *Whitford v. Nichol*.
- **North Carolina:** Partisan gerrymandering claims pending in appeal to SCOTUS and new case pending in USDC. *Harris v. McCrory*, *Common Cause v. Rucho*

Ohio Redistricting Law

- **Congressional districts** drawn through statute approved by majority in both houses and signed by Governor.
- **State legislative districts** were drawn by Apportionment Board, controlled by party winning 2/3 state offices (Governor, Secretary of State, Auditor).
- **State constitutional requirements** for *state* districts:
 - 99 house districts, nested in 33 senate districts
 - Districts must be compact and contiguous.
 - Keep together counties, townships, wards, and municipalities
- **Issue 1 (2015):** Ohio voters adopted a constitutional amendment for state legislative redistricting that:
 - tightens geographical requirements, and
 - requires bipartisan support for a 10-year plan



**Columbus Charter Review Committee
Committee Meeting Agenda
Thursday, December 15, 2016
6:00 p.m.**

Carriage Place Recreation Center, 4900 Sawmill Rd.

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Committee discussion on previous public comments and presentations
 - a. Legal issues around districting
5. Presentation and discussion
 - a. Area commissions – Toya Johnson, Assistant Director of the Department of Neighborhoods
 - b. Full-time and part-time designations – Edward Johnson, Council’s liaison to the Committee
 - c. Vacancies and appointments – Bryan Clark, Mayor’s liaison to the Committee
6. Public comments
7. Closing remarks
8. Adjournment

Charter Review Committee Minutes

December 15, 2016 6:00 p.m.
Carriage Place Community Center
4900 Sawmill Road, Columbus, Ohio
(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair
Jennette B. Bradley
Frieda L. Gilyard
Frederick E. Mills
John C. Rosenberger
Robert Vitale
Lourdes Barroso de Padilla
Rev. Tyrone A. Lawes
Keary McCarthy

Welcome and Opening Remarks

Committee Chair Stefanie Coe opened the meeting at 6:04 p.m., welcomed everyone to the final community presentation meeting and thanked Recreation Center Manager and staff.

Approval of the Minutes

Hearing no questions or corrections, Chair Coe asked for a motion to approve the Minutes, as submitted. Rosenberger moved, Mills seconded. All in favor, no one opposed. Motion carried and Minutes were approved.

Summary of Public Comments received to date

Edward Johnson reported on public comments received electronically via the website. Total number of public comment submissions is 46 during this process. Stephanie Megas will be delivering raw copies of all the submissions to members' inboxes.

Discussion

Mr. Johnson reported on the research request that the City of Columbus has spent \$0 defending the at-large system of representation on City Council from legal challenges. In the past ten years Chicago has spent \$20 million in court defending their maps/district system.

Chair Coe introduced Assistant Director of the Department of Neighborhoods, Toya Johnson, for a presentation on Area Commissions. Ms. Johnson reviewed Columbus City Code Section 3109, which establishes the area commissions. (comments are summarized. Presentation slides on file in the records of the Charter Review Committee)

Council established area commissions in the 1970's to provide for additional citizens participation in decision-making in an advisory capacity/role. The other main function is to facilitate communication, understanding and cooperation between neighborhood groups, city officials, and developers coming in to the neighborhoods to make improvements. All area commissions have bylaws that have to be disclosed and published. We have 18 area commissions throughout the city. The process to create an area commission begins with a petition from a task force containing 500 signatures of residents and property owners in the area. They have to provide notification to all residents that they are seeking to establish an area commission within 30 days after filing a petition. Residents have 60 days to file written objections with the City Clerk. The commission area needs to be a compact area that is manageable in size, large enough to be recognized but also small enough to have effective representation. Each area commission has no less than seven but no more than 21 members, and all of the members are appointed with the concurrence of Council. Nominations for individuals come to the Mayor for consideration, after having being voted by the task force body or the area commission body. The area commissions set their own bylaws and establish terms. Duties of the area commission are to work closely with the city officials in terms of local planning. They assist in creating plans and policies that serve as guidelines for future development. They also bring problems in any areas of concern to the attention to the appropriate city officials. They are required to hold regular public meetings pursuant to the terms in their bylaws. They work to solicit active cooperation of all residents and segments of that area, and they also initiate and support local proposals that are presented, and promote and encourage local businesses. They review the capital improvement budgets and propose new items. They make recommendations for the restoration and preservation of historical elements and review area plans and provide input prior to the adoption by Council. They request and receive reports by the City of Columbus in terms of services in their areas, and can recommend approval or disapproval of those changes. They review and evaluate pending legislation that may affect their area prior to consideration by council and advise on rezoning, special permits, variances, demolitions, and zoning appeals. Commissions may meet with the applicant for rezonings, special permits, and variances regarding property that is either wholly or partially within the commission area, and they discuss the proposals, their relationship to the area, and any possible modifications.

Mr. Johnson reported, in response to a research request, on two other cities that had models similar to area commissions. (presentation/map on file in the records of the Charter Review Committee) Cincinnati has a nine-member all at-large city council but all areas of the Cincinnati are covered by 51 community councils, covering 80 square miles of territory and 298,000 residents. They advise on zoning and development policy and are active in neighborhood programming. The Cincinnati community councils are eligible for \$6,800 a year in restricted discretionary funding to be used for things such as

membership drives, newsletters, beautification and cleanup activities, youth summer employment or cultural activities for neighborhoods or workshops for the community members. The other model is the City of Seattle, which is covered by 13 neighborhood councils. Cincinnati is a nine-member hybrid city council with seven districts, but all areas of Seattle are covered by these neighborhood councils, which is about 142 square miles and 685,000 residents with all the neighborhood councils recognized by the city. They have parent-teacher organizations and non-profit organizations that are represented on the district councils. The leadership of the district council sits on the broader city neighborhood council which comes together to recommend matching funds from the city for neighborhood projects to the mayor and city council.

Chair Coe offered a point of clarification that current area commissions do not cover all of the City of Columbus. There are areas that don't have an area commission that may have a strong civic association or community group and some areas have nothing. Bradley added that we have 298 civic associations and some are very active and can be used for the same purposes as an area commission.

Ms. Johnson replied that block watches feed into civic associations and individuals from civic associations can be elected into the area commissions. Bradley followed by clarifying that civic associations have a voice and can express their concerns about issues within their area. They are not excluded because they are not part of a commission. Ms. Johnson stated that if a civic association is not represented on an area commission their voice can still be heard via working with the neighborhood liaison assigned to their area.

Mr. Johnson added that often when Council hears zoning matters, there are often non-area commission bodies serving in an advisory role stating whether they approve or disapprove of a project because it doesn't fit with the neighborhood plan or aesthetic.

Chair Coe stated when there is an application for zoning, demolition permits, graphics permits, etc. they are required to come before area commissions before they get to the Development Commission and BZA. The statutes however, do not require them to go before a civic association. Most developers do because the community will come out and are involved and typically the BZA wants them to have things worked out with the neighborhood groups.

Vitale pointed out that during the debate on district representation for council the area commission system was most often cited as how neighborhoods have input at city council and asked for staff to report on what legislation over the last five or ten years has come from or been recommended by area commissions.

Bradley asked if Council notifies an area commission if there is legislation pending that affects their area. Mr. Johnson stated that more often than not the legislation moves through the Zoning Committee and in a majority of those instances, the area commission knows about the matter before Council does. Vitale asked if we are talking primarily about zoning matters, rather than an item in the capital budget that an area commission might want input on, such as street repairs. Bryan Clark (Chief Policy

Advisor, Mayor's office) replied that both the operating budget and the capital budget are initiated by the Mayor's office and they are provided to area commissions, along with any other interested citizen at the same time that they are submitted to Council. Individuals are asked to provide feedback and very frequently you'll see neighborhood liaisons actively seeking that input.

Vitale also asked if staff could provide attendance of area commission representatives at council meetings. Mr. Johnson replied that attendance is not taken so it would be difficult to track. Vitale asked if there is any time set aside for area commission members to address council during their meetings. Mr. Johnson responded that Council President Klein has invited area commission presidents to come to council and deliver a neighborhood report as a custom under his presidency.

Vitale pointed out that in the city code rules for forming an area commission, it says it should be compact, homogenous, manageable in size, large enough for representation but small enough for effective representation but our entire city is represented by at-large council members.

McCarthy asked what kind of staff resources or funding the city provides for area commissions for organizational purposes. Ms. Johnson replied that the City provides \$2,500 annual to each of the area commissions and they do not provide formal staffing. Some of the area commissions do have a seat on their commission for a Mayor's representative and often one of the neighborhood liaisons may serve in that role. Liaisons attend the area commission meetings and help make sure they are following their bylaws and if there are any concerns or issues, they bring those back to city government. Columbus police and/or Fire liaisons often attend meetings, as well. Additionally the city has provided a number of trainings for area commission members.

Barroso de Padilla asked what the \$2500.00 budget is typically used for. Ms. Johnson stated it is generally used for the business operations of the commission, such as funding to help maintain the website. Unused funding is returned to the city at the end of the year.

Ms. Bradley asked about the City Council's Community engagement office and if those staff members have any formal responsibilities or association with the area commissions or civic associations. Mr. Johnson replied that Council President Klein created the Community Engagement team as one of his first initiatives upon becoming President and it was expressly created to create a deeper relationship with civic associations, block watches, and any other community level that exists to ensure that Council members are informed of what is going on in each area/neighborhoods. Discussion followed that clarified that there are Mayor's neighborhood liaisons and then four specific staff members from City Council separated by region.

Rosenberger questioned the financial support the City provides to area commissions. He stated that it seems to be a minimal sum given the importance of the role they play in the decision-making process. Rosenberger wondered if effectiveness could be

ramped up by further resources. Ms. Johnson stated that the city's neighborhood liaisons assist area commissions with work as requested.

Vitale asked if members of area commissions are elected at large or are they elected by neighborhood. Mr. Johnson clarified that the City code says that area commissioners are appointed by the Mayor with the concurrence of Council, however, it has been the custom to respect the local election processes and appoint whoever won the election. Some subdivide the area commission into districts and some are at-large. Vitale asked for a list of which ones are at-large and who has representatives by district.

Chair Coe requested the second presentation, related to the full-time/part-time distinction of Council Members. (Mr. Johnson's presentation is on file in the records of the Charter Review Committee.)

Bradley inquired and it was clarified that the current City Council is considered part time; Council members set their own time, work schedules, and both are at their discretion.

Mr. Mills asked how the ten elected officials of Columbus are compensated. Mr. Johnson replied that the 2014 Charter Review Commission approved a Citizens Commission on Elected official pay. This was a five-member body that met in 2015, will meet in 2018, and every four years thereafter. They are required to take into consideration economic information and comparative analysis on peer cities to recommend a salary level for the ten elected office holders, at which time Council may decline to act or may act through ordinance to set the pay.

Mr. Mills questioned the size of Council staff and their various functions. Mr. Johnson replied that each Council Member has two personal staffers, a legislative aide and a legislative assistant that report directly to the Council Member. The Council President also has a Chief of Staff to help organize the work program of Council staff. Also, there are 14 central staffers that include Legislative Research and Community Engagement that are available to all seven members of council. Discussion followed about the year yearly budget for council, Mr. Johnson will forward that to committee members as a follow-up request. Bradley noted that although Council Members are considered part-time, they do have resources other than their own staff members, such as the Legislative research office and the Communications staff. Also, their service qualifies them for public employees' retirement, and they have the option of participating in the city's medical health insurance program.

McCarthy asked if staff noticed any correlation between the size of staff and the disposition of the council member office, or the council full-time status. Mr. Johnson stated they did observe that full-time councils tend to have larger staffs, such as three to four personal staffers each, some up to seven personal staff members once council got to that full-time level and it was a large city.

Ms. Gilyard asked how many hours City Council members are putting in and Mr. Johnson stated that each Council Member is different. Some have outside employment but in general, they most likely put in 26 hours or more per week to do the job effectively including committee work, community meetings and constituent work, however we do have some members who exceed 40 hours per week.

Vitale commented that in the recent election, one of the biggest arguments against a larger council was the amount that would be spent on council member salaries. Mr. Johnson stated the current Council Member salary is @ \$52,000. Mr. Vitale asked for a comparison of the cities on the list and what their council members are paid as a follow up item for staff. Discussion followed, initiated by Mr. Rosenberger, on the cost to run the offices of Council. Mr. Johnson stated that it is about \$537,297 per member including the cost of support staff and the centralized policy staff.

Chair Coe directed the meeting toward the third topic on the agenda, continuing previous discussions regarding vacancies and appointments. Bryan Clark's presentation slides are on file in the records of the Charter Review Committee. (comments are summarized)

Mr. Clark began by going back to the original top 25 data set, and if there were any statistically significant links between other features of that city and the way they filled vacancies, and found there were two. The first is that as staggered terms go up, special elections go down. Cities that have staggered terms are more likely to use an appointment process or a hybrid process. Cities that only elect every four years are more likely to call a special election to fill a vacancy. Cities that have non-partisan elections are less likely to have a special election. There are three common methods of filling vacancies. The first is an appointment, pretty straightforward, what Columbus does. Council votes to appoint a qualified elector to fill the vacancy.

There are three variations we are talking about. The first is appointing for the not unexpired term, so essentially until the next regular election or special election. The next is appointment with a person elected at a special immediately taking office, which was an interesting quirk we saw in some cities. And then lastly appointment for the entire unexpired term. Columbus uses an appointment until either a special election or the next regular municipal election. So an appointee can never serve more than two years in the City of Columbus.

The most common hybrid form essentially says that if you have a year or less left on the term you can appoint someone. Otherwise, you must have a special election. The variations there are giving council the authority to appoint within the given time, if council doesn't act, the backstop is a special election. And then there are some options to give the city the option in the charter. They can either appoint or have a special election.

Last, we have special elections. In these cities, there is no allowance for an appointment. There are, however, some variations. One is requiring a special

election within a certain time frame. This would be akin to our charter amendment process where the Ohio constitution requires that we call a special election within a certain number of days after that petition is put on the ballot by council. The other is aligning the elections with existing election dates, whether at the city or at the state level. We were asked to look at potential alternatives for filling vacancies. We were also asked to provide staff's opinion of the pros and cons of any given alternative method.

First is what we would call a limited appointment caretaker. In this situation an entity can appoint a qualified elector to fill the vacancy, but the appointee, is ineligible to run to obtain the seat. This could apply for an election for the unexpired term and/or a new term in the specific seat. Variations of this that we have seen including recently here in Columbus is a handshake agreement that is non-binding. Essentially Council saying we will appoint you only if you agree not to run, or a charter provision that is legally binding with regard to caretaker.

The next, we are calling affectionately first loser. This would be an entity that would be required to appoint the person who had the most votes but didn't win the office. In a field election, this would be the person that is right past number four or number three in the City of Columbus, depending on the election cycle, and in a head to head, this would be the person who got the most votes but didn't win. If that individual is no longer qualified or is not willing to accept the appointment, the entity would then be allowed to appoint any qualified elector to fill the vacancy.

We were not asked to look into but felt it important to raise is what we are calling a majority trigger. In this case, the entity may vote to appoint a qualified elector to fill a vacancy unless it would result in a majority of the council members being appointed without an intervening election. In that instance, a special election must be used to fill any vacancy until the next regular municipal election. What this would look like in the City of Columbus is we have seven council members. If three council members stepped down and had appointees put in their seats prior to a regular election and there were a fourth member that stepped down, that fourth member would have to go on a special election. There would be no ability to appoint until the next intervening election. It is also important to note that this applies to unexpired term or special elections as well. This doesn't speak to how council members were originally placed on council. It speaks only to the appointment without an intervening election.

The next identified was limited appointment. Every city that appoints has some process they follow, but we found that some cities had a much more formal process that required public input. In addition to the current process, applications have to be accepted and made public. Council must use one or more public meetings where some subset of candidates are vetted before council and the public. This would be similar to a confirmation hearing used for cabinet members

at the federal or state level. Council would have to vote in public to make the appointment at a public meeting.

One final option that we were asked to look at would be an unfilled vacancy. In a single city that uses this for some council members, the office must remain vacant until the successor has been elected either at the next regular municipal election or at a special election for the unexpired term scheduled on the date of the next municipal election.

Chair Coe asked that if more than one person resigns, could you go back to the caretaker model or first loser concept and if staff had any examples of what would happen if more than one person resigned at the same time or there was a vacancy of more than one seat. Clark replied that in the caretaker model if you have multiple people appointed, they would not be eligible to run in that next election cycle without an intervening election cycle, similar to state term limits. You can sit out an election and run again. Clark followed with unique challenges this would present in a field race.

McCarthy asked for a recap of the elements of the current process in Columbus, and Mr. Clark outlined the process. McCarthy followed by asking about other council appointment processes in peer cities where there are examples of public screening of potential candidates. Clark stated there are peer cities that allow for an appointment but their charter requires that council hold a public hearing. Typically you would have each council member choose one or more individuals to invite in, each would be presented with the same list of questions and the public would be allowed to provide comments at the end of that hearing.

Bradley questioned the cost of special elections and non-partisan offices/ballots. Clark clarified the three types of ballots used in Ohio and the challenges of special elections in even years and stated that the cost for a special in the City of Columbus is currently \$1.3 million.

Mr. Mills asked what the background is on that provision and when it was last challenged. Discussion followed regarding the subject and Clark was unaware of any challenges to it and stated during his time at the Secretary of State's office, it was a common and understood practice that goes back to the early 1900s during the progressive era. There was a desire at that time to remove urban party machines from the direct election process by removing either marks or party designation on the ballot and also banning, as our constitution does, straight ticket voting by party. Discussion followed regarding Columbus elections being non-partisan and whether Columbus could go to partisan elections.

Chair Coe directed the meeting toward the public comments and called the first speaker, Pastor Nancy Day Achauer.

Day Achauer stated that as a community leader on the far west side of Columbus, she was compelled to stress the importance of community input in city governance through our area commissions. Columbus is a large and diverse city whose city council lacks local representation from all areas of the city. Elected officials who are unfamiliar with the neighborhood lack the information needed to make informed decisions and unfamiliarity can lead to misunderstandings resulting in neglect or other negative impacts. Current area commissioners play a non-binding role regarding zoning and serve as liaisons with the city and much more could be done if given a greater voice. She stated that the current governance structure of Columbus has left the Westland area underserved and economically depressed and she added that she does not believe that the City of Columbus can effectively turn our situation around without a system allowing a form of authentic local representation. She asked the charter review committee to recommend changes to the charter that will incorporate a system of actual local representation in our city governance.

Chair Coe called the second speaker, Emmanuel Remy.

Remy began by stating he is the President of the Northland Community Council and thanked members of the committee and staff for the commitment and deliberations thus far. Northland is an area that is the largest community organization in the City of Columbus that predates the area commission structure. However, Remy emphasized that they are recognized by the city in all the ways that an area commission is such as by the BZA, the City Council, and the other types of committees. He commented that Issue one gave an opportunity to think a lot about the governance in the City of Columbus, and one can see by the voter turnout and the results of his that they don't have the concerns about being heard by City Council. He stated that looking at the population of the City of Columbus; it is time to expand Council. Nine to eleven members would be something that seems to relieve some of the burden that the current Council Members face with committee assignments and then also being able to represent certain areas. He suggested that we work to strengthen the area commissions and civic associations. The at-large system has been working for the City of Columbus; the city has taken some great strides, one with the Department of Neighborhood Services and the other with President Klein developing Neighborhood Services at Council. He suggested assigning a Council Member to each particular area rather than mandating it by district. Columbus is a top city in so many ways across the nation, so if something is working so well, maybe we are doing the things the right way.

Chair Coe called the third speaker, Janet Wolosyn.

Ms. Wolosyn brought a sample zoning notice for committee members to view and indicated she was disappointed in the process. She indicated the one-page notice she received in the mail said nothing, then there were Development Committee hearings, and civic association meetings that they knew nothing about. She indicated when they received the notification they were told to look on the city's website for the information and stated it was not there. Once residents attended the meeting and found out what things were about it was not sitting well. Also there are gaps on how people get

notifications about the legislation that affects their neighborhood and she would like to see some changes. Vitale asked if she tried to call any council members and she indicated she had been trying to reach them to lobby against this zoning change. Vitale followed by asking if she spoke to any Council Members. Wolosyn said she met with a couple of the Members and Michael Stinziano came to their homes. Discussion followed about her particular case and if it had been approved or disapproved by Council and it was determined that it was still tabled.

Chair Coe clarified that area commissions don't have any requirement to give any specific notice for the hearing of items. The meetings just have to be public and different area commissions handle that notification process differently. Most commissions post their agendas but whether people know to go out and read those or participate every month usually presents a challenge. Sometimes residents are finding out for the first time because they are not connected to the area commission or civic association process.

Rosenberger added that it was a perfect example that if there were resources, these processes could be improved and back offices could execute more. Chair Coe commented that making a standard so that people would know how to learn about what is being heard at area commission level in advance, including websites may be a good idea.

Chair Coe called the fourth speaker Kathleen Wolf.

Ms. Wolf stated that she was impressed that the city appointed a review commission for the charter. She stated that she lives in the same neighborhood as the last speaker. Ms. Wolf gave a variety of details relating to the zoning matter of concern and feels like the city seems to be rubberstamping and recommending it with none of the residents being informed.

Chair Coe called the last speaker, Jonathan Beard.

Mr. Beard indicated that he wanted to summarize some of the things the committee has heard over the last couple months and correct the record on one item first. The committee heard presentations that at-large elections are competitive and the average margin between the highest loser, biggest loser, and the smallest winner is 5.6%. He indicated that he went back and looked at the election results in one of the tables that he submitted and the actual losing vote margins were 14, 44, 65, and 70% and covered margins in the 2011 election as well. He asked why races are so non-competitive and stated that it may be because campaign money follows the winners and challengers don't have the money to reach voters citywide. In 2013 the challengers raised \$17,000 and incumbents raised \$375. In 2011 the challengers raised \$275,000, but the incumbent raised \$750,000. He stated that incumbents themselves aren't raising the money; it has been the Council President providing 72% of the entire incumbent council member funding. He also suggested the committee look at the results of under voting -

people who don't vote for all the candidates on a ballot or the three or four members in the field race but vote for one or two. He presented statistics on vote counts for specific races in last year's election and stated that he feels that most people are reluctant to use the party slate card and most would prefer to actually think and vote for themselves. He referred to a chart he will submit separately relating to council members and how they gained their seats and stated that we have a system where black Democrats must wait around seeking appointment and many who could be leaders wait around for the appointment process because they need the money. After that, they are more accountable and responsive to the Council President and political bosses than to the people. If it is not reality, it is at least perception, and that is the issue we should all be concerned about with our elections.

He provided more statistics from 2011 related to campaign funds. He stated that the role of a representative body is to be intimately familiar with the people they represent, not draw people out of the population and give them special privileges. He stated that our Council is too small. The city has grown too big to be represented by seven members. He suggested adding council members but not members who run in citywide elections they can't afford and also because of the expense and difficulty of running citywide elections. Individuals and parties are making decisions not to run as candidates based on expense and likelihood of success. He spoke about change needed in the local Democratic Party and then talked about the appointment process and representation of black citizens. He suggested if you change the appointment process then you have to change the format of council, create non-discriminatory methods of election like council districts, aggressive campaign financing with caps on contributions like citizens have voted for once but council never enacted as legislation. He commented that change won't come from the party in power or the politicians; it has to come from the citizens. He encouraged the committee to use their power to recommend change and show that the Columbus way does not mean black citizens have to have every electoral choice ratified by white citizens.

Closing Remarks

Chair Coe thanked everyone for the turnout and appreciated the committee members' for their attention. She stated that the committee will not meet again until January 5th. The next meetings are working meetings; they will be public meetings but will not have presentations. The committee will be working on the content for the final report and will probably have one or two more meetings after that. Dates and details will be forthcoming and the working meetings will take place at City Hall.

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

Bradley moved, Lawes seconded.

Meeting adjourned at 8:08 p.m.

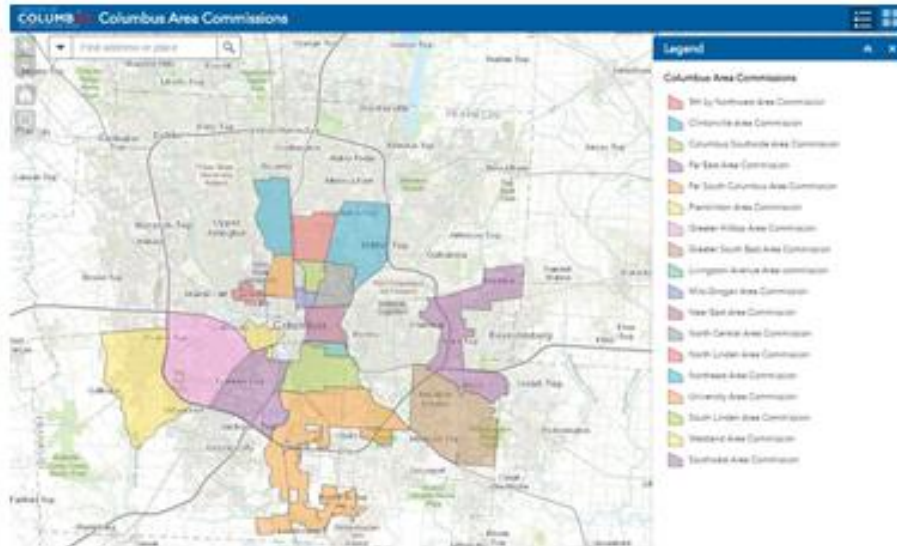
Area commissions



Columbus City Code 3109

- “Area commissions are established to afford additional voluntary citizen participation in decision-making in an advisory capacity and to facilitate communication, understanding and cooperation between neighborhood groups, city officials and developers. Disclosure of the by-laws, procedures and rules assures accessibility of necessary information. General standards and filing procedures serve as guidelines for establishment of area commissions, assure compliance with minimum requirements, effect area representation, and permit flexibility and individuality without the legislative burden of detailed codification and periodic amendments for each commission. Filing also provides reference models for other neighborhood groups. (Ord. 2654-96 § 1 (part).)” – Chapter 3109.01 of the City Code

Current area commissions



Current area commissions (18)

- 5th by Northwest
- Clintonville
- Columbus Southside
- Far East
- Far South
- Franklinton
- Greater Hilltop
- Greater South East
- Livingston Avenue
- Milo-Grogan
- Near East
- North Central
- North East
- North Linden
- Southwest
- South Linden
- University
- Westland

Forming an area commission

City Code, 3109.02 – Petition

Persons residing, working or owning property in the city who desire to participate in decision-making on a representative advisory area commission basis, may petition council.

500 signatures of residents and property owners required.

City Code 3109.03 – Notification of residents

The petitioners have 30 days after filing a petition to notify residents.

Residents have 60 days to file a written objection.

Forming an area commission, cont'd

City Code 3109.04 – Revision of documents

Documents to be submitted to the City Clerk:

- Concise description of the proposed commission area;
- Description of those residents who agree to serve as a task force from the time the AC is established by council until it is organized;
- One task force member to act as an agent for notices;
- Statement of the proposed by-laws, rules and selection procedures;
- 500 resident/property owner signatures

City Code 3109.05 – Commission area

Commission areas shall:

- Be compact, homogeneous area that is manageable in size, large enough for recognition and small enough for effective representation;
- Maintain neighborhood identity and cohesiveness;
- Whenever feasible, coincide with designated city planning areas; and
- "Be described by the centerline of natural or artificial boundaries with the fewest changes in course practical, together with an indication of the number of acres and dwelling units contained therein.

Forming an area commission, cont'd

City Code 3109.07 – members

Each commission must prescribe the number of members in its by-laws, however, to no less than seven (7) nor more than twenty-one (21).

All members shall be appointed by the mayor with the concurrence of council.

City Code 3109.08-09 – Selection procedure and Terms

Nominations for the Mayor's consideration may be made in accordance with the body's duly authorized selection procedure.

Members may serve terms for no less than two (2) years nor more than four (4) years.

Functions and duties of area commissions

Local planning

- Create plans and policies which will serve as guidelines for future development of the area;
- Bring problems and needs of the area to the attention of appropriate government agencies;
- Recommend solutions or legislation

Liaise with other areas

- Regular public meetings;
- Public hearings on problems, issues and proposals affecting the area;
- Public forums and surveys for interested parties to state problems and concerns;
- Solicit active cooperation of all segments of the area;
- Initiate and support local proposals;
- Promote and encourage local businesses

Functions and duties of area commissions, cont'd

Area enhancement

- Review the capital improvements budget and propose new items and changes related to the area;
- Make recommendations for restoration and preservation of historical elements;
- Review area plans and provide input prior to adoption by Council

Interact with City officials

- Request and receive periodic reports on services in the area;
- Request and receive reports on proposed changes in service to the area and recommend approval/disapproval of the changes;
- Review and evaluate pending legislation that affects the area prior to consideration by Council;
- Advise on rezonings, special permits, variances, demolitions, and zoning appeals

Functions and duties of area commissions, cont'd

Land use and zoning advising

- The area commission may meet with applicants for rezonings, special permits, demolition permits, or variances regarding property wholly or partly within its commission area to discuss the proposal, its relationship to the area, and possible modifications. In order to assist decision-making without disrupting existing procedures, the area commission shall conduct such meetings and notify the appropriate body of its recommendations in a timely manner. Upon good cause shown, inability of the area commission to make a recommendation may be grounds for postponement of subsequent action by other bodies.
- Suggestions and comments of the area commission shall be advisory only and failure of the applicant to comply therewith shall not in itself constitute grounds for denial of the application. Failure of the applicant to consult the appropriate area commission in a timely manner, however, may be grounds for postponement of further action by other bodies.

Comparative analysis - Cincinnati



Comparative analysis - Cincinnati

- Cincinnati City Council is a nine-member, at-large City Council
- All areas of Cincinnati are covered by a community council;
- 51 community councils covering approximately 80 square miles of territory and 298,000 residents;
- All community councils are recognized by the City;
- Community councils advise on zoning and development policies, but conduct neighborhood programming
- Community councils are eligible for \$6,800 a year in restricted discretionary funds for membership drives, newsletters, beautification and clean-up activities, summer employment or cultural activities for neighborhood youth; or workshops for community members

Comparative analysis - Seattle



THE CITY OF
COLUMBUS
CHARTER REVIEW
COMMITTEE

- Seattle City Council is a nine-member, hybrid City Council (seven districts)
- All areas of Seattle are covered by a neighborhood council;
- 13 neighborhood councils covering approximately 142 square miles of territory and 685,000 residents;
- All neighborhood councils are recognized by the City;

Comparative analysis - Seattle



Presentation by J. Edward Johnson, Director of Legislative Affairs for Columbus City Council (as prepared for delivery)

Good evening members of the Charter Review Committee.

This evening, I'll be presenting information for your consideration on the employment status of council members. That is to say whether or not members of council ought to be considered full-time legislators or continue as part-time.

The most important place for us to begin is the Columbus City Charter, where we have limited guidance on the employment status of all ten elective officers of the City. The seven members of Council, the City Attorney and the City Auditor have similar language in the respective sections of the City Charter that speak to their qualifications; the Mayor is the only elective officer with different language regulating qualifications.

Section 58 of the Columbus City Charter prohibits the Mayor of Columbus from holding any form of employment beyond the mayoralty:

"The Mayor shall not hold any other public office or employment..."

While sections 6, 66 and 79 prohibit members of Council, the City Attorney and the City Auditor from holding any other public office. Since the implementation of the City Charter, those sections have been interpreted to be permissive of outside employment for those office holders.

Because the charge of this committee is to examine sections of the Charter relevant to Council, staff has looked the qualifications sections, or other analogous sections, of other cities' charters to determine the employment status of council members around the country that fall into the Best Cities Index and the seven Ohio cities we are using for comparison.

When examining charters of other cities around the country, we find a variety of clauses and passages that designate employment status.

For some cities, the use of the term “full-time” is in the charter, for others a prohibition against outside employment is stated, or clauses exist that designate the role of council member as an individual’s primary obligation. The “primary obligation” clause doesn’t appear to ban outside employment, but does create the expectation of full-time public service.

In cities where members are part-time, we also see usage of the term “part-time,” the city’s laws are silent on the matter, or pay is on a per meeting or per diem basis, especially true for cities in the State of Texas.

Often times, when looking at the cities where council members are part-time, the language is not informative as to the necessary time and attention required to be an effective local elected official. To that end, staff has looked at research from the National League of Cities and the National Conference of State Legislatures to provide definitions pertaining to full-time and part-time city councils.

Thirteen (13) cities on the Best Cities Index have full-time councils. That is defined as 32 or more hours (at least 80 percent of a standard 40 hour work week) spent on legislative functions like council sessions, committee meetings and work, constituent services, community meetings, and elections work. Many full-time city councils have large staffs, personal staffers that report directly to members and support staff; are paid sufficiently to make a living without outside income; tend to be medium and highly populated cities; and meet year-round.

Sixteen (16) cities on the Best Cities Index, including Columbus, have part-time councils. For the sake of providing clear definitions, staff is providing a definition of “part-time plus” to make clear the obligations many of these members face as opposed to strictly part-time city councils.

These members spend two-thirds, or 26 hours, of a standard 40 hour work week or more on the aforementioned legislative functions inherent in being a sitting city council member. Part-time Plus councils have medium-sized staff, and are salaried, but are typically allowed outside employment. These cities are as large as 8.5 million in population and as small as 650,000 residents. Many of these cities meet or are “in-session” for nine months or more out of the year.

Lastly, we see the strictly part-time city councils, where less than 20 hours a week are spent on legislative functions. The pay tends to be nominal or even per meeting; obviously requiring outside income. These tend to be smaller cities, towns and villages, but do include several large cities.

As members deliberate, I would encourage you to consider the following factors in determining whether not council members ought to remain under the current designation, which remains silent on outside employment; or if the Charter ought to contain a clause that would essentially make members full-time:

- The amount of time currently spent on being a member of council;
- The amount of time required to be an effective member of council;
- Resident and citizen expectations of members' availability;
- Whether or not the presence of outside income for members creates an onerous amount of conflicts of interest and abstentions from votes; and
- What an adequate level of staff support is for members.

Thank you for your time and attention. Staff is available to assist as we are able or to initiate any further research requests on this topic.

Full-time versus part-time members of council



THE CITY OF
COLUMBUS
CHARTER REVIEW
COMMITTEE

Employment status

Council Members, City Attorney and City Auditor

...[Council members/ City Attorney/ City 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.

- Secs. 6, 66, 79

Mayor

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.

- Sec. 58

Defining full-time and part-time councils

Full-time councils

- Charter or code explicitly defines the position as full-time;
- The charter has a clause that the role of council member ought to be the primary responsibility; or
- A prohibition against outside employment exists.

Part-time councils

- Charter or code explicitly defines the position as part-time;
- The charter or code is silent on the matter;
- Pay is on a per meeting basis.

Defining full-time and part-time councils, cont'd

Full-time

- 32+ hours per week for session, constituent service, committee work and elections
- Large staff
- Salaried to make a living without outside income
- Medium and highly populated cities
- Year-round session

Part-time "Plus"

- 26+ hours per week for legislative functions
- Intermediate-sized staff
- Salaried position (outside income allowed)
- Medium and highly populated cities
- 9 or more months in session

Part-time

- 20 (+/-) hours per week
- Small staff
- Pay is nominal or per meeting
- Outside source of income required
- Towns, villages, suburbs and small cities

Comparative analysis of Best Cities Index and Ohio cities

Cities with full-time councils

- Austin
- **Boston**
- Cincinnati
- Cleveland
- **Detroit**
- Denver
- **Los Angeles**
- Philadelphia
- San Antonio
- **San Diego**
- San Francisco
- San Jose
- **Seattle**

Cities with part-time councils

- Akron
- Charlotte
- Chicago
- **Columbus**
- Dallas
- Dayton
- El Paso
- Fort Worth
- **Houston**
- Indianapolis
- Jacksonville
- **Memphis**
- Nashville
- New York City
- Phoenix
- **Washington, D.C.**

BOLD indicates Mayor-Council cities

Factors to consider

- Amount of time spent on being a member of council;
- Amount of time *required* to be an effective member of council;
- Resident expectations of members' availability to the public;
- Should outside income be permitted?
- Staff resources available to members

SIZE RANK	CITY	STATE	2015 POP	2010 CENSUS	PERCENT CHANGE	FORM OF GOVT	FORM OF COUNCIL	AT-LARGE CM	WARD CM	TOTAL CM	RATIO	FULL / PART TIME	OUTSIDE JOB ALLOWED?	BEST CITIES INDEX
10	San Jose	California	1,026,908	945,942	9%	Council-Manager	Hybrid	1	10	11	93,355	Full		6
11	Austin	Texas	931,830	790,390	18%	Council-Manager	Hybrid	1	10	11	84,712	Full	N	7
17	Charlotte	North Carolina	827,097	731,424	13%	Council-Manager	Hybrid	4	7	11	75,191	Part	Y	18
16	Fort Worth	Texas	833,319	741,206	12%	Council-Manager	Hybrid	1	8	9	92,591	Part	Y	39
6	Phoenix	Arizona	1,563,025	1,445,632	8%	Council-Manager	Hybrid	1	8	9	173,669	Part		41
9	Dallas	Texas	1,300,092	1,197,816	9%	Council-Manager	Hybrid	1	14	15	86,673	Part	Y	48
7	San Antonio	Texas	1,469,845	1,327,407	11%	Council-Manager	Hybrid	1	10	11	133,622	Full	Y	49
20	El Paso	Texas	681,124	649,121	5%	Council-Manager	Hybrid	1	8	9	75,680	Part	Y	52
3	Chicago	Illinois	2,720,546	2,695,598	1%	Mayor-Alderman	Ward	0	50	50	54,411	Part	Y	53
18	Seattle	Washington	684,451	608,660	12%	Mayor-Council	Hybrid	2	7	9	76,050	Full		2
8	San Diego	California	1,394,928	1,307,402	7%	Mayor-Council	Ward	0	9	9	154,992	Full	Y	8
22	Washington	District of Columbia	672,228	601,723	12%	Mayor-Council	Hybrid	5	8	13	51,710	Part	Y	10
23	Boston	Massachusetts	667,137	617,594	8%	Mayor-Council	Hybrid	4	9	13	51,318	Full	Y	19
15	Columbus	Ohio	850,106	787,033	8%	Mayor-Council	At-large	7	0	7	121,444	Part	Y	30
4	Houston	Texas	2,296,224	2,100,263	9%	Mayor-Council	Hybrid	6	11	17	135,072	Part	Y	36
2	Los Angeles	California	3,971,883	3,792,621	5%	Mayor-Council	Ward	0	15	15	264,792	Full	N	38
24	Memphis	Tennessee	655,770	646,889	1%	Mayor-Council	Ward	0	13	13	50,444	Part	Y	61
21	Detroit	Michigan	677,116	713,777	-5%	Mayor-Council	Hybrid	2	7	9	75,235	Full	N	62
19	Denver	Colorado	682,545	600,158	14%	Mayor-Council, Consolidated	Hybrid	2	11	13	52,503	Full	N	5
25	Nashville	Tennessee	654,610	601,222	9%	Mayor-Council, Consolidated	Hybrid	5	35	40	16,365	Part	Y	27
1	New York	New York	8,550,405	8,175,133	5%	Mayor-Council, Consolidated	Ward	0	51	51	167,655	Part	Y	42
12	Jacksonville	Florida	868,031	821,784	6%	Mayor-Council, Consolidated	Hybrid	5	14	19	45,686	Part	Y	43
14	Indianapolis	Indiana	853,173	820,445	4%	Mayor-Council, Consolidated	Ward	0	25	25	34,127	Part	N	56

5	Philadelphia	Pennsylvania	1,567,442	1,526,006	3%	Mayor-Council, Consolidated	Hybrid	7	10	17	92,202	Full	Y	58
13	San Francisco	California	864,816	805,235	7%	Mayor-Supervisor, Consolidated	Ward	0	11	11	78,620	Full	N	1
	Akron	Ohio	197,859	199,110	-1%	Mayor-Council	Hybrid	3	10	13	15,220	Part	Y	DNR
	Dayton	Ohio	140,599	141,527	-1%	Commission-Manager	At-large	5	0	5	28,120	Part	Y	DNR
	Cleveland	Ohio	388,072	396,815	-2%	Mayor-Council	Ward	0	17	17	22,828	Full	N	60
	Toledo	Ohio	279,789	287,208	-3%	Mayor-Council	Hybrid	6	6	12	23,316	Part	Y	DNR
	Cincinnati	Ohio	298,550	296,943	1%	Council-Manager	At-large	9	0	9	33,172	Full	Y	DNR
	Youngstown	Ohio	65,184	66,982	-3%	Mayor-Council	Hybrid	1	7	8	8,148	Part	Y	DNR

VACANCIES, PART DEUX

ALTERNATIVE APPROACHES TO COUNCIL VACANCIES

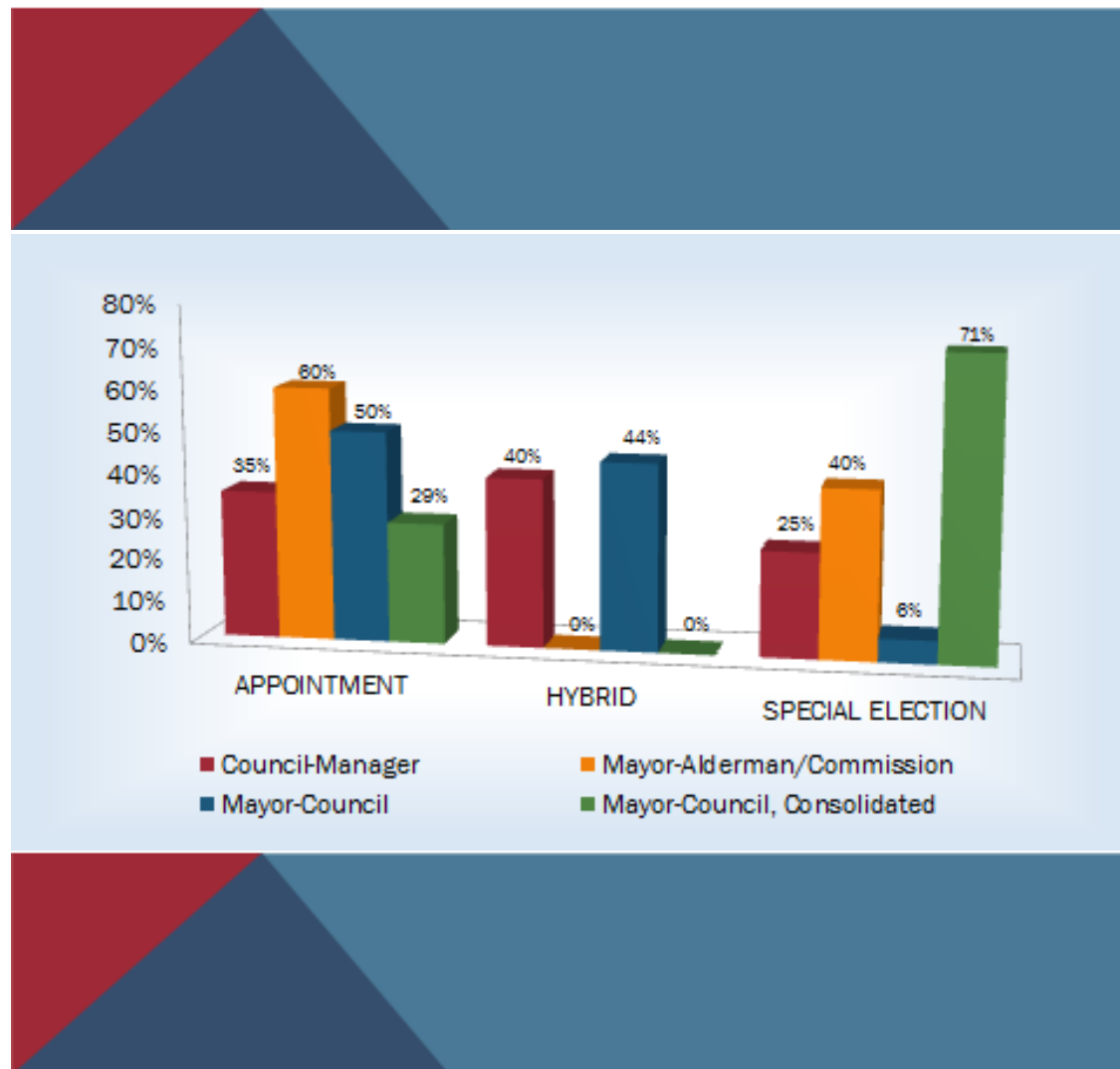
Bryan Clark, MSEM
 Chief Policy Advisor
 Mayor Andrew J. Ginther

COUNCIL VACANCY METHODS TOP 50 CITIES

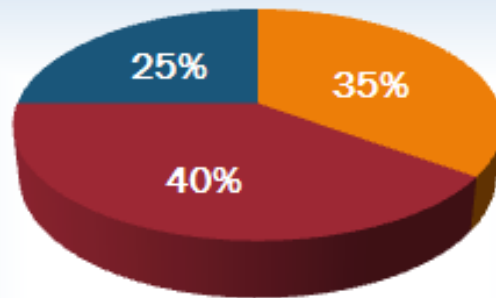
FORM OF GOVT	# OF INSTANCES	APPOINT	HYBRID	SPECIAL ELECTION
Council-Manager	20	7	8	5
Mayor-Alderman / Commission	5	3	0	2
Mayor-Council	18	9	8	1
Mayor-Council, Consolidated	7	2	0	5
ALL CITIES	50	21	16	13

COUNCIL VACANCY METHODS TOP 50 CITIES

FORM OF GOVT	# OF INSTANCES	APPOINT	HYBRID	SPECIAL ELECTION
Council-Manager	20	35%	40%	25%
Mayor-Alderman / Commission	5	60%	0%	40%
Mayor-Council	18	50%	44%	6%
Mayor-Council, Consolidated	7	29%	0%	71%
ALL CITIES	50	42%	32%	26%



VACANCIES, COUNCIL-MANAGER

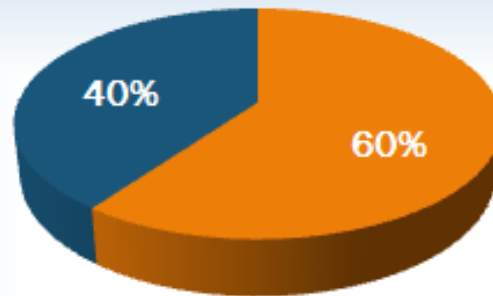


■ APPOINTMENT ■ HYBRID ■ SPECIAL ELECTION

COUNCIL-MANAGER, TOP 50

Arlington	Kansas City	Sacramento
Austin	Las Vegas	San Antonio
Charlotte	Mesa	San Jose
Dallas	Oakland	Tucson
El Paso	Oklahoma City	Virginia Beach
Fort Worth	Phoenix	Wichita
Fresno	Raleigh	

VACANCIES, MAYOR-ALDERMAN/COMMISSION

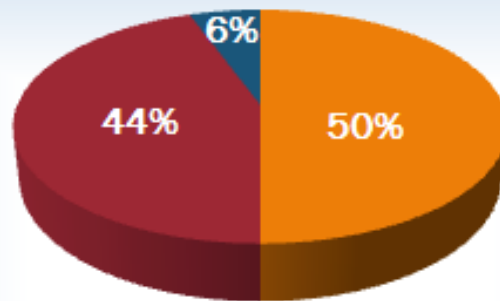


■ APPOINTMENT ■ HYBRID ■ SPECIAL ELECTION

MAYOR-ALDERMAN/COMMISSION, TOP 50

Chicago
Milwaukee
Miami (Consolidated, Partial)
Portland
San Francisco (Consolidated)

VACANCIES, MAYOR-COUNCIL

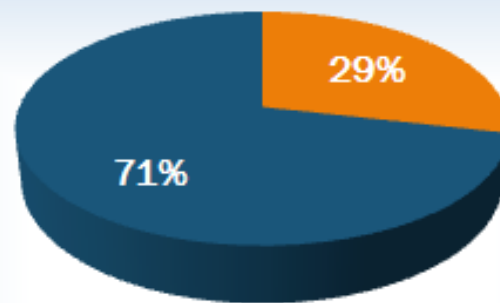


■ APPOINTMENT ■ HYBRID ■ SPECIAL ELECTION

MAYOR-COUNCIL, TOP 50

Albuquerque	Detroit	New Orleans
Atlanta	Houston	Omaha
Baltimore	Long Beach	San Diego
Boston	Los Angeles	Seattle
Colorado Springs	Memphis	Tulsa
Columbus	Minneapolis	Washington DC

VACANCIES, MAYOR-COUNCIL, CONSOLIDATED



■ APPOINTMENT ■ HYBRID ■ SPECIAL ELECTION

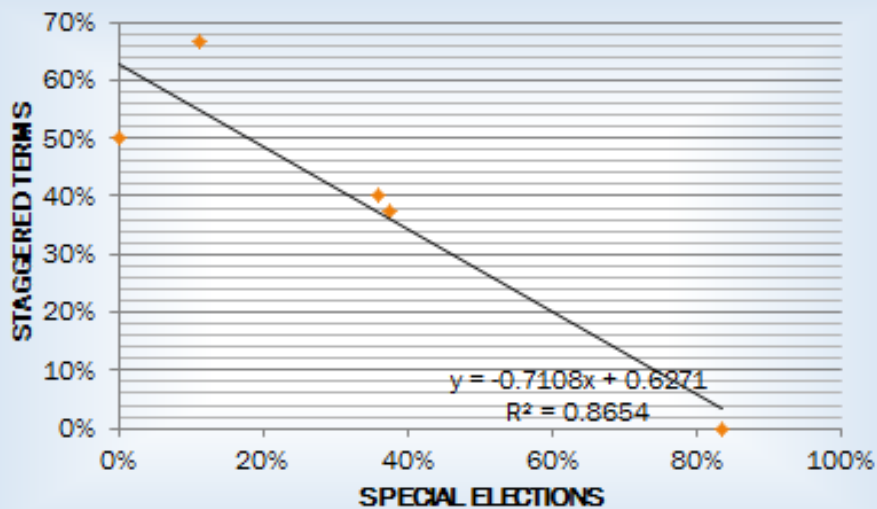
MAYOR-COUNCIL CONSOLIDATED, TOP 50

Denver
Indianapolis
Jacksonville
Louisville
Nashville
New York
Philadelphia

LINK: STAGGERED TERMS, SPECIALS, TOP 25

FORM OF GOVERNMENT	SPECIAL ELECTION	STAGGER TERMS?
Mayor-Council, Consolidated	83%	0%
Council-Manager	38%	38%
Mayor-Alderman/Commission	0%	50%
Mayor-Council	11%	67%
ALL CITIES	36%	40%

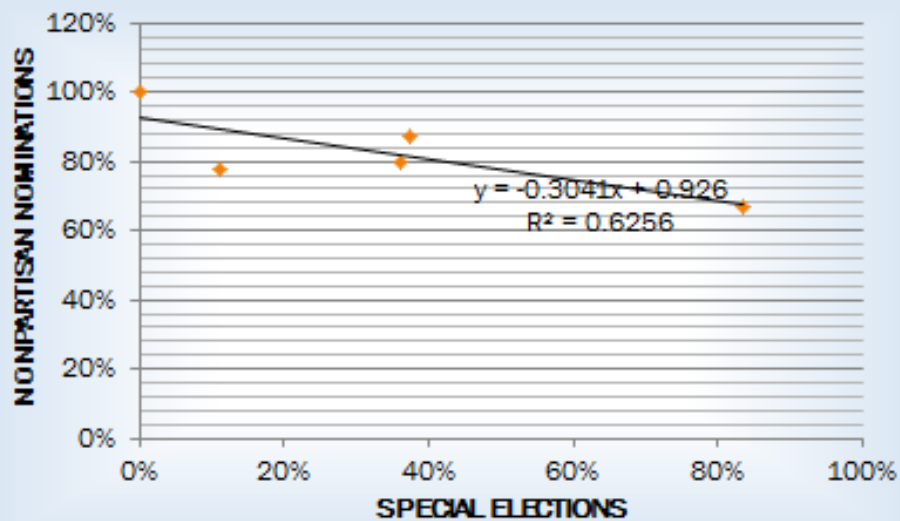
There is a statistically significant negative correlation between staggered terms and special elections to fill council vacancies. Cities with staggered terms are less likely to use special elections and vice versa.



LINK: NONPARTISAN, SPECIAL ELECTIONS, TOP 25

FORM OF GOVERNMENT	SPECIAL ELECTION	NONPARTISAN
Mayor-Council, Consolidated	83%	67%
Council-Manager	38%	88%
Mayor-Alderman/Commission	0%	100%
Mayor-Council	11%	78%
ALL CITIES	36%	90%

There is a statistically significant negative correlation between nonpartisan nominations and special elections to fill council vacancies. Cities with nonpartisan nominations are less likely to use special elections and vice versa.





APPOINTMENT

PROVISION: An appointing authority – typically the remaining members of council or, in limited instances, the mayor or council president – vote to appoint a qualified elector to fill the vacancy.

VARIATIONS:

1. Appointment until a successor is sworn in after a special election at the next regular municipal election.
2. Appointment until a successor is elected, with the successor immediately assuming office.
3. Appointment for the entire unexpired term.



APPOINTMENT

Top 50 Cities Utilizing the Appointment Method (21)		
Albuquerque	Indianapolis	Raleigh
Baltimore	Los Angeles	San Francisco
Chicago	Louisville	San Jose
Colorado Springs	Memphis	Seattle
Columbus	Mesa	Tucson
Detroit	Miami	Virginia Beach
Fresno	Omaha	Wichita



HYBRID

PROVISION: The most common allows the council to appoint a qualified elector to fill the vacancy if less than one year of the term in office remains; otherwise, council must call a special election.

VARIATIONS:

1. Council given authority to appoint within a given time, with a special election if council doesn't act.
2. Council given the option to either appoint or call a special election.



HYBRID

Top 50 Cities Utilizing the Hybrid Method (16)		
Atlanta	Las Vegas	Phoenix
Boston	Long Beach	Sacramento
Charlotte	Minneapolis	San Antonio
Fort Worth	New Orleans	San Diego
Houston	Oklahoma City	Tulsa
Kansas City		



SPECIAL ELECTION

PROVISION: An entity – typically the entire council or, in limited circumstances, the council president, city clerk or mayor – call for a special election to fill the unexpired term. No appointment is allowed prior to that special election.

VARIATIONS:

1. Requiring an election within a certain timeframe after the vacancy is finalized.
2. Aligning the election with existing election dates.



SPECIAL ELECTION

Top 50 Cities Utilizing the Special Election Method (13)		
Arlington	Jacksonville	Oakland
Austin	Milwaukee	Philadelphia
Dallas	Nashville	Portland
Denver	New York	Washington DC
El Paso		



LIMITED APPOINTMENT, CARETAKER

PROVISION: An entity votes to appoint a qualified elector to fill the vacancy, but the person is ineligible to run to retain the seat. This may apply to an election for the unexpired term and/or for a new term.

VARIATIONS:

1. Handshake agreement that is nonbinding.
2. A charter provision that is legally binding.



LIMITED APPOINTMENT, CARETAKER

Top 50 Cities Utilizing the Limited Appointment, Caretaker Method
San Diego (limited)

Background:

The caretaker method applies in San Diego if a vacancy occurs in the final year of a councilmember's term; otherwise, a special election must be held. This is one of the most amended sections of the San Diego charter, having been amended 17 times since adoption. The caretaker provision was first added in 1994.



LIMITED APPOINTMENT, CARETAKER

PROS

- Removes any potential advantage of incumbency for an appointee
- Typically filled by a seasoned/retired public servant

CONS

- Will never face election, no accountability to voters
- Very limited pool of potential appointees
- Potential for a 2 year term as an appointee, yet no potential for election
- Only used in a limited capacity in a single top 50 cities



LIMITED APPOINTMENT, FIRST LOSER

PROVISION: An entity must vote to appoint the person with the most votes who did not win the office, provided the person is still qualified and willing to accept the appointment; otherwise, the entity appoints any qualified elector to fill the vacancy.

VARIATIONS:

None



LIMITED APPOINTMENT, FIRST LOSER

Top 50 Cities Utilizing the Limited Appointment, First Loser Method
--

Boston (limited)

Background:

The first loser method applies to Boston's At-Large Councilors who stand for election every 2 years. Staff could not find a single instance of its usage in modern history, while there have been numerous vacancies filled via special election in districts.



LIMITED APPOINTMENT, FIRST LOSER

PROS

- Appointee has stood for election
- Some linkage to the direct election of councilmembers

CONS

- Directly contradicts the electoral process by seating a candidate who lost
- In the case of a head-to-head race (like unexpired term), gives the election to the loser.
- May require appointment of a person unfit for office
- Removes any institutional or electoral checks/balances on the appointment process
- Only in one top 50 city, but no record of its usage



LIMITED APPOINTMENT, MAJORITY TRIGGER

PROVISION: An entity may vote to appoint a qualified elector to fill the vacancy unless it would result in a majority of the members being appointed without an intervening election. In that instance, special elections must be used to fill any vacancy until the next regular municipal election.

VARIATIONS:

1. Continuity of government plan whereby another elected official must call a special election for a new council if the entire current council is vacated due to death or disability.
2. A similar provision if a majority of seats are vacated during the same time period.
3. Authorizing the remaining members of council to appoint all vacancies during a national emergency.

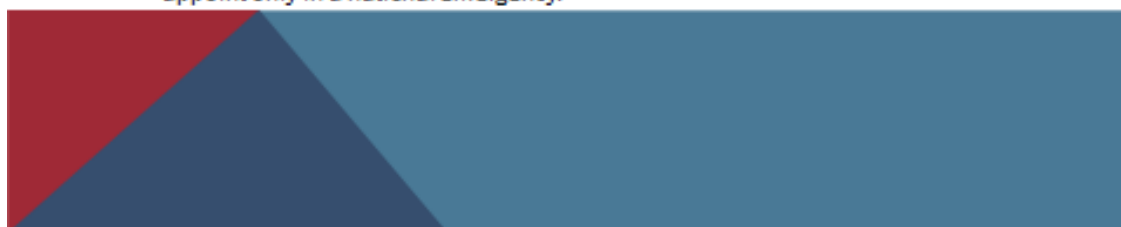


LIMITED APPOINTMENT, MAJORITY TRIGGER

Top 50 Cities Utilizing a Limited Appointment, Majority Trigger Method		
Los Angeles	Fresno	Dallas
San Diego	Sacramento	Houston
San Jose	Long Beach	Milwaukee
San Francisco	Oakland	

Background:

California state law (CA Gov 36512) requires use of this provision in filling vacancies. Houston triggers a special election if more than $\frac{1}{2}$ of council is vacant. Dallas triggers a special if all of council is vacant. Milwaukee triggers authority to appoint only in a national emergency.



LIMITED APPOINTMENT, MAJORITY TRIGGER

PROS

- May be used along side the normal vacancy processes
- Ensures a majority of council has always been elected, even if first appointed
- Provides a continuity of government safeguard

CONS

- Does not alter the pros or cons of any vacancy process
- Most useful in a city without staggered election terms
- Creates separation of powers concerns (i.e., who decides council is vacant and calls for the election?)
- Special elections are costly in Ohio and may only take place for nonpartisan offices if no party designation is on the ballot



LIMITED APPOINTMENT, PUBLIC PROCESS

PROVISION: An entity may vote to appoint a qualified elector to fill a vacancy, provided that all of the following occur, in addition to the current appointment process: applications must be accepted and made public; council uses one or more public meetings where some subset of candidates are vetted, similar to a confirmation hearing; and council votes to make the appointment only after the public meeting(s).

VARIATIONS:

Numerous



LIMITED APPOINTMENT, PUBLIC PROCESS

Top 50 Cities Utilizing a Limited Appointment, Public Process Method

Various

Background:

Staff found a variety of requirements, including informal policies, city ordinances and charter requirements.

LIMITED APPOINTMENT, PUBLIC PROCESS

PROS

- May be used along with normal vacancy processes
- Removes any mystery surrounding the appointment process
- Gives public input prior to council appointments
- Mirrors the confirmation process used at the state and federal levels for cabinet appointees

CONS

- Requires a longer timeframe for appointment
- Does not change the underlying pros and cons of any vacancy process

UNFILLED VACANCY

PROVISION: The office must remain vacant until a successor has been elected, either at the next regular municipal election or at a special election for the unexpired term scheduled on the date of the next regular municipal election.

VARIATIONS:

None



UNFILLED VACANCY

Top 50 Cities Utilizing an Unfilled Vacancy Method
Nashville (limited)

Background:

Nashville, which has 40 councilmembers (5 elected at-large) does not allow the filling of a vacancy in the office of at-large councilmember. Of note, this is the most contentious and frequently amended section of the city charter. It has been amendment, in whole or in part, in 1965, 1988, 1994 (referendum), 1996 (referendum), and 2007 (referendum).



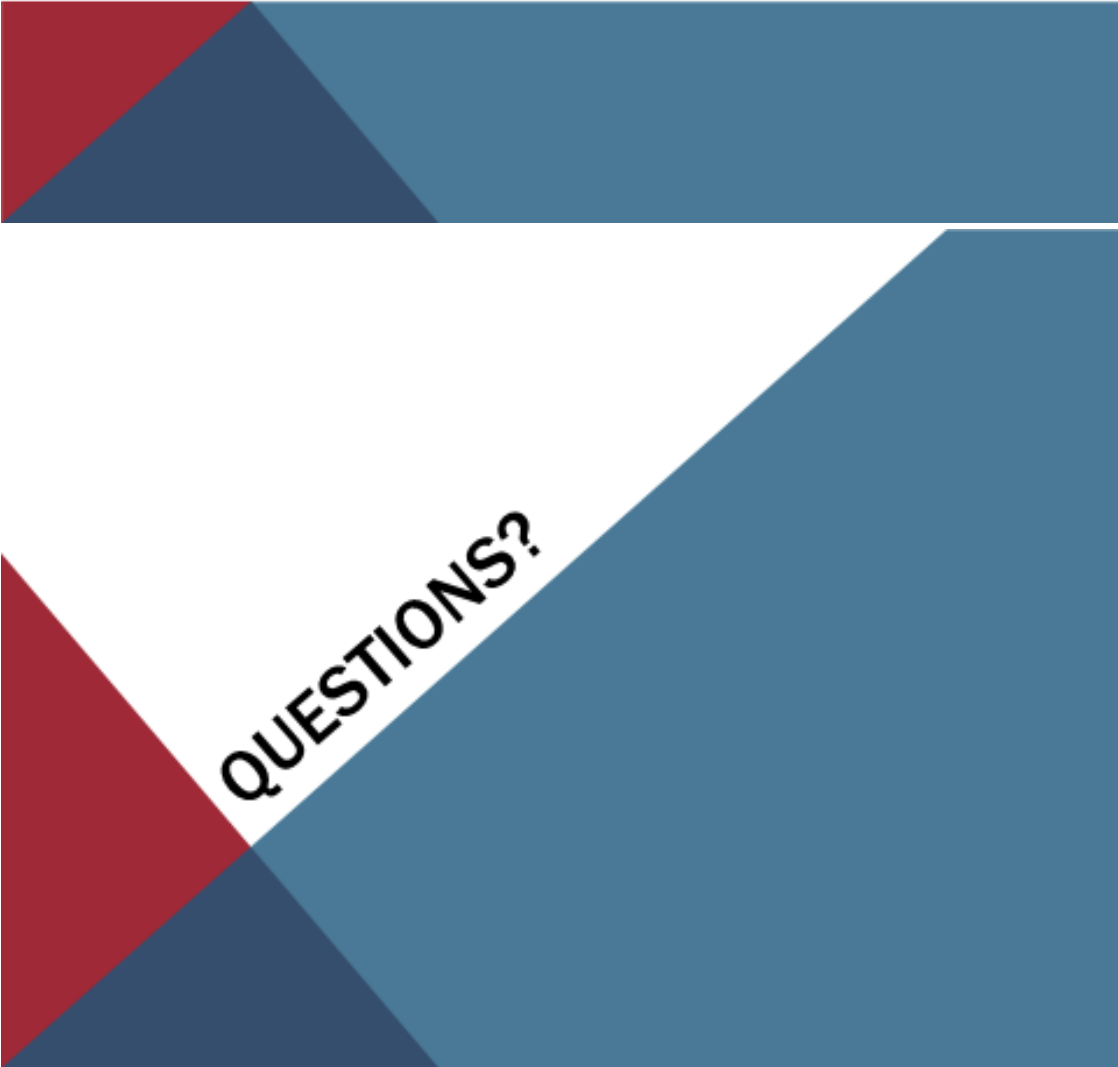
UNFILLED VACANCY

PROS

- Removes any potential advantage of incumbency for an appointee

CONS

- Potential for a vacancy lasting 2 years
- Potential for multiple vacancies at the same time
- Significantly disrupts council operations in ways that cannot be changed
- Leaves the city without full representation
- Only used in one top 50 city



QUESTIONS?



**Columbus Charter Review Committee
Committee Meeting Agenda
Thursday, January 5, 2017
2:30 p.m.
Columbus City Hall, 90 W. Broad St.**

1. Welcome and opening remarks
2. Approval of the minutes
3. Message to the Committee
4. Summary of public comments received to date
5. Committee discussion on previous public comments and presentations
 - a. Size and composition of Columbus City Council
 - b. Full-time versus part-time
6. Public comments
7. Closing remarks
8. Adjournment

Charter Review Committee Minutes

January 5, 2017
City Hall, 90 West Broad Street
Columbus, Ohio

(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair
Jennette B. Bradley
Frederick E. Mills
John C. Rosenberger
Lourdes Barroso de Padilla
Rev. Tyrone A. Lawes
Keary McCarthy

(Frieda L. Gilyard absent)

Welcome and Opening Remarks

Committee Chair Stefanie Coe opened the meeting at 2:38 p.m. and thanked everyone for attending.

Approval of the Minutes

Hearing no questions or corrections, Chair Coe asked for a motion to approve the Minutes, as submitted. Rosenberger moved, Mills seconded. All in favor, no one opposed. Motion carried and Minutes were approved.

Message to the Committee

Committee Secretary Blevins read the resignation letter of Committee member Robert Vitale into the record. (Resignation due to a work conflict)

Chair Coe explained that committee will continue with eight members and announced that Ms. Gilyard will be absent for this meeting. Chair Coe stated that the focus of today's working meeting is size and structure/composition of Council. The committee's goal today is to make general recommendations for the final report. Staff will prepare draft language and then it will be presented to committee members to review and approve.

Summary of Public Comments received to date

Stephanie Megas reported on public comments received electronically via the website and reported that a request came in for the public comment summary to be displayed on the website as well. Ms. Megas also stated that the comments form on the website is still live if anyone wishes to submit comments for the committee.

Committee Discussion

Chair Coe asked committee members for initial thoughts about the size and composition of city council which is at the forefront of the issue that brought this committee together. She stated from her perspective it seems like the number of council members is small in comparison to other peer cities and she can see a pretty good reason to increase the number of council members to some degree. Making significant changes concerns her because things are going well and she wouldn't want to see a lot of change just for the sake of change.

Bradley commented that her overall feeling was that Columbus was not out of the ballpark on any of these things when we compare ourselves to the top 50 cities, our peer group and stated that we are a well-performing city. With regard to size, she stated that it is very easy to look at population and make judgments in comparison to other cities, but what she found missing was the detail of how those councils operate. She stated that we have very hardworking council members that are caring and very responsibly working for the citizens of Columbus, and just looking at the number doesn't tell how the council actually works. We have a legislative research office supporting our council members and a dedicated Communications Department. We have support for our council members that will enable them to do more because there is more staff involved and technology. She also stated that we now have the 311 Call Center from an administrative level that should take away some of the calls that Council used to get. We don't want our council members to be overworked, but it is working now. The citizens seem to be satisfied. Citizens have had an opportunity to weigh in on the primary topic about changing the council and that shouldn't be discounted. She thought there are some things that Council itself can look at that can improve relationships with the citizens that may not require a charter change.

Rosenberger stated that we just spent \$1.3 million to ask the people what we ought to do and 71% said leave it alone or 70% basically said they liked what was going on. He suggested that we pull out two or three things that we need to improve upon. He commented that review of the systems for appointment and standing for re-election being healthy, and commented that when it only happens episodically with many years in between, institutional memory is lost and starts over at zero. He stated that we have a responsibility to leave behind something that represents institutional memory about the things we thought maybe could be improved and how. With respect to number on council, he said that we don't see any evidence that more people make better decisions than less people. The two big things that Council is charged with are making decisions and constituent service. Things that came out of the recent campaign that we ought to pay attention to are complaints about the lack of familiarity with sections of the city and they didn't feel like anyone was responsible to their neighborhood, they didn't have

anybody who was their person to go to. He felt that all of that was well-explained about why at-large is also good about all these things, but if we want to try to improve two things, one would be the sense of ownership and number two, familiarity. When we talk about council and increasing size, he expressed interest in entertaining that question only if we see improvements on those fronts. If there are more people and it means that people are more familiar with a neighborhood, and creates a go-to person for them, then he is interested. He felt it would be worth \$800,000 to add two members if we can spread the load and create familiarity and accountability superior to the current system.

McCarthy remarked that a couple of things that resonated with him are the responsiveness of council and the ability to understand and connect with the numerous neighborhoods. He expressed interest in hearing more about how we can be responsive to that, whether it is a charter recommendation or some other process. He wanted to make sure that we think about the area commissions and what role they can play because there are real opportunities to create a stronger voice through them in a way that can capture some of the sentiment that neighborhoods do or do not feel with Council. He wanted a better understanding for how the area commission components can be connected together with that structure. The second thing he felt important is the competitiveness of the elections and the political process. He stated that the data about the competitiveness of elections in Columbus relative to the lack of competitiveness in other ward systems was compelling. If you have uncontested elections that are not competitive, it inherently undermines the responsiveness of a governance structure. The data that was presented helped understand how competitive Columbus' elections were relative to other cities that had ward systems. The political process, which has frustrated a number of people, has been conflated a little bit with this committee's charge. He thought it important to note that there is little that this committee can do in terms of changing the council structure through the charter that would prevent the political process from occurring the way that it does. In other words, if you had ward systems instead of at-large districts, if there were appointments or other processes or lack thereof, there would still probably be a ticket of candidates that would run as one. There would still be a group of people that would fundraise on behalf of the ticket. All of those things are realities we cannot control. We have to be very careful about trying to solve or address concerns about a process that is outside the scope by making permanent changes to the charter and the Columbus City Council structure. The area commissions are an important component of thinking about what recommendations should be, because they can play an important role. When thinking about increasing responsiveness, competitive elections should be a guiding light for that. And the third thing is making sure we don't try to solve concerns about a political process through adjustments and recommendations to the charter that ultimately won't solve those problems.

Reverend Lawes stated that looking from the perspective of the circle of people he deals with; they seem to be split down the middle. Many of them feel like it would be good to have some sort of increase of our city council in order to more adequately meet the needs of the people and some others that say it works excellently. He felt the committee needs to move forward in a very wise and cautious way.

Barroso de Padilla added that one of the things that rang true for her within this process is that there is a little dissatisfaction within the community and feeling like they have not been heard. She stated that they heard that repeatedly and throughout public commentary. She felt the committee needed to scratch under the surface and if things are broken anywhere, that means they are broken somewhere within the system. There are people who feel like part of this system is not working for them. There are a lot of reasons as to why that could be; it doesn't feel like you have your own person so you don't feel like you are cared for. She relayed history about the neighborhood she grew up in and crime in that area and who was looking out specifically for them. Also commented about change within the city and the need to change and grow with it, including the number of council members expanding as well. Also questioned if there was a way that we structure council so that we can be more responsive to people? She felt it necessary because there is a greater number of people that are not engaged in our system and are not being heard. She stated that it is important to our decision as we move forward to make sure we are thoughtful about what we have been charged with and if we don't, we are not being true to everyone in our community. She also stated that there could be a general feeling about the level of openness and transparency and if there is not a level of both, it is easy for people to come to conclusions about the way that the process works. She commented that some area commissions run beautifully, as powerhouses, and in other places they are not and asked how do we cultivate and help the system. This could be a way that people understand and feel like things are accessible to them and that they have people who can be their voice.

Mills stated that from the excellent job that staff has been doing, he doesn't know that we necessarily need more members on council because he thinks they are doing a good job of representing the citizens with the constituent work and staff work, but one area where he wanted to diverge is the issue of fairness and representation. He stated he has been chairing a committee at the state legislature that has been talking about changing apportionment in congressional redistricting. He has heard hours of testimony but commented that no one has appeared to speak about the fact that for years it has been 7 to 0 here and that does not meet a test of competitive fairness. He stated he would be okay with adding members but thinks they have to represent districts where competitive fairness comes into place. He commented that there was a very good presentation made by Bill Shuck, former state legislator, on how a ward system would work in Columbus. He thinks we should talk more about that kind of a proposal. He stated that now is probably not the time as we just had a vote on it six months ago, but if we are going to look at expanding council, he feels it has to be through ward representation and the idea of competitive fairness.

Bradley commented that there is some disconnect that the citizens have with council. She commented that some members are relatively new and have not had the opportunity to build up relationships yet. She stated that when we talk about the structure of council we need to emphasize accountability and responsiveness. We hear

people say "I want someone to represent me. I want my person." Technically they have seven because they should be able to pick up the phone and call any councilperson with a concern. There is still the committee structure where council members have assigned committees. You could call any council member, but you have a Safety chair if your concern is related to safety. She said she didn't know if the disconnect is that people don't understand the structure of how Council works. She also stated that goes back to the continuity of our area commission, because although we have them, they may not be as strong as they used to be. Council has to make an effort to overcome some of this perception that citizens have that they are not getting the service they are requesting. Generally speaking, people are happy here from what we have been presented. We can make suggestions, but there has to be some internal dialogue with the council members themselves and an internal evaluation for how they are responding to the citizens' needs. These however, are not charter change actions, but areas that need to be looked at. We need to strengthen the area commissions and look at how Council is responding. Also, there has to be better education about the committee structure, but it is a concern that people think that with seven council members, they don't feel they have a voice.

Chair Coe stated that we can make recommendations that go to transparency and responsiveness that aren't things that a charter amendment or a policy change is necessarily going to fix. It will really be Council addressing that. The point about new members is relevant, giving people an opportunity to build those relationships hasn't necessarily occurred. As much as we need to separate all of the issues that have come up in order to make a specific motion and address specific issues, they all do connect. There are a lot of pieces to sort out. The structure and how we view the area commissions is essential to addressing citizens not feeling represented or heard. Also structurally, if we can use the area commissions more effectively, then the issues that are getting to council members are more defined and more readily able to be addressed. It is hard to talk about structure and number without knowing how area commissions are viewed. There could be further study on evaluations, revising the commission on commission's ideas as well. There was a discussion about staff support and how the area commissions use the resources that the city does provide. Also, there are parts of the city that do not have an area commission. She would like to see these issues further studied and not take away the uniqueness of the area commission, but the foundation needs to be there, structure, bylaws and elections so people have more knowledge about what is going on and are better able to participate in the process. You can build that into how Council decides to interact with the area commissions and give the average citizen the ability to have a direct line in the process.

Bradley added that we can write down specific tasks and policies, but she would like to see Council cultivate the commissions. We have new council members but we also have very active people on the commissions who have retired, moved away resulting in a lack of continuity and institutional knowledge. Whether it is the commission or civic association, when the city makes decisions about resources or when the city needs information about problems or how they can improve services to people, that's the front line of opinion.

Chair Coe stated that there have been comments that we have grown and some of the structure hasn't changed. We now have a process that requires a charter review commission every ten years. She stated that she doesn't feel like we are at a ward system, but that those things should be reviewed because the structural role changes and what the community needs can change drastically in a ten-year period. From now on, it will be more proactive than reactive and the conversation about wards will come up. She stated that if we saw in this process how a different structure or even numbers would produce better results than we have today, she would be very happy to see that change; however, she didn't feel like the data they have reviewed has shown to produce a positive impact on the community as a whole.

Rosenberger suggested the committee look at what we can do over the next five years before this issue is looked at again by another commission, that council can do without an amendment of the charter, to be responsive to the concerns about familiarity and responsiveness? He shared thoughts about the pipe lines that currently exist between citizens and council for communication and that we should consider one related to geography and the idea of members of council taking a certain area and making it his or her responsibility. They would make an effort to know all the area commission chairs in that area and the issues that exist in that area. Their responsibilities remain at large but just have better pipeline with their geographic area. With area commissions, it may be simply a matter of area commissions adopting a member of Council and that member being accountable to those residents. Mills agreed that one of our recommendations could be that Council should make sure every citizen of this city has one person who is representative of that geographic area, although not elected from that area.

Chair Coe commented that if we had an area commission that covered every bit of the city, and certain members of council are assigned to that area, the citizens would know which Council member is their designated representative/contact person. It has nothing to do with electing them by wards, they would be accountable to the whole city and elected by the whole city, but at least people would feel like they have a primary point of contact. Bradley added that the speaker from the Northland Community Council made that same suggestion at the last meeting.

McCarthy stated that one of the challenges with wards, while you may be able to glean greater representation due to responsiveness for a particular area; you also have the potential to have a difficult redistricting process. The line-drawing process every ten years is difficult and contentious and has the potential to create greater divisions within the community. He continued by stating that in a ward system there is some real tension between the council members and the neighborhoods and we should be cognizant of that fact. He liked the idea about creating some designated area in which council members are responsive to but also elected city-wide and thinks it is a nice combination of ensuring that people are responsible to a certain part of the community but avoiding the potential territorial issues amongst council members that can create more acrimony, discontent, and less productivity.

Bradley agreed with the pros and cons associated with districts and one is that it can be problematic with tension and creating war between districts. She thinks we should give the citizens of Columbus credit that some most likely are aware of this when they vote not to go for districts and stated that this is not a perfect process, and even if you have a district, there still has to be other council districts to support whatever initiative comes up to get something done. Regardless, there has to be a cooperative spirit among the Council Members for the greater good of the city.

Barroso de Padilla commented that residents choose a neighborhood and often people stay, shop, and worship where they live. Council has the most successes when they get out into the neighborhoods, at festivals and neighborhood pride, etc. Instead of looking at the entire map of the city and thinking they have to cover and know all of this, here is the zone or an area where I'm going to go a little deeper and be a content expert in. She also added to the previous comment about having seven voices, and stated that she thinks that feels overwhelming to people. You call and get the person who is most responsive and sometimes you do build relationships and they leave Council and then you have to start all over again with someone else.

Committee took a ten minute recess.

Chair Coe opened and continued discussion by asking staff if there are examples in city government such as the city attorney's office where they have zone attorneys and have divided up the city for coverage related to the discussion about connecting Council with area commissions. Mr. Johnson replied that Council President Klein has recently formed a Community Engagement office which divides the city north/south/east/west to cover area commissions and civic associations and report back to the members. Those members of staff are typically at area commission meetings in their areas and some of the larger civic association meetings to report to the members while members themselves are also rotating throughout parts of the city. The members are not necessarily tied down but are able to maintain some degree of closeness with regions of the city separated by geography.

Mr. Clark distributed the fire division's battalion map and explained that the city is broken up into seven battalions and discussed police precincts and five zones that apply to both the police department and the City Attorney's office for zone attorneys. The city is also broken down further into four precincts per zone for a total of 20 precincts across the city. In the Department of Neighborhoods there are two functions that interact directly with areas of the city. The first is neighborhood pride that focuses on specific geographic areas on a rolling basis. The city essentially spends a week of intense focus dealing with the challenges of that particular area. We also have neighborhood liaisons, and these liaisons exist in the Fire and Police departments, and in the Department of Neighborhoods. One of the things that then Council President Now-Mayor Ginther promoted was diversity and inclusion liaison officers within the

Police department. These were liaison officers that deal with specific communities in the city regardless of geography. Focused on new Americans, LGBTQ community, and the African-American community. Our community relations division works specifically with communities here in the City of Columbus. I would also mention the Commission on commissions which Chairwoman Coe was a part of years ago here at Council. We had a lot of the same goals that you are talking about now to make sure that every area of the city is covered with an area commission.

Barroso de Padilla followed with a question for the Department of Neighborhoods regarding the number of staff for each community, such as New Americans. Mr. Clark replied that they have one focused on the new Americans communities and stated that they focus on the Somali population, we are the second largest population outside of Somalia, and second is for the Latino community. These are communities that really need support to understand how to interact with their city government. The community liaison officers and police officers will go out to new American communities and provide a primer on how police works in the United States. He also commended Council Member Stinziano for holding community office hours, and Council as a whole for expanding their community meetings where they go out to recreation centers across the city. Anyone who wants to come in and ask a question can have access to all seven council members at the same time. The city's Directors, Deputies, and liaisons also attend those meetings.

Chair Coe commented that as we talk about responsiveness and accountability, there is an educational component to this. Do people understand how it should work? And that goes back to the question of the real issue, we can have double the council members and if we still don't understand how it works, we would have the exact same issues, just more people to be frustrated with. Barroso de Padilla replied that having a campaign is important so people really understand where to go and how to work within the system.

Chair Coe brought the discussion back to making general recommendations so that the staff can put together some formal language for review. Her interpretation is that the committee is generally comfortable that there needs to be two members added potentially. Part of the recommendation could be to increase the size by two members and ask the next commission in five years to review whether those two members address the issues.

Bradley added that she felt they were discussing whether we need to expand because of some of the other things that the committee is proposing. She indicated she wasn't at the place to recommend additional Council members. She commented about the Community Engagement team and stated that she hoped that anything the committee proposes can be sustainable within the budget.

McCarthy stated that there is clearly an opportunity to grow based on the total population of the City. We are on the lower end in terms of number of representatives for the size of the city. He indicated he was comfortable with having staff bring back some understanding of what an addition of two members of council would be. He

continued with comments about thinking long term, and what the next charter review commission might look like and the issue of proportionality. He would be comfortable with two now and would be comfortable with giving a nod to the 2022 charter commission to think about some structure that would make the proportional range under 100,000 citizens per member.

Chair Coe added if Council were to put a charter amendment on the ballot, a recommendation to increase the size of council doesn't mean two new council members tomorrow and asked what the time line would be where that could actually happen. Discussion followed regarding when a charter change would appear on a ballot for public vote and potentially when an election would occur should Council approve the recommendations.

Rosenberger followed that he can't agree with the suggestion of going through a formula that someday we may end up with 50 people on Council. He discussed his preference that this Committee had been asked how to tee this up for the charter review commission when they meet five years from now and what ground work can be laid now for when the ward question comes again. Also, in the meantime between now and the next charter review commission, what can we do differently that is an improvement that is responsive to the criticisms?

Chair Coe stated that she is also concerned that we have grown and continue to grow so even if this committee were to take action, we are talking about January 2020 and if we wait for the next charter review commission, change would take even longer. To address the responsiveness issue, she felt like the committee has to say to Council that there is responsiveness, familiarity, community engagement, and transparency issues that need to be addressed but we also recognize there are a lot of constituents within that pool that we are asking you to address, so we are recommending to add two council members to offset it a little bit, so we have a smaller group of constituents per Council member.

Barroso de Padilla commented that we have uncovered that there is an issue and this committee is charged with being responsive to the issue based on information that has been given, and move forward with a responsible decision or action. She also commented on having a proportionate number of people to Council members and felt it needs further review, not a mandate that Council continues to grow, but stop and pause occasionally and evaluate how are things going and whether there are more members needed.

Mills pointed out that the committee is acting under the assumption that if we recommend two members or four members, all at-large or all from wards, that Council will act on it. They don't have to act on it or do anything in a timely manner, ours are recommendations. He was not overly concerned if we give them a recommendation because it is their right and elected duty to put it on if and when they want to. He reiterated his opposition to increasing council without looking at proportional fairness.

Chair Coe stated that the committee needs to make a motion on recommendations. She began by suggesting that staff look further at the addition of two representatives for council and put together language and structure for committee review. Rosenberger stated that if increasing council by two members seems to have significant support on our panel, and realizing that if the committee recommends that, it wouldn't occur until two years out, he wants to emphasize the need for things to be done differently. He is not supportive of two additional members, but felt we can start down the path of increasing by two. He felt that we have a two-year incubation period to see if things can be done differently. If it were nine people doing something differently, he would be in support, but not necessary to move to nine members if things are operating the same way they are today.

Chair Coe added that the other recommendations where most of the committee members are feeling most passionately are related to community engagement and area commissions, they want to see some of the non-charter amendment related issues addressed including finding a more effective use of area commissions.

McCarthy commented that he is open to expanding council by two at-large, but if they are going to be at-large, he wants to know how we are going to address the concerns that we heard about representation in different neighborhoods, and that is very much predicated on what kind of changes we can also recommend to the area commissions. He wanted to underscore that if we can't come up with a constructive, practical mechanism to strengthen the area commissions and the opportunities they give for citizens to communicate to council and create some level of connectedness, he doesn't think just adding two at-large council members is enough.

Chair Coe replied that the recommendation of adding two members might be beneficial if we actually addressed the other issues as well. Barroso de Padilla stated that she thinks we need to expand based on people, and also thinks that if there is an expansion of people there has to be a system that supports that.

Bradley stated that we continue to follow the same path where people feel that Council Members are not being responsive; more of them will not necessarily mean better service. She emphasized that there has to be a commitment and some change within Council itself as to how it wants to connect and respond to the community. She thinks the city is great at working together and indicated she is reluctant to add two more council members and lead the public to believe that is going to solve all the problems because it will not. If we recommend that Council has the battalion or zone divisions and that becomes a heavy administrative burden, we will start seeing justification of expanding Council, but we are just now beginning the process. She would prefer we move down the road on making changes of the immediate problem before we start just adding people.

Chair Coe asked for the committee's pleasure in a motion for staff to begin to prepare draft language in the form of recommendations about the addition of two council members, but also more specific language about community engagement and the area commissions. Those items would not be actual charter amendments, but more legislative in nature. She shared her thoughts on creating an area commission for each area of the city, how they might be divided up and how Council may divide to cover them. She asked staff to help with more detailed recommendations relative to area commissions and tie the recommendation on size to this idea about area commissions.

Rosenberger added comments about zones, battalions and geography and also noted that he would like for the new recommended improvements to be given a trial period before the question comes back to the voters about whether or not they will add two more people on Council. He requested the sequencing issue be addressed in the committee's recommendation language. Chair Coe stated that the committee recommendations could include that Council potentially add two members but not act on that until 2018 or 2019, if it is legally permitted to be worded that way.

Mills added that he wasn't sure why we are limiting ourselves to two. He suggested just saying increasing the size and/or composition of council. McCarthy stated that this committee was formed to answer some of those questions with a little bit more specificity on behalf of Council. He thinks it should be two in a certain period of time before the 2022 charter review commission, and suggested that future considerations of such matters take into effect a degree of proportionality, for example 100,000 residents per Member.

Chair Coe stated that the committee was charged to make specific recommendations and Members of Council haven't necessarily heard the same data, so if the committee left it open-ended it would not be clear to Council what the recommendation was based on data and statistics. She made a motion that staff draft language associated with adding two members at-large with no reference to changing to district representation and also include extensive language on area commissions and how they can be strengthened and restructured. Barroso de Padilla requested that language regarding geography be included as it helps address some of the issues the committee has heard. Chair Coe made the motion, McCarthy seconded. All voted in favor, none opposed. Motion carried.

Chair Coe followed up that staff will come back to us at the next working group meeting with draft language, which will be a work product for review. After the next two working meetings, staff will go back and begin preparation of the final report and the committee will have a final meeting to approve the report.

Discussion followed regarding the next meeting, during which the committee will talk about full-time versus part-time, and the vacancy and appointment process. The next working meetings are Wednesday the 11th and Thursday the 12th at 2:30 p.m. and the week following on Friday the 20th at 2:30.

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

McCarthy moved, Mills seconded.

Meeting adjourned at 4:50 p.m.



**Columbus Charter Review Committee
Committee Meeting Agenda
Wednesday, January 11, 2017
2:30 p.m.
Columbus City Hall, 90 W. Broad St.**

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Discussion of draft language on size and structure of Council
5. Committee discussion on:
 - a. Vacancies and appointments
 - b. Full-time versus part-time
6. Public comments
7. Closing remarks
8. Adjournment

**Charter Review Committee
Minutes**

January 11, 2017

City Hall, 90 West Broad Street

Columbus, Ohio

(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair

Jennette B. Bradley

Frederick E. Mills

John C. Rosenberger

Lourdes Barroso de Padilla

Keary McCarthy

Frieda L. Gilyard and Pastor Lawes were absent

Welcome and Opening Remarks

Committee Chair Stefanie Coe opened the meeting at 2:36 p.m., thanked everyone for attending and stated that the committee will accept public comments at the end if time allows. She also added that the committee will postpone approval of the minutes from the meeting of January 5 until the next meeting since they had not yet been distributed for review.

Summary of Public Comments received to date

Stephanie Megas reported on public comments received electronically via the website and stated that a list of all public comment thus far is posted on the charter review committee website at Columbus.gov.

Committee Discussion

Chair Coe stated that she was going to change the agenda order by moving the discussion of the draft language on the size and structure of council after the discussion about vacancies and appointments and full-time versus part-time status of Council Members to make sure we get to the heart of those issues and then we can fine-tune the language and specific recommendations. She stated from her perspective, the conversation around the vacancy and appointment process centered around coming up with recommendation to make the process more transparent and having some type of public hearing so the public has an opportunity to be more engaged in the process.

Rosenberger commented that the importance of transparency relates to who is being appointed. If the candidate is not a placeholder, and instead ends up being an incumbent, it is a bigger deal and requires greater scrutiny, and thus more

transparency. Bradley added that she is all for a public process, however she would be concerned about the applicant, and wants to make sure the process doesn't prevent people from wanting to apply and commented that in speaking about a public process we need to consider who is asking the questions and doing the interviewing, because then that can be subjected to the criticism of stacked deck. We don't want to put people through a brutal public process when we have elected Council members to make decisions like this on behalf of the city.

McCarthy agreed that there is opportunity to improve the transparency component of the appointment process, but didn't want to see us go so far that we would deter qualified applicants from going through an appointment process that could be more rigorous and more publicly challenging than much other higher offices in the land. He also reiterated that the committee has a limited capacity to make constructive changes in this area because most of the criticism around the process is more directed at the political process of county party endorsements and those from sitting elected officials. Those are all things that are going to be done outside of this process, and very little that we could recommend will affect that. This committee can only attempt to reform the Charter to make this process more open and public.

Mills asked staff to explain again what happens currently during the appointment process. Barroso de Padilla noted that the names of everyone who applies, and the list of finalists are made public under the current process. Chair Coe clarified that she wasn't suggesting that the committee make recommendations that would tie Council to a very specific set of processes or a lot of hurdles for applicants to jump through, but there is not currently an opportunity for the public to see candidates interviewed, so creating a public hearing would provide an opportunity for citizens to see and hear applicants.

Mr. Johnson (City Council Director of Legislative Affairs) replied that currently once a vacancy occurs, Council has 30 days to fill the vacancy. The application process is open for approximately two weeks. At the time it is closed, all the names and the applications themselves are public record. Council members will review them and decide who they would like to interview further. Sometimes those interview processes can happen with more than one member in the room, or individually. Members send their decisions on whom they would like to interview further to the President's office. Mills clarified that the process is not transparent at this point; interviews are done privately, not in open meetings. Chair Coe clarified that sometimes individual members interview people before they narrow down the list for interviews by the body. Once they have a narrowed down list, Council would meet, go into executive session, and interview however many people that they had narrowed it down to, and ultimately there was a public vote.

Mr. Clark (Chief Policy Advisor, Mayor Ginther's office) concurred that the description is an accurate reflection of historically how it has been done and that the entire process is very similar to what staff saw in other cities that have an appointment process. What is

different in some is the addition of a single public hearing where a finalist(s) would answer questions from Council only, and the public would be there to hear those answers. He also added that from day one Council provides all the data that is submitted, the resumes and the questionnaires to the public and to the media. Chair Coe added that if the committee can add an element that requires some discussion that the public can hear, it would help residents understand why Council ultimately selects candidate A over B. Currently there is a quick vote and you don't necessarily know much about that person in many instances until they have already been appointed.

Bradley commented that she thought this committee's discussion regarding a public hearing was to allow citizens to question the candidates and that was her concern. Chair Coe agreed that both had been discussed in previous meetings, but her suggestion is to leave it up to Council to control their own process but at least adding it to the Charter would require them to have a public hearing of some kind. Chair Coe expressed concern about sufficient time to get everyone who might be interested to have time to think about it and submit all the paperwork as well as prepare and she felt that if the committee recommends adding a public hearing, it should also recommend more time to fill the vacancy.

Mr. Johnson stated that once the resignation is effective, the 30 day period begins. Should the committee decide to recommend a public process, Council would give two weeks' notice that they are going to have a public hearing. Chair Coe replied that maybe the recommendation should be to change the Charter to allow 45 or 60 days.

Mr. Clark added that most of the public processes allow the public to provide comments to Council after they have heard the candidate speak or provide written comments. Our Charter was written that the clock and the entire process begins with the date a vacancy is effective. Even if Council knew a person was going to be leaving office at a certain time, they couldn't begin any of that process prior to that.

McCarthy stated that he would be more inclined to support a hearing before Council on a prospective candidate if it were a confirmation hearing as opposed having the top three finalists come before Council for question and answer sessions. He would like to see a recommendation that would essentially allow Council to nominate and then have a public hearing to confirm that nomination. He felt that if you ask several finalists to come before Council and have a public interview process, it would deter quality candidates from coming forward. Chair Coe asked him to clarify confirmation. McCarthy replied that Council would essentially nominate and then before that nomination could be authenticated, there would have to be this public confirmation process in which they would have the candidate come to final public hearing before that nomination can have a final vote.

Chair Coe stated that staff needs direction on language that would support this idea of a public hearing but maybe not so drastic that it requires X hours of testimony or anything that forces the process to be more complicated and added that there would have to be at least one Charter amendment to change the timing to allow additional time for the

public hearing and required public notice. Bradley stated that a possible alternative was allowing the public to comment on the final three candidates and asked Mr. Clark to give staff's findings on that matter. Mr. Clark responded that the general process in other cities is following the typical Council process of receiving public comment like you would on an ordinance, three for, three against, and the ability to send in written comment to the chair of that given committee. He added that in these cities there is some space between the public hearing and the final decision by Council, so it would not be a hearing and immediate vote in that same meeting. He believed in San Diego County and then also in Seattle they would accept verbal comments at that hearing, and they also accept written comments via e-mail or provided in hard copy to the Council.

Bradley questioned allowable use of executive session, and discussion followed regarding Council interviewing applicants, protection of applicants while still maintaining some sort of public process. Chair Coe agreed about protecting the applicant, but pointed out that there are limitations because they will be representing the entire city as a council member following the process. Bradley reiterated that we don't want to lose candidates due to a process going wrong and cautioned about the need to think this through thoroughly. Chair Coe added that this committee could add in a suggestion to add a public hearing portion to the process and then allow Council to use their processes to decide how they will accept public comment; her thought was that it just needs to be applied consistently to all applicants.

Barroso de Padilla stated that she doesn't think that the appointment process is commonly thought of as a personnel issue, that someone is getting hired for a job. She believes people think of it as the appointment of a public official that ordinarily they would get to vote on and in these instances, they aren't getting a vote on it until later. She also commented that if you are going to be a public official and run a campaign then a certain level of public scrutiny is inevitable and should be expected and at least a portion of the process should feel accessible to the people, which is what the public has stated that they want. Chair Coe added that she isn't even sure the majority of people know what happens when vacancies occur and agreed that a root cause of discomfort about the process revolves around things this committee is not going to be able to change related to the political process and things that are definitely outside the scope. She asked staff to put together language based on all of the thoughts presented around some type of public hearing and an extension of time so there could be a public hearing. Barroso de Padilla stated that adding a public portion could add to the competitiveness of the following election because people would begin to understand who the applicants are, and would gain some sort of recognition after having gone through the process. Bradley agreed to that fact, but just stated she hoped the process is tailored to protect applicants as well. Rosenberger gave his approval to the notion that you don't announce and approve the applicant the same night. Mr. Johnson added one point of clarification that in the past the vote for an appointment typically happens during a Monday night council meeting after having had hearings/meetings Tuesday through Friday of the previous week, so there is already a cooling off period between when members interviewed applicants and when they vote. Mills made the motion outlined above, Barroso de Padilla seconded. All voted in favor, none opposed. Motion carried.

Chair Coe followed up with asking to also provide guidance on whether 45 or 60 days is best to allow time for the public hearing and then moved the discussion to research on ways in which cities and other municipalities fill vacancies.

Rosenberger made comments surrounding the first runner up method and Mr. Clark's statistics on the competitiveness of elections and that it would be good government to have somebody of a different flavor from time to time on council and stated that he was in favor of a placeholder that can't stand for election to the office. He added that he thinks there are people who would serve for a reasonable period of time and he thinks the system would benefit from it not bestowing incumbency on somebody in this circumstance. Chair Coe asked for clarification and discussion followed about the candidate having to sit out an election cycle before they could run for that office. McCarthy commented that one of the challenges in the state legislature is that it takes a while to get to know the system and some experience is invaluable. Term limits have created a challenge where now lawmakers who are in charge of making important policy decisions haven't had a great opportunity to really understand the complexity of state government. He added that having new voices on Council is important, and if you had a caretaker provision in place which you had somebody in for a small period of time and they rotated out for the person that was elected he could see value in it, but compares that against the value of having someone who knows city government well and is able to make informed policy decisions about city government. He expressed concern that if a scenario is created in which you have people coming on and off of council as a result of a caretaker provision, you end up limiting the level of experience amongst policy makers and end up sowing more confusion about who the right person to contact is and you limit the amount of time that Council can really build those relationships within certain pockets of the community.

Bradley commented about caretaker and the power of the incumbency and although it would prohibit that person from running that particular year, that person would still have two years of name ID in the position and in trying to make things open and fair there is a certain part to the political process that is hard to work around. Chair Coe stated that whatever period of time the applicant would fill, they would be aware they don't ever have to stand for election so we would have someone on Council making decisions knowing that there won't necessarily be any accountability to the community which may very well be good, but it also may not.

Discussion followed regarding time frames left within a term and what solution would be best in each scenario. Chair Coe followed with comments about municipal elections and the partisan issues and the cost of special elections. She summarized scenarios if someone resigns within the first two years or last two years of a four year term. Mr. Clark pointed out that there is a real difference between the scenarios and that if someone steps down within the first two years of the term they stand for a head-to-head special election concurrent with our municipal elections. That is a very different animal than a field race which is what they would face if they stepped down in the final two years of their term. He also followed with information about tailoring the process to the

time frame the vacancy occurs. Mills commented that if Columbus does not have special elections, then you would be giving that person the leg up through incumbency in either scenario. His opinion would be that the public has objected to given that person the power of incumbency whether it is for three years or three months.

McCarthy stated the idea that the incumbency provides a significant electoral advantage is not something he agrees with because in the scenario in which you had a placeholder, there would still be a political process by which the party and incumbent elected officials endorse a candidate for that position, and if it were a field race or head to head, potentially, you would have the same dynamic where a caretaker is in place, but you would still have maybe three incumbent council members running for re-election on the same ticket and same slate card as the endorsed candidate. That is the real power of it; the ability for them to raise money collectively, to be on the slate cards and literature, and to be on the county-endorsed card and where a lot of the frustration with the process appears to be coming from. He stated that if the committee were to do this, it may bring a fresh voice into the council process for a very limited period of time but he didn't think it is going to address the heart of the matter that brought this question to the table which is folks feeling like if you are an independent person who just wants to get involved in the political process, you don't really have an equal opportunity to get elected when you are running against the party. He added that he didn't want to try to solve a problem that we can't control and end up potentially creating challenges that limit the ability of time people get to know the community and issues.

Chair Coe clarified that the committee could also think about recommendations versus actual Charter amendments. If recommended as a Charter amendment, it would lock everything in or the committee could also make a recommendation to Council that in the future they do this in a certain way. It may be something that Council will do voluntarily and set up their own process to and allow some time to get past issues where the community doesn't feel there has been transparency. There may be others that would be interested in filling the seat if they knew it was for a very limited period of time and they don't have to campaign and go through an election. She stated that she liked the idea of potentially recommending to Council that they use this caretaker recommendation versus actually changing the Charter. Rosenberger stated that Council could adopt a resolution of intent and give it a test drive and consider making a Charter amendment at a later time. Mills prefers suggesting it as a Charter change but would support this approach. Barroso de Padilla stated that she thought it would be amazing to see younger people involved. She stated that every time that there is an appointment process, she would want to see a Latino on Council, and every time there is an appointment process they go around and see who is ready. She questioned what is being done to build that bench so that we can have people who we would like to see on Council. She would love to see this as a way to build the bench of young people who are interested politically, as opposed to just looking at committees/commissions and people that are seasoned. Her concern would be that in the placeholder process we would look at the same sort of people. She has challenges with the appointment process and thinks there are parts of it that can be fixed and be made better. She thinks the placeholder could add a fresh aspect. Her hope is that if someone would take

on the role of a placeholder that it would be truly because he/she wanted to start and have a spirit of service and that he/she would take that responsibility wholeheartedly and do a good job.

Chair Coe suggested that staff draft language that proposes this as a recommendation to Council as opposed to a Charter amendment. That they use a process in which they will fill vacancies with a placeholder or caretaker that will not seek election in the following election and also that encourages Council to use those opportunities to develop others that have things they could share but aren't interested in making long term commitments to running for public office. Bradley added that she would like it to specifically to say this would be an open process, that all parties, all individuals, Independents, Republicans, Democrats, Green party, would open for consideration. Coe felt that if appointments were being made as a caretaker, people might be more apt to fill them with people that might add more flavor to the Council. Discussion followed surrounding clarification of timeframe for resignations, appointments, and the placeholder provision. Rosenberger made a motion to that effect, Mills seconded. All voted in favor, none opposed. Motion carried.

Bradley asked Mr. Clark for clarification on municipal election year and non-municipal election years and following his response, followed with discussion about the alternative of leaving the position vacant, and primary/general elections. Coe added that if there was only one member of Council that had left, some scenarios are somewhat reasonable, however, in preparing for all scenarios such as if multiple members left, how the City would function.

Ten minute recess

Chair Coe reiterated to the committee that if they had feedback for staff after reviewing drafts, that they can send it to staff, but not each other as all discussions between the members happens in the public meeting. She then directed the discussion back to Full-time versus part-time. She began by asking Mr. Johnson about the expectation of a Council member and what the language says about their role. Mr. Johnson stated that there are many charters throughout the country, some of which contain a clause that would essentially make members full-time or limit their outside employment in such a way that Council is their first obligation with the expectation that serving on Council is how he/she makes their living. Many other Charters, including Columbus', is silent on the matter, so that has been construed to say that members of Columbus City Council are part-time and may have outside employment. The compensation of members is addressed through the Citizens Commission on Elected Official pay, which convenes every four years. The commission is a body that looks at comparative data and does the analysis to say are we compensating these individuals appropriately and consistently with peer cities throughout the country based on local factors such of cost of living, consumer price index, and other economic factors.

Chair Coe added that the Charter is currently silent on the issue, so if the committee wanted to make a recommendation to modify the Charter, it could be to add language

clarifying that, but the addition would not change the compensation of a member until the commission met again and made that determination. Discussion followed about charter language and restrictions of the Mayor, but not to Council Members, related to outside employment. Mr. Mills stated that he thought the Charter should be left as it is on this topic. If the commission thinks that they should be paid a higher salary, then there is a mechanism in place to deal with the issue. To restrict a member of Council who is a professional doing other work part-time or serving as a board member who receives a minimal compensation for their board work would be wrong. Chair Coe agreed and didn't like putting in a number of restrictions that would limit those that would be interested in filling a seat and also create unnecessary drama by deciding what a violation of those restrictions is. She stated that she wouldn't be opposed to adding language addressing that this is a primary responsibility or should be the first responsibility; something to indicate that the committee thinks that Members of Council should be devoting a greater amount of time to their Council work than other work, but definitely not including restrictions on certain types of work or trying to restrict hours.

Rosenberger added that the beauty of full-time is it eliminates conflicts of interest. He believed the voters have done a pretty good job of sorting that out. A system that gives us professionals who will give us a piece of their life or people who are prepared to give us all of their life in the name of service is working pretty well. Bradley added that she thinks it helps the city to have Council members from various backgrounds and if we start putting restrictions on outside employment, we are going down a rocky path and suggested that it not be limited so that we lose or narrow the applicant pool.

McCarthy added that he thinks the idea of bringing additional voices and different perspectives to Council is an important one. He thinks the way the compensation structure currently works limits the pool of candidates because if you are a part-time council person with the current compensation rate you can only do that with a separate full-time job, or if you work in a unique profession where you can supplement your compensation with either independent contract work, or an arrangement that's going to allow you to work a flexible minimum schedule. For the vast majority of workers, those opportunities don't exist. He thought there are alternatives that could be considered such as giving individual Council members the choice between part-time and full-time. If they choose to serve part-time, they could keep the compensation and staff structure as it is now. If they chose to go full-time, they could have one less staff person and then use that allocated budget to increase their own individual compensation. This would give the individual council member a choice in a way that doesn't increase the overall cost of the current budget allocation. Rosenberger shared thoughts on the statute and a provision related to county prosecutors that get to elect whether to serve full-time or part-time. He suggested asking staff to focus on the county prosecutor provision and bring back a report on how that works but in the meantime, he suggests the committee leave it alone. Bradley stated that she thinks the way public employees are perceived is very different than it used to be. She stated she was very pleased to see this committee set up because the level of responsibility of the Council of this city's size goes beyond

being paid per meeting. More discussion followed regarding part-time or full-time and what the salary commission presented with regard to the salary range and livable wage.

Chair Coe asked if the compensation commission could recommend an increase based upon their belief or conclusion that the position should be full-time or are they constrained in some way because the Charter is silent. Johnson replied that he was unsure. Their deliberations are conducted on the basis of looking at comparative cities and they go into it with the knowledge that no city comparison is apples to apples. Chair Coe asked if Council do something amongst their own rules and processes to define what is expected of a Council member without a Charter amendment. Johnson replied that staff would have to look into it. Bradley stated that she would be reluctant to put false expectations in place on how people do the job since it is not a standard 8-5 job. Barroso de Padilla argued that it almost inherently is a full-time job, even if you were part-time, given the hours that you have and the commitments that you have to the city. In thinking of salary, consider the burden that we put on people; if you are an executive somewhere and you are the breadwinner in your family, could you then afford to take a pretty significant salary cut to serve? It would be difficult if we made that a mandate. If you have the flexibility to do both, we would not eliminate good candidates. She also added that with regard to members being full time, she felt they would still need two staff people because you would take on more work.

Chair Coe commented that citizens want accountability and responsiveness and we can say they are full-time and dictate X hours but that isn't necessarily going to mean anyone is responsive or addressing citizen issues. Staff is fantastic but citizens also want their Council member. She felt like the committee was leaning toward doing nothing relative to that section of the Charter.

Johnson responded to Mr. Rosenberger's question about county prosecuting attorneys by stating what currently exists in Ohio Revised Code being a series of tiers and also provided data regarding full time or part time and number of hours they work, etc. Rosenberger asked staff to look at what kind of bump they receive by declaring themselves a full time prosecutor.

McCarthy stated that there is some value in having a full-time council member, but also thinks that one of the committee's objectives is to bring the council members closer to the people so if giving them the ability to be there full-time and do some of the constituent work could accomplish that. Chair Coe stated that if compensation was adjusted potentially, then more people would be able to make that their full-time priority. Bradley asked if the committee can add that as part of its recommendations because there are people who can't afford to serve on Council because they can't give up the primary income so a balance to open it up would be good.

Chair Coe asked if the committee wanted staff to create language that would be a recommendation in general versus a charter recommendation. Mills stated that staff can come back with the information on how the citizens commission works and what they take into consideration and who all their decisions affect. McCarthy liked the idea

of giving Council that flexibility so you maximize the number of people who can come in and serve. He also added that whether it is a specific recommendation about what needs to be changed or a broader recommendation, he feels the charge here is to be more specific, rather than just asking someone else to take a look at this issue.

Chair Coe suggested that the motion be made to ask staff to provide some additional data on what that spread looks like for the prosecutor's election of private practice or not and to craft language around recommendations to the compensation commission. Johnson clarified that the question is whether the pay commission could create a tiered system for Council members and if so, he believed the answer to be no because it is beyond the scope of what they are charged to do, which is to allow council to adopt an ordinance that sets the pay for elected officials. Chair Coe responded that this committee can craft specific language asking that they take into account these expectations and ask that they look at being full-time to create the most diverse group possible, but not recommend that it be included as an amendment to the Charter. Mills made a motion to that effect, Barroso de Padilla seconded. All voted in favor, motion carried.

Chair Coe indicated that a speaker slip had been received, and called upon Cathleen Wolf to address the committee and stated that she believed her subject matter to be outside the scope of this committee. Ms. Wolf addressed the committee regarding issues on Billingsley Road where residents are across the street from commercial/ big business auto dealerships that want to expand and outlined her concern with the process, the attorney representing the dealership(s), and excessive LED lighting which is distracting to drivers. She asked if the committee can come up with procedures, and expressed concern that civic associations are not formally recognized. She indicated she was trying to give samples of a real time issue where there is no accountability to respond and transparency. She indicated Mr. Nivens, of City staff is their neighborhood liaison and will be assisting them. Chair Coe followed that this specific issue is outside the scope of what the committee can address however, the questions about accountability, responsiveness and transparency are what this committee is trying to address and thanked her for her comments.

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

Rosenberger moved, McCarthy seconded. All voted in favor.

Meeting adjourned at 4:43 p.m.



**Columbus Charter Review Committee
Committee Meeting Agenda
Thursday, January 12, 2017
2:30 p.m.
Columbus City Hall, 90 W. Broad St.**

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Discussion of draft language on vacancies and appointments
5. Committee discussion on:
 - a. Full-time versus part-time status for council members
6. Public comments
7. Closing remarks
8. Adjournment

**Charter Review Committee
Minutes**

January 12, 2017

City Hall, 90 West Broad Street

Columbus, Ohio

(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair

Jennette B. Bradley

Frederick E. Mills

John C. Rosenberger

Lourdes Barroso de Padilla

Keary McCarthy

Frieda L. Gilyard and Pastor Lawes were absent

Welcome and Opening Remarks

Committee Chair Stefanie Coe opened the meeting at 2:50 p.m. She stated speaker slips are available and no new public comment was received since yesterday's meeting.

Approval of the Minutes

Hearing no questions or corrections, Chair Coe asked for a motion to approve the Minutes from the January 5, 2017 meeting, as submitted. Mills moved, Rosenberger seconded. All in favor, no one opposed. Motion carried and Minutes were approved.

Chair Coe indicated that members of the committee have received staff's draft language on council size, structure, and area commissions several days prior. Staff also sent draft language on vacancies and employments and employment status earlier the same day so the committee will take a short recess/break first to give everyone a chance to read that language so that discussion can occur following.

Recess

Committee Discussion

Chair Coe brought the meeting back to order and stated that first on the agenda will be follow up on research requests and questions that came from committee members at the meeting the day before.

Mr. Friedman (Senior Policy Officer, Mayor's office) reported information on the salary or full time/part time status for county prosecutors. He referred to Ohio Revised Code 325.11 subsection C and gave options that a county prosecuting attorney has prior to taking office, and also salary rates for each scenario.

Mr. Clark (Chief Policy Advisor, Mayor Ginther's office) reported that there was a request for information about the Citizens Commission on Elected Official Compensation and began with general themes about limitations on increase and decrease of council salary and overview of why the 2014 commission added this to the charter for the first time.

Ms. Retchin (Chief Ethics Officer and Senior Policy Advisor, Mayor's office) reported that the citizens commission on elected official compensation was set up to be an independent body based on data analysis and was approved in November of 2014 (presentation on file in records of the Charter Review committee) Chair Coe summarized that the commission is set up to use factual evidence to determine a compensation change so this committee's discussion previously about having them consider duties without factual data would make it difficult for them to consider in their deliberations.

She asked staff if the Charter said these positions were full-time with nothing else added, would the citizen's commission be able to look at similar positions that are identified as full-time. Retchin commented that there are charters that indicate that Council members are full-time positions, but our Charter is silent. Clark replied that specific verbiage of the Charter would not limit it to another city's charter; they could look at the policies of a peer city's council. If Council were to adopt a policy that said council members shall be considered full-time, that would be problematic, but were they to do it, the committee could look at that. What would not be appropriate for them to do, most likely, would be to look at subjective comments from outside bodies, whether it was from council, the mayor's office, or from a non-profit. The idea was to insulate them from subjective consideration and stick to facts.

Chair Coe stated this committee wouldn't have to recommend any change to the Charter, but Council could take action that would give them quantitative information to consider the next time the commission meets versus just opinions from us or any other body. Bradley asked for clarification on what could be considered based on the Charter being silent with regard to full time and part time. Discussion followed about responsibilities and duties of the office, consideration of outside employment and her thought that the citizens commission was created to look at this issue objectively would eliminate some of the issues being discussed. Mr. Clark stated that a Council policy would elevate it beyond the subjective and give a concrete expectation versus the unspoken assumption that may sometimes bias the way we look at this, and that was the extent of staff's intent.

Bradley stated that she felt we were off track a bit from the discussion of the previous day. Her concern was in declaring off the cuff that this is a full-time position opens up a lot of issues that we haven't discussed because there are other things that go along with that. Coe stated that the committee has to balance being too specific when there are elected members of council that are ultimately held accountable for the issues we are discussing. She didn't think it is this committee's task to go that specific, but instead leave it at a higher level. With regard to the compensation commission, stick with the

evidence which is part of the committee's mission/objective. She stated it is a fair challenge with regard to the topics the committee is considering, seeing if the information/data presented supports what is being ultimately recommended or not recommended. She directed the discussion to size and structure, and asked to walk through the draft language and give staff clear direction on items to be edited or modified.

Rosenberger complimented staff on the draft language. He also commented that every election is a snapshot where the voters have made their judgment based on the facts and circumstances at the time. In the history on this topic, he felt there is only one vote that counts, August 2nd of 2016 and his question for the committee is "what is the change in circumstances that gives us standing to speak on this point and makes our opinion even relevant?" He stated it is not the right time to make a recommendation. He thinks it much more important that we show respect for the validity of questions raised in the election and try to respond with fixes, until the Charter Review Commission convenes again, or the alternative, when people collectively decide that based upon the facts and circumstances, that "at-large" doesn't work anymore and want the question reviewed again. His suggestion is that the history in the draft language be taken out. The only history that is relevant is what happened in August 2016; the decision was made and we can conclude that there have been no changes in circumstances that make our opinion at this moment in time relevant.

McCarthy stated that what was really compelling to him was not necessarily the outcome of the election, but the lack of competitiveness in ward elections. The health and vibrancy of a democracy is predicated on competitive elections. When you see the lack of competitiveness in ward elections, it is an indicator that representative governance isn't as strong as it could be. The charge of this committee was not just to react to the election, but to help think through how the city manages its growth and governance structure. He stated that he came with a very open mind despite the fact that the ward proposal on the ballot last year was overwhelmingly rejected. That is a consideration and factor, but he didn't feel it should be put out as the prime factor. He stated that we are looking for something that accommodates the growth of the city and strengthens the area commissions. He also suggested that the draft language not put too much weight on the election results.

Bradley agreed and also stated that the reason this committee was formed is because there was an election. She thinks about why people felt compelled to go out and vote and why the issue was on the ballot and it goes back to people feeling that they were not being represented under the current structure. She stated that the vote said that the citizens did not want a ward and district structure, but the committee was charged with looking at the structure of Council and what it could do to improve constituent services and responsiveness. This body looked at peer cities and ratings, and all the great things that are occurring in the City and acknowledged that there is a disconnect. She felt it surprising, specifically with regard to Council in light of all the efforts that are being made to connect so she stated she did not feel it was as a result of neglect. There are legitimate efforts being made to work with and connect with the public, and yet a large

segment of this city felt compelled to vote to change the structure. She would like City Council to conduct its own self-assessment and evaluation because there is a representation role of Council, and the constituent service role. She commented that the committee focused on area commissions and that is external, but her concern is what happens internally when someone actually connects. Because of the comments that have been made she felt it would be beneficial to see if there can be some improvements internally, simultaneously while trying to connect externally.

Chair Coe also thanked staff for their work on the language and stated there is desire from the members to have less history spelled out and with regard to the area commission portion and more detail about responsiveness, not just externally. With regard to a self-assessment of Council, she didn't think of it as a charter amendment recommendation, but a recommendation to Council itself. She also felt the committee clearly heard there was a disconnect but stated that many know there are lots of great things going on and lots of citizens that do feel like they are connected. She suggested adding more data in the draft language, as part the committee's task was to look at specific facts, not just feelings or opinions.

Rosenberger added that he didn't want to leave "recommends retaining current form of at-large" with nothing else following. At best, he recommended "retaining the current form at this time" because we are still in the window of the people having spoken on the question. He felt additional language should acknowledge the bona fide issues raised in the process and the dedication to respond in the near-term on a non-charter amendment basis. He also felt that this committee should leave behind infrastructure to guide the creation of the alternative the next time questions on district representation arise. He stated that part of the problem is because facts and circumstances change and what might be the best possible form today may not be the best possible form four or six years from now.

Bradley questioned the language under Council organization outreach that says "potential solutions may include". She stated these are actual recommendations and not potential solutions. Johnson replied that staff is looking for more guidance on how the committee would like it written, as the first draft was just for clarity. Chair Coe summarized that "the charter review committee recommends further study by city council and the mayor to strengthen the operation and efficiency of area commissions. The committee specifically recommends a process similar to the current charter review committee and we have specific recommendations, such as providing area commission coverage for every city resident."

McCarthy questioned whether the committee envisioned this recommendation to suggest establishment of area commissions in those pockets of the community that don't have representation. Barroso de Padilla asked about a civic association that is very active and it is not an area commission and whether it needed to be turned into an area commission or would we allow them to remain a civic association? Chair Coe replied that she wants to balance this without getting too much into the details. She felt there will have to be some significant evaluation in those situations where there are

already strong organizations that may not be supportive of an area commission in the area.

Her suggestion was to allow every citizen to be covered by an area commission, and allow the council to sort out what that means. It might be the recognition of a group like the Northland Community Council or Northwest Civic, instead of calling it an area commission. The idea is that every citizen should have a body that is area commission equivalent. Rosenberger felt that this issue is one that shows respect to issues fleshed out in the recent vote and this is something that can be done in the meantime short of amending the charter.

Chair Coe stated that addressing the administrative support needs for the commissions including but not limited to staff, records retention, organizational development, and community engagement are topics that were raised. Also, streamlining and equalizing area commissions and making those more consistent, and ensuring that meetings follow open records law. The question is does the committee want to take any of items one through five and make them a little more concrete as far as being a recommendation?

- Associating council members with a specific geographic group of area commissions provide council members remain acceptable and accountable to all areas of the city.
- Establishment of a formal area commission president's advisory committee recognizing that such a committee would advise all local government.
- Assessing the effectiveness and potential expansion of council's external affairs functions.
- Educating Columbus residents about the role of council and the ways council may interact with their legislative representatives
- Hosting a conference of area representatives to discuss practices and provide training on universally applicable process.

Chair Coe began with item number one. She wanted that item to be a recommendation, not necessarily telling Council how to connect council members to area commissions, but making sure area commissions knew there was a primary contact. She recalled that the committee had used the word geographic, but she didn't care if a council member gets a certain area and three area commissions, or if it is one and three quadrants. Bradley stated that she was concerned about leaving out civic associations and didn't want to seem disrespectful to all the civic associations that may feel that they don't have access to Council.

Barroso de Padilla stated that if the civic associations didn't see themselves represented in the draft language, they would have to dig beneath the surface to see what the intention was so she didn't think it seemed right. Chair Coe stated that she didn't disagree; her only issue was that City Council doesn't control civic associations so if you build them into some of these processes you are forcing them into public meetings and open meeting requirements that they don't currently have. Bradley stated that the language should not only state that Council should be accessible and accountable to area commissions, but to all areas of the city, including areas that have

the predominant civic association. Chair Coe stated that she liked the words “acknowledging civic associations”.

Rosenberger stated that what the committee is recommending is that we strengthen the operation and efficiency and doesn’t have to recommend further study. Chair Coe reiterated that the “charter review committee recommends strengthening the operation and efficiency of area commissions.” That will require city council and the mayor to further study how to do that.

With regard to a president's advisory committee, she asked if that is something the members wanted moved to a specific recommendation. Mills questioned the language that stated “recognizing that such committees would apply to all local government” and whether that meant townships, etc. He also questioned why staff listed this as a potential solution and why was the language couched the way it was under area commissions? Clark replied that the area commissions interact with all branches of city government, Mayor's office, City attorney, City auditor, and Council. Of necessity, any change to those commissions can affect those branches as well. Staff was recognizing that since this was a committee that was convened to look at Council only, we wanted to give some ability for the other branches of government to have an equal say in the potential outcomes of any study. Additionally, a President's Advisory committee would not just speak to Council, but it would also speak to the administration, the Auditor, and the City Attorney of Columbus.

Discussion followed regarding other items and where and how the committee wanted staff to list them then Chair Coe summarized that they wanted to move one, three, and four to the first list and leave two and five as potential solutions. McCarthy spoke to number two on page two addressing the administrative support needs, he felt a good recommendation. He recalled that one of the things discussed when comparing area commissions to those in other cities was resources. He thinks it is implicit in this recommendation that the city is going to consider what financial resources would be brought to bear to accomplish some of these things. Chair Coe suggested adding some language to number two that talks about resources. McCarthy added that none of these things will be possible unless there are some additional resources. Rosenberger commented that he is troubled about how nominal the numbers are for folks doing really important work.

Chair Coe clarified that the committee has fleshed out support for area commissions and given staff direction. Johnson clarified the desire to have the data on competitiveness included in the explanation under form or structure of government. McCarthy stated that is what influenced his thinking; he didn’t think it needs to be in the introduction. He thinks the committee concurs with the electors that we don't need districts and the committee has received no new information to compel it to recommend otherwise. He felt like we were predicating all our findings on the outcome of the election and he thought that would do a disservice to the work of this committee.

Chair Coe stated that staff will provide updated language before the meeting on Friday, the 20th. If committee members have comments or questions, they were instructed to send them to staff directly and not to each other. She also stated the committee could take a five-minute break or move right into the second set of recommendations, which were related to vacancies, appointments and employment status.

Mills asked about the issue of an additional two members of Council and mentioned that he didn't see

"representative fairness" mentioned. He stated that he was very clear that his interest in this result is clearly conditioned upon certain things happening, not sort of tepid recommendations later on not styled as conditions. He accepts the fact that he may have a minority position on this narrow point. Chair Coe stated that the draft language currently states "the committee therefore recommends the consideration of two additional at-large council members; however, the committee recommends this potential change must be accompanied by other specific recommendations that will facilitate more collaborative engagement with the public, including strengthening the city's area commissions." Rosenberger commented that he may have a minority view on the addition of two more, but his support for that recommendation is conditioned upon a result that changes are made with respect to creating greater familiarity and the area commissions, and also a notion of geography that people are responsible for.

Barroso de Padilla asked about not leading with this portion being first but that the support of area commissions is first and then after that you say basically "these are the recommendations". Rosenberger inquired if everyone agreed that they don't want two more unless we do something differently. Chair Coe suggested working to say "conditioned upon action related to area commissions as recommended above". Bradley asked staff if regardless how the recommendations are worded, Council has the ability to pick and choose everything and it was confirmed that is correct.

Chair Coe stated that all are feeling pretty strongly that the focus on area commissions and geography is critical as well as the support of adding members. She stated that before taking a vote, they will take a five-minute break.

Recess

Chair Coe directed the discussion to the draft language from staff related to vacancies and appointments.

Clark stated that based on the conversation from the previous day, staff attempted to capture the intent based on conversations and direction from Chair Coe and go back to the data that has been presented to the committee to help inform the final decision. With regard to the first recommendation, a public process prior to appointment, staff specifically looked at the volunteer caretaker appointment process in Seattle and San Diego. The key points that staff wanted to share were, first of all, because Council actually has to make the appointment, there was a great deal of latitude provided to

Council in coming up with policies. Staff noted that because it is not captured in the charters of those cities or in other cities that were looked at. The second is that there has to be public notice for any meetings so there would have to be sufficient time in order to complete the process. The third is that the process cannot begin until there is in fact a vacancy under law. So for Columbus, that would be the point at which a person has died, resigned, or otherwise vacated the office. Lastly the goal that has been expressed in those two cities is to have a public process to solicit input and comment, but to balance that with the need to fill the vacancy assuring full representation on that Council.

Chair Coe commented that the top priority is to recommend a specific charter amendment that would address the idea of a public hearing. There are four points established via the administrative code for a process for filling the vacancy. This committee is not dictating to anyone what the process is but that Council must identify the process and it has to include at least one public hearing with one or more of the potential appointees prior to any Council appointment. It was also discussed that Council can't have that hearing and fill the vacancy on the same day, so there is some sort of cooling off period which would clearly allow for additional comments, etc. Also as discussed, the recommendation is for extending the time line that requires Council to replace or appoint someone from 30 to 45 days so there would be time to have that public hearing and provide the required notice. She asked if there were any concerns about those four specific charter recommendations.

Rosenberger stated that he had no concern, but clarified that the committee is recommending that the charter be amended, and in the meantime, because it is a long process, that Council act legislatively to try and accomplish the spirit of the recommendations. Coe agreed that Council could have a public hearing whether or not it is in the charter and the only issue would be timing. They would have to be very clear with the timing to get it in within the 30 days that are required, but Council could do all of these things without a specific charter amendment. Rosenberger added that he was asking for a sentence that makes the suggestion that they try to accomplish through an ordinance, the spirit of the recommendation in the meantime.

Bradley asked if Mr. Rosenberger was questioning the language that recommends the charter be amended. He replied that he was agreeing with that language, just that there is an omission in that he feels the committee needs to take the next step and urge them to adopt an ordinance during the process that causes the spirit of the suggestion to be implemented. Chair Coe stated that we might not see a charter amendment approved until November and next week they could have a vacancy and we can ask them to have a public hearing regardless of the charter process. Bradley clarified that the committee is not seeking an actual charter amendment but making a recommend for council to amend it. Coe stated that she would still like to see a charter amendment, because the timing will pose an issue for Council without it, but do it the best they can.

Coe moved the discussion to the caretaker or placeholder process. She stated that she had asked staff to give a couple of options because she felt the committee had

struggled with this topic. She asked Mr. Clark to explain again each option. She added that she also wanted to make sure that the facts and the data are consistent with the committee's recommendations.

Clark commented that the Chair had asked staff to provide the background data, and that this language was in no way intended to provide staff comments on the recommendation itself, but simply to provide data that was presented previously so that the committee can consider that as well. He gave information on best practices and data related to caretaker appointment, perceived incumbency advantage, and data regarding the political process. He also summarized options for appointment based on timeframe of the vacancy. Chair Coe reiterated that this was presented as a recommendation for a policy from Council, not as a charter amendment. With regard to the draft language, the committee needs to pick one of the options, or pick not to do a recommendation related to a caretaker whatsoever and leave the process as-is today. Previous discussion seemed that some of the committee members want to have some type of recommendation to use a caretaker function, but there is still the option of saying to leave it as it is today and leave it up to Council. Rosenberger stated that he would like to sit and look at the placeholder question further because it is a big decision. He felt the three options are worthy of consideration, but hadn't had the benefit of seeing or thinking them through thoroughly.

Chair Coe summarized that:

- The first option says to Council that the committee likes the caretaker idea and thinks they should use that but will defer to Council's expertise and accountability on when is the right time to use it. That the committee isn't necessarily saying to use it every single time, but that Council should look at the time of each particular vacancy and decide based on that.
- The second would be an actual recommendation that in a municipal election year you could not appoint someone who could run. Those years you could appoint a caretaker and that way they would not run in the same year appointed.
- The third option is all appointees would be ineligible to run in the next election, which could be complicated, because you may have three or four open seats and they couldn't run for any of the seats in the next election. They would have to sit out an entire election.

The committee is potentially recommending policy or guidelines to Council as to what they should do and members need to decide which option to recommend.

Mills commented that before getting into the merits of one, two, three, he wanted to see a different word used than "caretaker" or "placeholder." It implies the person doesn't have any authority, that they are just a figurehead and suggested interim appointment or something along those lines. McCarthy reiterated his point that there is value to having additional voices come on Council, but that needs to be balanced against making sure there is enough time for Council members to better understand the city and the community and bring that value to bear in their policymaking role. He stated he was not hugely supportive of this provision of putting limits on the time one can serve after being appointed. He stated there is an election process so the voters can decide who

and how long he/she can serve. He thinks, political process notwithstanding, he would be willing to support number one and give Council the latitude as recognition that this is something that has been a community concern in certain areas. He also stated his thoughts on time frame of the vacancy, and Council's determination at that time on which appointment process they may want to use.

Barroso de Padilla preferred number one because it provides flexibility and she felt like it had been used in some fashion in the past and worked. Chair Coe agreed that we have seen it happen recently, but this would be a little more concrete that after hearing from the community and the research, we think this should be something Council should seriously consider. Mills stated that "for the record" he would be most supportive of number three, then option two and last, option one. Rosenberger commented that staff offered a couple of examples of where a hard-and-fast rule might not be the most sensible result, but he felt the fix is to craft the words that represent the exceptions. This whole notion of letting Council decide is pretty much what is in place now and he didn't think that is why the committee was established. A vacancy occurring very early might warrant people deciding to do a regular appointment or if it happened very late, they may want to seat the winner of the next election; he would like to see those exceptions developed, defined, and articulated.

Chair Coe stated that this is where she struggles. When you first talk about the caretaker/interim placeholder, it seems to be the most logical but when you flesh out what could happen, what that would look like, it doesn't seem as logical. This is another one of those points about how much specific, concrete direction do we want to give Council and where do we want to be more flexible? She stated that she could see the positives and the negatives of both sides, but comes back to fact that they are the body that is elected and held accountable. If they are making poor choices when it comes to appointment, then as voters, we should be addressing that. She felt like maybe the language could be crafted to be more concrete. The committee is trying to listen to the community and the caretaker interim model seems to be something that would be better received by community and allow people to feel like we aren't creating a very political appointment process. Everyone realizes that we can't change the politics behind all of this, but at least there would be a recommendation from this committee to encourage Council to create a caretaker model as much as possible, while still recognizing that there are situations when that might not make sense.

Rosenberger commented on the bigger question, the whole competitiveness issue. He stated that we are in a place where there is a dominant party and there is resistance from both parties. The notion of simply deferring to Council, doesn't work for him so he thinks the committee should narrowly define circumstances where Council makes an appointment, and otherwise it is the interim appointment. The tiny little adjustments that maybe only occur once in a while and only influence just a little bit, sometimes count. He believes this is fundamental to moving towards greater competitiveness in very limited circumstances.

Barroso de Padilla stated that she would be supportive of potentially narrowing number one. Bradley stated that she was still thinking about the entire caretaker process. She is concerned that if the committee allows too much flexibility, the perception may be that the Council is manipulating the process. She stated that she was struggling with narrowing it down if the committee goes with a caretaker recommendation and how Council will have the flexibility to make decisions and still honor a commitment to the public of a structured process. She added that we are going from a very finite, cut and dry process now to one with a lot of flexibility. Mr. Clark added that Seattle, in its most recent process, chose to use a caretaker and it was established on the front end of the process as soon as Council announced that there was a vacancy. A decision has been made and was articulated up front. Perhaps staff could have done a better job of crafting number one to state that the idea would be that the presumption is that in all vacancies, you would have an interim appointee, unless the totality of the circumstances shows otherwise. Council would explain why they don't think an interim appointment makes sense rather than the reverse and they would make an appointment, they will stand for election if they want to, but we may do an interim from time to time. That was the intent of number one.

Chair Coe asked staff to make it clear that the presumption is that it will be an interim function and also that it would be identified at the beginning of the process.

Rosenberger added that the length of the remaining term is not an extraordinary circumstance that warrants the abandonment of the presumption. He stated if the member has only served three months, he still thinks there needs to be an interim.

Chair Coe stated that at the next meeting, the committee will be looking at all the revised language of the other sections and the goal is to come up with a final version.

Discussion followed regarding elections and cut –off dates for candidates to run, elimination primary and five members of the petition committee replacing candidates on the ballot if necessary and placeholders, all standard practice in municipal elections.

Chair Coe stated that the committee will meet again next Friday at 2:30 and there were no speaker slips presented for this meeting.

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

McCarthy moved, Barroso de Padilla seconded.

Meeting adjourned at 4:54 p.m.

****Note:** After meeting adjourned, committee members discussed meeting be moved up to 1:30 p.m. on Friday the 20th to allow more time for discussion. Public notice(s) will be issued showing the new time. ******



**Columbus Charter Review Committee
Committee Meeting Agenda
Thursday, January 20, 2017
1:30 p.m.
Columbus City Hall, 90 W. Broad St.**

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Presentation on council structures and related topics
 - Bryan M. Clark, Chief Advisor for Policy to Mayor Andrew J. Ginther
 - J. Edward Johnson, Director of Legislative Affairs for Columbus City Council
5. Discussion of draft language
6. Public comments
7. Closing remarks
8. Adjournment

**Charter Review Committee
Minutes**

January 20, 2017

City Hall, 90 West Broad Street
Columbus, Ohio

(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair
Jennette B. Bradley
Frederick E. Mills
John C. Rosenberger
Keary McCarthy

Lourdes Barroso de Padilla, Frieda L. Gilyard and Pastor Lawes were absent

Welcome and Opening Remarks

Chair Coe opened the meeting unofficially due to lack of quorum (McCarthy was delayed). Until additional member(s) arrive and there is a quorum, the committee moved down the agenda to two presentations that follow-up on information that was presented previously.

Edward Johnson (Director of Legislative Affairs for City Council) presented on Districting. (Presentation on file in the records of the Charter Review Committee) and then Adam Friedman followed to discuss and refresh memory as to some of the Voting Rights Act information Professor Tokaji presented previously.

Adam Friedman (Senior Policy Officer, Mayor's office) stated that Section II of the Voting Rights Act of 1965 prohibits states and subdivisions from utilizing voting practices or procedures which results in a denial or abridgment of the United States to vote on account of race or color and continued with explanations of violations and criteria for Section II Claims. Mr. Mills asked if a Section II complaint had been filed in Columbus and if so, what the status of the complaint was. Mr. Johnson replied that at this time there is no outstanding Section II Voting Rights Act claim in the City of Columbus and as a refresher, Professor Tokaji had stated that the relevant question is how much money has the city currently spent defending its current system in court and the answer in Columbus is \$0.

Mr. Rosenberger added that there had been talk about how interesting it would be if Members of Council would assume a special relationship with a given geography. Not legally a district, Council would choose these to represent, but still be elected at-large, that way the districting process wouldn't have any implications with the respect to power of vote. He stated he was just curious about whether or going down that path suddenly raises the specter of this sort of claim. Chair Coe restated the question that if there was some geographic assignment of Council members but yet every citizen of Columbus cast a vote for every member of Council, what litigation-related challenges would that

pose in comparison to having everything at-large or in the alternative, everything within a district so you only vote within your district? Mr. Clark (Chief Policy Advisor, Mayor Ginther's office) replied that it was a very good question and he felt it goes to the heart of any city that considers shifting from an at-large structure to any district representation, whether it is all districts, hybrid, or some other form. He stated that from his experience, not a legal opinion, with regard to assigning council members to geographic areas, the Voting Rights Act applies to an election system; we are not talking about elections system here. When you get to the issue of any of the other requirements of the Voting Rights Act, they would absolutely apply to the City of Columbus, and it is absolutely possible that someone could draw lines that could violate the Voting Rights Act. That is why Edward's presentation and getting those best practices right up front is so important in order to make it less likely that you have that outcome on the back end. He stated that he didn't think that whether you are talking about people being elected from a district or some hybrid where they have geographic representation but everyone votes on them changes the fact that you still have to have roughly equal population, and you would still have requirements as to compactness, contiguousness with no intersecting lines. If it is in the Charter you would have to consider things like favoring one political party or another, and then you would have issues surrounding packing or cracking of minorities or of communities or languages of interest.

Mr. Rosenberger reiterated that he thought the idea being discussed was to have City Council convene and rather than everybody trying to master the whole city, they would split it up and take responsibility to be smart about a particular geography. Not talking about changing how we elect people, or how council votes, just sorting out who will step up and be first in line to pay attention to the needs of a particular geography.

Ms. Bradley questioned Mr. Clark's statement about drawing lines within a districting proposal. Clark replied that within any given redistricting proposal, you can draw districts that can be challenged. He stated he would be remiss if he didn't mention that Chicago ran into that issue and faced federal litigation twice in the past 20 years. It cost \$20 million over the course of those years. It is also worth noting that Chicago doesn't have complete control over their process and do not have best practices built in to their process for redistricting.

Chair Coe questioned the different best practice options where the legislative body draws the lines or whether a citizen panel does so and if one or the other seems to have less litigation. Mr. Johnson replied that he can't give a precise answer, however historically, legislative districting has prevailed. Because it is the most popular, it probably has faced more litigation than a citizen commission just because of longevity and popularity. Chair Coe asked how citizens get appointed to a committee to draw lines. Johnson replied that they are usually appointed by a legislative and possibly executive authority.

Mr. Mills followed by commenting that he would be remiss if he didn't share that on best practices in the newly structured way that statehouse districts will be drawn, and the

proposals that they are still working on for congressional districts, partisan representation is criteria in the constitution of Ohio and could be for congressional districts as well. He felt it should be noted that this is something that, at the state level, has been acknowledged as an important criteria. Mr. Johnson replied that part of the reason staff didn't present that as one of the best practice criteria for consideration is because our charter requires non-partisan elections. Operating under that paradigm, Columbus would essentially be unable, or it would be unwise, to acknowledge the partisan criteria in the factor because it isn't listed on the ballot. Staff did observe through looking through the best practices that lines shouldn't be drawn with respect to a political partisan outcome. Mr. Mills replied that he understood the answer and wasn't sure he agreed with it, but to acknowledge in our documents that we are going to take into account partisan numbers. He continued to discuss general agreement between both parties at the state level and what issues they are running into and what criteria they are taking into account when drawing new districts and that one of the criteria is that it will create representative fairness, and that is what has prompted him to bring it up at this committee.

Chair Coe stated that the idea would be that 12 out of 16 were typically Republican districts, so Mr. Mills was talking about trying to make a process that would take into account making that more reflective of the fact that the state's more 50/50? Mills replied that was correct. Chair Coe followed that Mr. Johnson was saying it wasn't included because the Charter still talks about elections in a non-partisan sense. Johnson replied that was correct and asked Mr. Mills to correct him if he was wrong, but with some of the redistricting, there are seats/individuals that are appointed by the leader of the minority party of each legislative chamber and we don't do that because we don't have a minority and majority leader in the legislative body so there is no official mechanism that represents that. Mr. Mills replied that if you go to a district system or a hybrid system, which he would be in favor of, and you would allow or permit certain members to draw districts, you would include members of both parties. He stated that he thought a system could be created where there would be representation of both major political parties in drawing the new districts. Chair Coe commented that the way the Charter is written, regardless of who is elected to Council, we don't distinguish that as being one party or the other within the structure so even if it was 4-3 you don't have a distinguishing factor of one party or the other, but if you had a citizens panel, you could ensure there were members from each party represented on the panel. Further discussion followed regarding representation on the panel and required criteria for representation.

Mr. Clark added that Mr. Mills raised a valid point and that you can further break down this representation and fairness into two questions. The first is how likely is a member of a minority party to win in the district? The second is how fair in totality is the distribution of districts? How likely is it that the electoral outcome would mirror the electoral reality of that city or state? He pointed out two things he felt are important to remember as the committee delves from the state or federal level down to the city and stated that a state like California is a place we may want to look at for things to consider. He shared facts about the differences between political trends in the state vs. Columbus and questioned

how to define bipartisan in an environment that is not bipartisan in the way we think of at the state level. He also stated the second consideration is what data do you use to define partisanship when all local elections are non-partisan? He further stated that is likely why most cities have not incorporated these as best practices. In the research, we are looking at municipal best practices versus state or federal best practices and that is an important distinction. He questioned would it be fair to say that a presidential or a gubernatorial election is the data that we use to draw districts for municipal boundaries and followed with other comments regarding representational fairness.

Chair Coe asked staff for thoughts on what has been typically seen in other communities that have made these types of changes, while keeping in mind the objectives of this committee and the idea of proposing some type of district representation, as well as the desire to make clear and specific recommendations, while still deferring to the elected body that is held responsible. Mr. Clark replied that he would speak only for the administration and would defer to his colleague, Edward Johnson, to speak for Council and use the word defer in bold because Council will have to make these decisions ultimately. He also stated that once you enter into the realm of districting and how you make these decisions, ideally the public would have a lot of opportunity to weigh in and he thinks if you are asking our elected representatives to make an informed decision, giving them some broad direction and then it is on their shoulders to carry that forward and to hear from the community about what is important to them. Chair Coe asked if that meant that a committee like this would make a general recommendation and Council also would first solicit public input before they made some type of recommendation or decide to put something on a ballot, or would there be a ballot process and then the public speaks to the process? Clark replied it would have to be in the charter versus leaving it to the legislative body to set and change them over time without citizen input. He stated it would be in everyone's best interest to hear from as many people as possible. The committee asked for staff's advice, his advice would be to state "here are the criteria that I think you should consider but listen to the people of Columbus if you go down this direction". Mr. Johnson concurred.

Ms. Bradley commented that this conversation seems like we have moved beyond recommending to council they divvy up the city among the Council members with the service perspective to something a little more formal by way of a districting plan. Chair Coe stated that it was a discussion that she wanted to have. She stated that the information she asked staff to share was to see if there are ways of making this a little more formal without going completely down the path of a district only elected by those district members. She commented that Professor Tokaji had mentioned a by-place election concept and the committee hadn't discussed that fully. Her thoughts go back to geography and representational fairness and she felt that there needed to be something else. Mr. Mills stated that he has been the vocal proponent that if you are going to add members, they need to be by districts in some way or another, but he totally agreed with staff that it would be a big step, and that you would need citizen input to create these criteria. He said that this committee isn't capable of doing that in the time it has left as it is a process issue. Chair Coe agreed that it seems like a multistep process and this

committee can ultimately have some recommendations but a lot of this is so unknown that you would need much greater input.

[RECESS]

Chair Coe opened the meeting by stating that the committee now has a quorum with the arrival of Mr. McCarthy. She stated that her expectation today is take a vote on giving staff an idea of the direction that committee members want to go. She stated there will be at least one more meeting, maybe two and that many were anticipating the committee's recommendations happening before the end of the month. Because there are a number of potential conflicts in February she suggested the bylaws be amended slightly to allow for a member to participate via conference call or webinar/ electronic means if he/she were out of town. Specifically she moved to amend the bylaws in Chapter One, Section Three to say "for the purposes of determining a quorum and in order to vote, a committee member must be physically present at the meeting to be present, unless physical presence is not possible, then a committee member shall be considered present through electronic means."

Coe moved the amendment, Mills seconded, all in favor, No one was opposed. Motion carried.

Approval of the Minutes

Hearing no questions or corrections, Chair Coe asked for a motion to approve the Minutes from the January 11, 2017 meeting, as submitted. Bradley moved, Mills seconded. All in favor, no one opposed. Motion carried and Minutes were approved.

Public Comment

Ms. Megas reported that there were three public comments received since the January 11th meeting. Hard copies along with a summary were provided and additionally they will be posted on the website in digital format.

Committee Discussion

Chair Coe stated that there were no speaker slips submitted and deferred to Mr. Clark for his presentation on information requested by Committee Members. (presentation on file in the records of the Charter Review Committee) He stated that Chair Coe had asked them to revisit Council structure globally, and Mr. Rosenberger requested that staff provide some specific information about a hybrid district form that had been discussed previously.

Ms. Bradley asked for clarification on the hybrid at-large by-place. Clark replied that in the hybrid you may have five council members that serve from districts and four that would serve from the entire city, but rather than running against each other in a field race they would run head to head for a seat, for the district and for the at-large. Clark suggested that it may be clearer to think of it as the entire city as a district and each person is running for that district head to head. So for seat one at-large, everyone in

the city would get to vote for one of those two candidates. Seat two at-large, everyone in the city votes for one of those two, and then only the people in district five would see district five on the ballot. Chair Coe asked about candidates for seat one or two identifying which seat they wanted to run for and Clark clarified that it would be like running for Judge or County Commissioner; you have to list the expiration of the term and that determines who you run against.

Chair Coe stated that the big difference in the Columbus hypothetical is they would all be treated the same. There would be some type of nine districts drawn, but you would run for the district in which you reside. You would be limited to your neighborhood (based on geography) for purposes of running. Clark added that if three or more individuals file to run, there would be an elimination primary. The top two vote-getters as well as anyone who qualified as a write-in candidate would appear on the general election ballot. Chair Coe stated that the first time you would go to that structure, nine seats in this hypothetical, would be elected at that point. Some would just serve four-year terms and some would serve two, but that would be determined based on the percentage of the winning vote. Clark replied that is the way it has typically been done at the municipal level in changing into any new system, however there are other ways it could be done. He stated a few concerns and questions that may come up.

Chair Coe asked Mr. Clark to clarify the timeline that was previously discussed regarding 2019 or 2021 to see this accomplished. Mr. Clark replied that as staff looked at other cities that changed their form of governance, there are three that have done it recently, Austin, Seattle, and Detroit. Austin grew by two; the other two changed their structure. You either change your structure or add members in a given election rather than changing all of that at once. He thought the second question would be depending on the outcome. For example, if this was the committee's recommendation, and it was approved by Council, and approved on the ballot, and finally approved by Columbus voters, it would be a fairly public process to develop those maps and he was not personally convinced that it would be possible to be done in time for the 2019 election.

Mr. McCarthy asked for about the current election cycle for council members. Clark replied that

2019 is the year that the Mayor would be on the ballot as well as four members of Council. 2017 is a year that three members of council, the city attorney, and city auditor are on the ballot. Chair Coe reiterated that there will be three members of Council elected this November 2017, then in 2019, four members of council would be elected and that is when there would potentially be a Charter amendment that would propose to change the number of council seats from seven to nine and then you would have another charter amendment where this would all be the same just with the effective date. Clark replied that he thought it would be accomplished by having effective dates written into a single charter amendment rather than having a series of charter amendments. To the committee's previous point, staff is under the understanding that there is a reluctance to increase the size of Council without additional changes as well, and in light of that staff presented this with the presumption that this would be a package for Columbus voters.

Mr. Rosenberger stated that the notion of the informal division of the city into service areas, that Council Members would take on as a "service area" would allow a test drive. He stated between now and 2020 is a long incubation period. He felt if there is hunger for change there is a hunger for change long before that so he urged again, the notion of the informal dividing of the city into service areas, and each member of Council taking a service area to be responsible for. That lets people have an immediate trial of how this might work. Because the service areas are informal and it doesn't involve who you vote for or where you can run, you can suspend all the Section II concern about litigation. This is just Council organizing themselves to improve effectiveness. He stated he was still a champion of that notion. Chair Coe asked if he was saying in addition to, something that Council can do tomorrow, doesn't require a charter amendment, but also supportive of a potential recommendation for a Charter amendment? Mr. Rosenberger stated he was supportive of both. This is a way of doing something quicker that is a nice step in that direction and frankly it gives people a chance to try it on for size. Maybe they won't like it, and it will allow them to make an informed vote when it finally gets to the ballot.

Mr. Mills stated that he liked the creativeness, but it doesn't take care of representative fairness because you are still going to have a city-wide vote for a district. He stated he wanted to think about it more, but in a 70-30 city, you'll still elect all of them from the 70%. Mr. Rosenberger added that he understood Mr. Mills comment and he is right, but he did like the increase in accountability because we would have a geographic location paired with a particular member on Council so if a Council Member from a particular service area doesn't do a good job, residents could vote accordingly and that increases accountability. He stated that he agreed with Mr. Mills but still thinks it is a huge step if the right direction.

Chair Coe asked what structure would change that, a true district-ward elected by citizens? Mills responded yes, with only those people from that district electing them. Coe replied that wouldn't it still be depending on what the district looks like? She said that with a city that is 70-30, isn't it going to be challenging? And further stated that even if you had a ward where you are only elected by residents of that ward, aren't we a city where a pretty significant portion elects one party over the other? Mr. Mills replied, yes, but he thought there is a better chance that you will elect someone from a minority party if you draw six districts and Columbus, east, north, west, specifically if there is a northwest district. There is a better chance that you would identify somebody that is identified non-partisan on the ballot but votes Republican. Mr. McCarthy added that if you had a state that is generally 50/50 and you were able to draw 12 congressional districts for one party and four congressional districts for another party that would be an illustration of how it would be done. Chair Coe stated it makes sense when it is close, but in a city that is more than 50/50, she is still struggling with the real issue, and wasn't sure that even if you draw districts, she wasn't sure it actually addresses some people's issue of there being one party that is typically in control. Mr. Mills agreed that it would almost be impossible for the minority party to take control, but it would be much more possible and likely to elect at least one person from that party in a district plan. Ms.

Bradley added that it trends democratic in elections but we still have a very large independent population in the City of Columbus and we shouldn't automatically go with the two parties, and we should consider the swing vote. She commented that would impact where the districts are drawn, and depending on the election, that group will swing more one way than the other.

Chair Coe stated that she absolutely supports strengthening the area commissions and thinks it's critical, but they are still volunteers and that still doesn't address the accountability of Council members, which is why she felt there has to be something a little bit more to tie a Council member to geography. She added that in some parts of the city, there aren't members of Council that have been from those parts of the city for at least as long as she can remember and she stated that creates a significant challenge in and of itself. Whether true or not the perception is there is no one who knows what "we" are going through. She felt there has to be something more, which is why she likes the hybrid district idea. She stated she was not comfortable saying she supports a true ward or at-large system, especially in light of some of the votes that have taken place over time. It seems hard to recommend that, when there was just recently an election in which that wasn't the side that was victorious, but it seems like we should be doing more. Ms. Bradley indicated that she understands that people want to have that district accountability, but she didn't think it is fair to totally ignore the condition of the city, which is in a very good place now, under the current structure of Council. Also, with all the extra items added to the debate about voting for districts, maybe people like what they have. Some want to say that you are not doing your job, and it is that Council person, but overall the structure has worked well and the city is prospering. We are here to recommend and to improve, make things better, and looking at our city, she stated she couldn't honestly say that efforts haven't been made to bring people into the process. As a city, we have put in place procedures to get that public input, the neighborhood liaisons, the 311 system, area commissions, neighborhood pride, and the Community Engagement at Council. Her point is that we are not starting from 0, or starting from a broken system, we are just trying to improve it and her philosophy is "do no harm". She urged to make sure that we build on what is good and that we don't break something that is not broken.

Mr. Rosenberger followed that he didn't mean to say not to give people the right to make that decision, and he suspected Ms. Bradley was correct, that residents are pretty pleased with the way it works now and he agrees with that. He just thinks it is this committee's responsibility to offer up the next best idea and let people sort it out from there. Ms. Bradley agreed and stated that it doesn't appear that people feel they have not had a voice.

Mr. McCarthy commented that one thing has struck him throughout this process that under the current scenario and structure, you could have all seven Council members from the same neighborhood. He stated he didn't think that has ever been the case, but struck him as something to think about in terms of reform. He is understanding that there is a real strain out there of wanting to have greater community representation and likes this proposal. He stated that one of his objections to a ward system is that you do

potentially create the environment of increased acrimony on Council because you are pitting one Council member, one neighborhood versus the other. The thing that is great about the City of Columbus is we have generally avoided that because of our current structure. He stated he would desperately like to avoid creating those turf wars that a strict ward system or even a hybrid at-large district would create. He stated the second thing that is compelling is if you want to make sure that you are having contested elections and that those elections are relatively competitive and if you look at the data again, it is compelling in terms of the health of democracy. Those two things make this a really appealing option to him, and the idea that you are designating a Council member to be representative of a specific geographic area. He liked that because it captures what we have heard is a concern, legitimate or not. He didn't know if it was a majority opinion or a minority opinion, but there is a concern out there in some areas of the community that don't feel they are represented or when they do try to get representation, there is a lack of clarity about who their advocate is on Council. The other thing he liked about it is the line-drawing process can be pretty contentious and it is made more restrictive. If the geographic voting block is who will elect a certain member it increases the intensity level of the line-drawing process. He added the he wanted to make sure we think how this would be implemented, as it could be tricky, but he thinks there is a lot of promise to it.

Ms. Bradley began discussion on the need for elimination primaries if multiple candidates file to run. Mr. Clark stated that the question here is should these districts choose voters or should they choose candidates? Traditionally, districts choose voters who then choose candidates who live in that district and over time depending on the way those districts were drawn, that can tend to bring out less than politically representative candidates; people who deviate pretty far from the mainstream of a given city or state. What he personally likes about this plan is that the pool of candidates is limited to that given district and they will, of necessity, reflect the flavor of that district, but you have the moderating influence of every voter in the city having a voice both in the primary and in the general. He believes that it is quite possible to elect an independent or minority party candidate under the structure simply because by-place elections are more competitive and that one of the merits of this plan is that it avoids some of both the political and the policy implications of a ward system while injecting accountability at the neighborhood level into our system of governance.

Chair Coe commented that the Charter Review Commission in 2022 could look at the issue again and even if this committee makes a recommendation, it is still dependent on whether Council agrees to put it on the ballot and then voters still have to vote. She stated that if this is a recommendation and it is thought out the way we propose that it would be and Council were to put it on the ballot with the structure and support of how this would be done, the citizens still vote. And the end of the vote they can vote no and we have the structure we have today because this would be one amendment. She stated that when she talks to people, they seem interested in a district idea, but what they have seen before is not maybe what they like. She feels this gives the committee a chance to put something before the voters that would actually be clearer. Mr.

Rosenberger added that asking people to do the same thing a year after they have just said no was troublesome for a lot of those on the committee, and now something has emerged that maybe merits consideration, serious consideration, before we wait for the 2022 train to be in the station.

Ms. Bradley commented about the cost of a special election and if this proposal merits taking it to the people at the cost of \$1 million dollars, and then discussion followed stating that the cost would be much cheaper if it were in a regular election. Mr. Mills asked if there ever was a time when there hasn't been a primary for City Council and the answer was yes. He stated further that this would almost ensure there would always be some kind of citywide vote and there would be an incremental increase in cost with that. Mr. Mills also asked about the residency requirement is in the City of Columbus and Mr. Clark stated that currently it is one year living in the city in order to run for Council.

Mr. McCarthy added that if the committee goes down this path, they need to be very cognizant of how it affects the current Council. Having gone through the line-drawing process at the legislature, he can state that contemplating incumbency, whether intentional or not, affects the line-drawing process in a pretty significant way. He suggested something be added to grandfather in the current members so that where they live cannot be factored in. He suggested that the committee think about not applying the residency requirement for the incumbent but only allowing that residency requirement to kick in when there is a turnover in that seat. Chair Coe asked if that would be something the Council should sort out versus this body recommending that too specifically. Mr. Johnson stated that naturally because of drafting the language of the amendment to put on the ballot, Council would have to think through the minutia and the technical aspects.

Chair Coe stated that she agrees conceptually, she is just struggling with how that would work. Mr. McCarthy stated that if you have seven sitting council members and the line-drawing process takes place, it is hard to imagine that where they live wouldn't be in the back of the line-drawer's mind and if that happens, the idea of geographically representational districts would be undermined. Ms. Bradley asked how long that incumbent Council member would get to be grandfathered in. Chair Coe added that her point is that you would be negatively impacting another district. If three sitting Council members live in the same place, the two other districts don't get a Council member from their district until one of the current members leaves. Mr. McCarthy commented that it was hard for him to imagine that the turnover wouldn't be such that it would pretty quickly resolve itself.

Chair Coe commented that she didn't think this committee has to sort that out. If this is put before Council now and put it on a ballot in 2019 and put it in place in 2021, there is a pretty good chance that between now and 2021 a significant portion of Council changes. Mr. McCarthy stated that he didn't think a transition is too unreasonable. Chair Coe agreed.

Ms. Bradley asked Mr. Clark which city uses this plan. Mr. Clark replied that Tucson uses a partisan election for their primary system and candidates appear on the ballot with the partisan designation. In Washington State, he was unsure if they apply partisanship. In Nevada, both Sparks and Reno have non-partisan elections like Columbus. The other variation is the Tucson partisan primary is ward voters only. That has led to litigation that is currently pending and some courts have ruled that is a violation of one person, one vote. Other courts have said that it isn't. It is questionable how the Supreme Court would come down on this.

Mr. Rosenberger added that he was comfortable with it and wanted to be crystalline for staff. He was thinking that we just had an election and the headline would say that we recommend a change. The whole notion that we know there is an appetite among some to do it differently. For those who want to consider doing it differently, we believe this is something worthy of consideration. It is far short of saying what we are doing now doesn't work and here is our better idea. That is not what is going on as a result of this dialogue we are having. This is one idea, we hope, that may be worthy of consideration, and that may be as far as we go and we don't have any words like that included currently, so he urged that be included because it creates more comfort on his part about exactly what the nature of this committee's recommendations are.

Chair Coe reiterated that we are coming from a successful city; we are not making recommendations based on the fact that something hasn't worked and therefore it is wrong. She suggested that the choice of words in the recommendation will be critical. Draft language was distributed in hard copy based upon the changes that were discussed at the last meeting. Her thought was to ask staff to flesh out the plan on the handout called "Columbus plan" in more detail as if it were a recommendation with some of the positive language associated with it. Mr. Rosenberger suggested that staff also use the words "district at-large", he felt it was a more helpful choice of words than the hybrid.

Discussion followed regarding selection of next meeting date. Chair Coe announced that the committee had decided upon 1:00 p.m. on Thursday the 9th and 1:00 p.m. on Friday the 17th. If work is finished on the 9th, the 17th won't be needed, but at this point everyone should plan on both dates.

Adjournment

Hearing no further questions or concerns, Chair Coe asked for a motion to adjourn.

Rosenberger moved, McCarthy seconded. All in favor, none opposed.

Meeting adjourned.

Presentation by J. Edward Johnson, Director of Legislative Affairs for Columbus City Council (as prepared for delivery)

Good afternoon members of the Charter Review Committee.

In anticipation of questions related to the structural outlines presented by Mr. Clark, I have prepared materials related to districting and best practices.

I would be remiss if I did not point out that the nature and course of this presentation will differ from previous presentations because the topic is a rich vein of research, unlike other topics into which the committee has delved related to municipal governance.

Should the committee recommend some form of distributing geographic representation, the next natural questions are: who and how will geographic territories be drawn?

Without burdening the committee with the minutia of how the districting process ought to unfold, there are best practices to be cited that can guide the committee in the formation of recommendations. I submit these to the committee, with the acknowledgement of the assistance from FairVote, the Brennan Center for Justice at New York University School of Law, the Congressional Research Service, Ballotpedia, and the wealth of resources collected by Professor Justin Levitt at Loyola Law School in Los Angeles.

Decennial review

All organizations that offer suggestions and best practices acknowledge that reviewing the process decennially after each federal census is appropriate to ensure that the geographic units of political representation maintain fair representation for every person.

Common criteria

Many districting processes throughout the country rely on the list of three or four criteria – sometimes legal and sometimes preferential. The most common criteria include:

- Equality of population size with limited standard deviation (+/- 5%);
- Protection of the rights of racial and language minorities against vote dilution;
- Geographic compactness of districts;
- Contiguity of districts;
- Maintenance of “communities of interest;”
- Cannot favor one political party.

Who draws the map?

A variety of methods exist on how to draw maps, however, it is difficult to discern a single best practices amongst municipalities and/or states.

The traditional and most popular method, of which many states and cities default to, is **legislative districting**, which vests the local legislature with the authority to create a map with varying options for an executive veto.

The next most popular method is the usage of various types of bipartisan and/or citizen’s commissions. For the sake of clarity, I will only be presenting on the ***citizen’s commission districting method*** because our Charter does not recognize partisan affiliations like at the state level. The method of appointment may vary in numerous ways, but, essentially, a group of citizens are appointed and asked to submit one or more plans to the legislative authority for adoption that follow a set of criteria, established in code, by Council.

The State of Florida requires legislative districting with judicial approval; however it should be noted that the judicial approval trigger was inserted into the process after [extensive litigation resulting in multiple court-ordered maps](#) being produced and the 2010 redistricting process concluding in 2016. Due to the highly contextual nature of this methodology, staff cannot present this option as a best practice.

Whatever method the committee leans towards, staff would recommend the following [best practices](#):

- Public Input
 - Make the data used to draw the lines publicly available;

- Hold public hearings prior to the unveiling of maps to hear from residents about communities of interest;
- Provide a mechanism to solicit and respond to public feedback after maps are produced;
- Transparency
 - Require public meetings;
 - Does the districting authority have to offer any explanation of the districts drawn?
- Composition
 - Will individuals who draw the lines be permitted to run for office?
 - Do the individuals appointed reflect sufficient diversity of the City?
- Results
 - Have minority populations been “cracked” or “packed”?
 - If communities of interest or neighborhoods are drawn apart, is there a sensible reason?
 - Maps cannot overtly favor one political party.

Without being overly prescriptive and allowing Council to manage a public process in determining how these process are formed, staff believes that these would constitute the basis for a positive step in districting under a new hybrid system.

Districting

THE CITY OF
COLUMBUS
CHARTER REVIEW
COMMITTEE

THE CITY OF
COLUMBUS
CHARTER REVIEW
COMMITTEE

Columbus City Charter

This would be entirely new sections of charter, to be written and enacted by Council for the first time in 103 years.

Corporate boundaries of Columbus



Best practices

- FairVote
- Brennan Center for Justice at NYU School of Law
 - Congressional Research Service
 - Ballotpedia
- Loyola Law School in Los Angeles

Decennial review

Accepted practice

The overwhelming majority of bodies that district/redistrict do so after the decennial federal census.

Rationale

In order for the districting body to work with the most accurate and up-to-date information, districting after the federal census is the most efficient and fair method.

Commonly accepted criteria

Population considerations

- Equality of population size
- Protection of racial and language minority against vote dilution
- Cannot overtly favor one political party

Geographic considerations

- Compactness
- Contiguity
- Maintenance of “communities of interest”

Who draws the map?

Legislative districting

- Most popular form of districting;
- The legislative authority creates and implements the map;
- Must follow criteria established in City Code;
- Usually subject to executive veto.

Citizen's commission

- Second most popular form of districting;
- A group of citizens are appointed to draw one or more plans and submit to the legislative authority;
- Must follow criteria established in City Code;

Best practices

Public input

- Make the data used to draw the lines publicly available;
- Hold public hearings prior to the unveiling of maps;
- Provide mechanisms to solicit and respond to public feedback after maps are produced

Transparency

- Require public meetings;
- Should the districting authority have to offer any explanation of the plan?

Best practices, cont'd

Composition

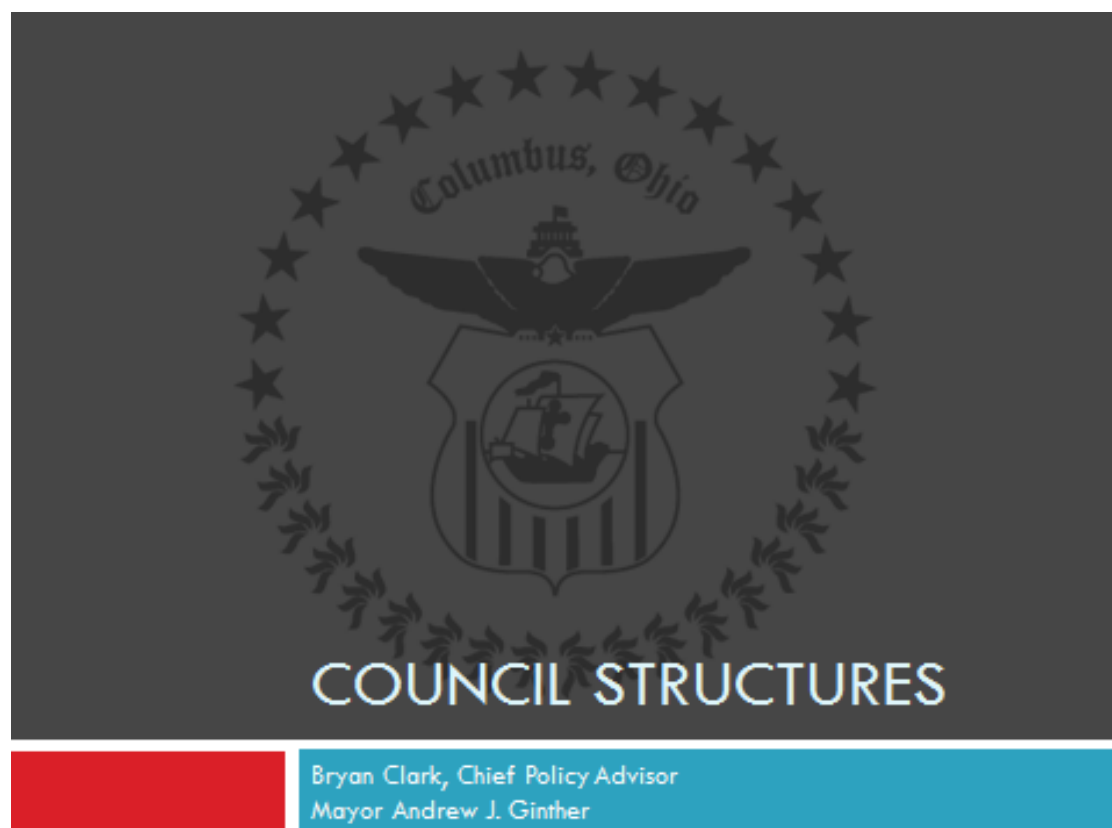
- Will individuals who draw the lines be permitted to run for office?
- Do the individuals appointed reflect sufficient diversity?

Results

- Have minority populations been “cracked” or “packed”?
- If communities of interest are drawn apart, is there a sensible reason?
- Maps cannot overtly favor one political party

Questions?





COLUMBUS CITY COUNCIL

Columbus City Charter **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.”

COUNCIL STRUCTURES

OVERVIEW OF COUNCIL STRUCTURES IN AMERICA'S TOP 50 CITIES

AT-LARGE COUNCIL

- Councilmembers are elected by the entire city, which serves as a “multi-member district.”
- Members are elected either in a field race or by-place
- At-large field and at-large by-place elections are among the most *competitive* and *contested* in the country

WARD COUNCIL

- Councilmembers are elected from geographic wards or districts.
- Members are elected by-place (aka, head-to-head)
- Elections are among the least *competitive* in the country

HYBRID COUNCIL

- Great deal of variation, but three most common forms
 - ▣ Multiple members elected at-large field and the remainder elected from wards
 - ▣ One or more members elected at-large by-place and the remainder elected from wards
 - ▣ Members elected at-large by-place, but qualify for the ballot based on districts

HYBRID/AT-LARGE FIELD

- Council consists of some members elected by the entire city and some elected from wards
- At-large members run against each other in a field race, may live anywhere in the city and are voted on by every eligible elector
- Ward members file for a specific seat on council based on where they live and are only voted on by the electors of that ward

HYBRID/AT-LARGE FIELD BALLOT

For City Council At-Large (Vote for not more than 2)	
☐	Sharon Johnson
☐	Donald Gless
☐	Philip Daly
☐	Cathy Thomas

For City Council District 5 (Vote for not more than 1)	
☐	Joan Smith
☐	Jane Jones

HYBRID/AT-LARGE BY-PLACE

- Council consists of some members elected by the entire city and some elected from wards
- At-large members file for a specific seat on council and run against other candidates for that seat, but may live anywhere in the city and are voted on by every eligible elector
- Ward members file for a specific seat on council based on where they live and are only voted on by the electors of that ward

HYBRID/AT-LARGE BY-PLACE BALLOT

For City Council At-Large Seat 1 (Vote for not more than 1)	
☐	Sharon Johnson
☐	Donald Gless

For City Council At-Large Seat 2 (Vote for not more than 1)	
☐	Philip Daly
☐	Cathy Thomas

For City Council District 5 (Vote for not more than 1)	
☐	Joan Smith
☐	Jane Jones

HYBRID/DISTRICT

- Council consists of members who qualify for election by district, but are elected by the entire city in the primary and the general
- Members file for a specific district based on where they live and run against other candidates who live in that district
- Members are voted on by every eligible elector

HYBRID/DISTRICT (cont.)

- The Hybrid/District system is used in the following places:
 - Tuscon, AZ
 - Reno, NV
 - Sparks, NV
 - Washington State county commissions (32 of 39), as well as some cities and school districts

HYBRID/DISTRICT BALLOT

For City Council District 5	
(Vote for not more than 1)	
☐	Sharon Johnson
☐	Donald Gless

For City Council District 6	
(Vote for not more than 1)	
☐	Philip Daly
☐	Cathy Thomas

For City Council District 7	
(Vote for not more than 1)	
☐	Joan Smith
☐	Jane Jones

COMPETITIVE ELECTIONS

OVERVIEW OF THE COMPETITIVENESS OF
ELECTIONS IN AMERICA'S TOP 25 CITIES

METHODOLOGY

- Based on original election data for the elections covering all members of council
- For **Contestedness**, divide the number of seats up for election by the number of seats with more than one candidate
- For **Margin**, subtract the lowest winning vote percentage from the highest losing vote percentage*
- For **Incumbents**, divide the number of challengers who won by the number of incumbents running**

MOST CONTESTED ELECTIONS

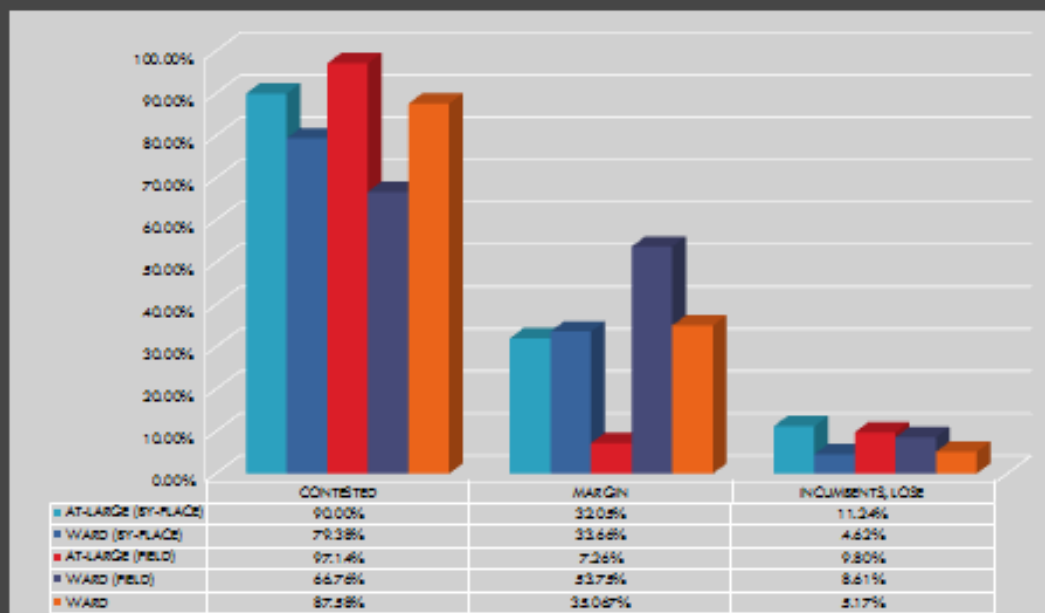
	CONTESTED	MARGIN	INCUMBENTS LOSE
AT-LARGE (FIELD)	97.14%	7.26%	9.80%
AT-LARGE (BY-PLACE)	90.00%	32.05%	11.24%
WARD	87.58%	35.07%	5.17%
WARD (BY-PLACE)	79.38%	33.66%	4.62%
WARD (FIELD)	66.76%	53.75%	15.63%

LOWEST MARGIN OF VICTORY

	CONTESTED	MARGIN	INCUMBENTS LOSE
AT-LARGE (FIELD)	97.14%	7.26%	9.80%
AT-LARGE (BY-PLACE)	90.00%	32.05%	11.24%
WARD (BY-PLACE)	79.38%	33.66%	4.62%
WARD	87.58%	35.07%	5.17%
WARD (FIELD)	66.76%	53.75%	15.63%

INCUMBENTS LOSE ELECTION

	CONTESTED	MARGIN	INCUMBENTS LOSE
AT-LARGE (BY-PLACE)	90.00%	32.05%	11.24%
AT-LARGE (FIELD)	97.14%	7.26%	9.80%
WARD (FIELD)	66.76%	53.75%	8.61%
WARD	87.58%	35.07%	5.17%
WARD (BY-PLACE)	79.38%	33.66%	4.62%



COMPETITIVENESS OF ELECTIONS

HYBRID/DISTRICT

HOW A HYBRID/DISTRICT SYSTEM MIGHT
WORK IN THE CITY OF COLUMBUS

CURRENT BEST PRACTICES

- **Based on data and analysis throughout this process, Columbus employs the following best practices for its City Council elections:**
 - ▣ Nonpartisan elections
 - ▣ Staggered terms
 - ▣ Elimination primary and general election
 - ▣ Every voter has a voice for every elected official in the city.

HYBRID/DISTRICTS: A Columbus Plan

- **What might Hybrid/Districts look like in Columbus?**
 - ▣ Expand Council to 9 members;
 - ▣ Establish 9 districts using proven best practices;
 - ▣ Require members to qualify for nonpartisan elections based on the district in which they live;
 - ▣ Require candidates to run against other candidates from that district in a primary and a general;
 - ▣ Serve staggered terms; and
 - ▣ Allow every eligible Columbus elector to vote for every member of council.

HYBRID/DISTRICTS: A Columbus Plan

- **What are the potential benefits of this system?**
 - ▣ Establish geographic representation and accountability without creating parochial interests
 - ▣ Allow councilmembers to maintain a city-wide vision with a neighborhood focus
 - ▣ Maintain voters' rights to choose their elected officials
 - ▣ Utilize the most politically competitive council structures
 - ▣ Bring council's size into the norm for peer cities

	AT-LARGE	WARD	HYBRID/AT-LARGE FIELD	HYBRID/AT-LARGE BY-PLACE	HYBRID/DISTRICT
Overview	Voters participate in every aspect of the election for every councilmember.	Voters in a geographic ward participate in the election of one councilmember.	Voters choose one ward councilmember and all at-large councilmembers who run in a field race citywide.	Voters choose on ward councilmember and all at-large councilmembers who run for specific seats citywide.	Voters participate in every aspect of the election for every councilmember, but candidates file for a geographic ward and run "head-to-head" against other candidates from that area.

Nomination	By petition at-large	By petition at-ward	By petition, at-ward and at-large	By petition, at-ward and at-large	By petition at-large
Mechanism	Candidates file a petition with sufficient valid signatures	Candidates file a petition with sufficient valid signatures	Candidates file a petition with sufficient valid signatures	Candidates file a petition with sufficient valid signatures	Candidates file a petition with sufficient valid signatures
Who decides?	All city voters may sign the petition	Only ward voters may sign the petition	Same as "at-large" and "ward" for those respective races	Same as "at-large" and "ward" for those respective races	All city voters may sign the petition

Primary	Elimination primary, by field	Elimination primary, by ward	Elimination primary, by field and by ward	Elimination primary by place and by ward	Elimination primary, by place
Mechanism	Election by all city voters, if more than twice the number of candidates file as there are vacant seats to be filled	Election by ward voters, if more than two candidates file for a given seat	Same as "at-large" and "ward" for those respective races	Election by all city voters, if more than two candidates file for a given seat, and same as "ward" for those respective races	Election by all city voters, if more than two candidates file for a given seat
Who decides?	All city voters	Ward voters	Same as "at-large" and "ward" for those respective races	Same as "at-large" and "ward" for those respective races	All city voters
How do they decide?	Each voter may choose candidates up to the number of vacant seats to be filled	Each voter chooses one candidate	Same as "at-large" and "ward" for those respective races	Same as "at-large" and "ward" for those respective races	Each voter chooses one candidate per seat and votes for every seat
Next step	Candidates with the most votes move on to the general; twice the vacancies to be filled	The two candidates with the most votes move on to the general for the ward	Same as "at-large" and "ward" for those respective races	Same as "at-large" and "ward" for those respective races	The two candidates with the most votes move on to the general for each district

General	Field election at-large	Head-to-head at-ward	At-large election by field and ward election head-to-head	At-large election and ward election head-to-head	Head-to-head district election at-large
Mechanism	Election by all city voters	Election by ward voters	Same as "at-large" and "ward" for those respective races	Same as "at-large" and "ward" for those respective races	Election by all city voters
Who decides?	All city voters	Ward voters	Same as "at-large" and "ward" for those respective races	Same as "at-large" and "ward" for those respective races	All city voters
How do they decide?	Each voter may choose up to the number of vacant seats	Each voter chooses one candidate	Same as "at-large" and "ward" for those respective races	Same as "at-large" and "ward" for those respective races	Each voter may choose one candidate per district
Next step	Candidates with the most votes win, up to the number of vacant seats to be filled	Candidate with the most votes wins	Same as "at-large" and "ward" for those respective races	Same as "at-large" and "ward" for those respective races	Candidate with the most votes in each district wins that seat



**Columbus Charter Review Committee
Committee Meeting Agenda
Thursday, February 9, 2017
1:30 p.m.
Columbus City Hall, 90 W. Broad St.**

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Follow-up discussion on presentations on council structures and districting
5. Discussion of draft language
6. Public comments
7. Closing remarks
8. Adjournment

**Charter Review Committee
Minutes**

February 9, 2017

City Hall, 90 West Broad Street

Columbus, Ohio

(audio tape and closed caption record available in the City Clerk's office)

Committee Members in Attendance:

Stefanie L. Coe, Chair

Jennette B. Bradley

John C. Rosenberger

Lourdes Barroso de Padilla

Keary McCarthy

Frederick E. Mills was present via teleconference.

Pastor Lawes and Frieda Gilyard were absent

Welcome and Opening Remarks

Committee Chair Stefanie Coe opened the meeting at 1:14 p.m and thanked those in attendance.

Approval of the Minutes

Hearing no questions or corrections, Chair Coe asked for a motion to approve the Minutes from January 12 and January 20, 2017, as submitted. Bradley moved for approval, Barroso DePadilla seconded. All in favor, no one opposed. Motion carried and Minutes were approved.

Summary of Public Comments received to date

Stephanie Megas reported on public comments received electronically via the website. Since January 20, there were five comments submitted. They were presented to committee members in hard copy and will be posted online to the website in digital format.

Committee Discussion

Chair Coe directed everyone to the draft language everyone received for review. Starting at the beginning, Council size and structure, sections 3-19. She suggested it be broken into parts. First, items one and two including subparts.

Mr. Rosenberger complimented staff on their work and commented that the notion of expanding the size of the council and the adoption of the districts at large in his view, are inseparable. He feels they both have to happen and each is dependent upon the other. Ms. Bradley agreed. Mr. Mills reiterated that he is only for expanding the size of

Council if they were to be elected by district. He felt this is a very unique proposal, but without going through some sort of ward/district election (not at-large by city) he will not be able to support it. He also agreed that if the committee is going to recommend number one, it has to be a part of two as well, but in general he stated that he was not in favor of either one at this point.

Chair Coe agreed that item one and two should be connected. She indicated that it was Council's responsibility and obligation to take the committee's recommendation and flesh out the specifics.

Mr. Rosenberger commented that residents had just voted on this issue and there has not been a change in the facts or circumstances that gives the committee a license to come to a different conclusion. He feels the committee's charge is to drill down into this alternative and identify those things where there needs to be some attention - a lack of familiarity by people on Council, and a sense that there wasn't accountability. Accountability can be accomplished by having your very own City Council person that only you can vote on, but accountability can perhaps also be improved by simply having somebody who is from your neighborhood. If nothing else, there is an emotional engagement between the neighborhood and a fellow resident. He asked whether there will be a cover letter or preamble to accompany the committee's recommendation. Chair Coe responded that they had talked about a cover letter or summary of the work that has been done and they will work on that language after they get through the specific recommendations

Chair Coe asked staff for suggestions to make it clear that the recommendation is for items one and two to be connected. Mr. Clark (Chief Policy Advisor, Mayor Ginther's office) suggested after the word "members" under number one "subject to the approval or the adoption of number two" and then under number two, after the word "whereby" add "subject to the adoption of number one."

Ms. Bradley stated that she likes this proposal because it builds on what we have. We are not losing all the avenues that people already have to connect with the city; it is unique in that it follows through with what Columbus has been. When looking at other cities' best practices, we found cases where things were just a little different because they were addressing the specific needs of their community and that is what we are doing here. Columbus has had years of at-large elections and people have liked that and they have voted on it again for the third time in August. This language keeps that spirit and the ability for citizens to continue to vote and gives them that geographic preference that some people have spoken about.

Ms. Barroso de Padilla agreed that it is a good compromise to help to meet the needs of people who like the way things are but also tends to the people who want to see a shift to change. She thinks we need to try this and if in the future we want to move more in that direction, we can do that but it feels like we are trying to be progressive and moving forward, and we are listening to everyone's concerns.

Chair Coe agreed and made a motion to amend the draft language in items one and two to add the language presented by Mr. Clark. Mr. Rosenberger seconded. All voted in favor **with the exception of Mr. Mills, who voted in opposition**. Motion carried.

Chair Coe made a motion to support the draft language of Items One and Two with the amended language. Mr. Rosenberger seconded. All voted in favor **with the exception of Mr. Mills, who voted in opposition**. Motion carried. She asked staff to read the amendment again for clarification as Committee Member McCarthy arrived.

Mr. Johnson (Director of Legislative Affairs, City Council) read that the amendment changed number one to read “expand the size of city council from seven members to nine, and the amendment, subject to the adoption of recommendation number two.” The other part of the amendment is in number two, “adopt a district at large form of council whereby,” and this is where the amendment starts, “subject to the adoption of recommendation number one.” Mr. McCarthy stated that he was supportive of the changes, and the amendment.

Chair Coe directed the focus to item three in the draft language and asked for any questions, concerns, or comments. Ms. Barroso de Padilla asked about the meaning of “Council actively engaging the community to determine best practices”. Mr. Johnson replied that in districting there have been a series of best practices around the country recognized by various organizations:

- doing so after a census for the most up-to-date population information.
- districts should be roughly of equal size, protect racial and language minorities against vote dilution,
- you cannot favor one political party over another
- districts should be compact, should be contiguous, and they should maintain communities of interest.

Those were some of the best practices that we were presenting for the committee's information should they decide to go this route. These have been recognized as a good way to do this process.

Ms. Barroso de Padilla followed by asking when the committee talked about actively engaging the community, what was the process for doing so. Chair Coe replied that the idea was not to dictate what that was, but to give Council the recommendation and let them find a way to engage the community and figure out what this ultimately looks like and also not to be date/deadline specific to allow Council to figure out the best way of setting it up for Columbus.

Mr. McCarthy stated that he thought it made sense not to be too specific and give Council the ability to lay out the parameters within this recommendation, but with regard to the apportionment process he asked if there is a standard way to do this for municipal districting and whether it is fairly commonplace or does it range very widely like the state process. Mr. Johnson replied giving examples including legislative districting and citizen commissions, and stated that legislative districting has been the default around the country and tends to prevail because that is the way it has always been done,

however there is a push to say citizens commissions are the way that folks are going if they are introducing it or if they are changing their system.

Mr. Clark added that even in places that have moved to a citizens commission, there is typically a recommendation to the legislative body so that elected officials are still making that final determination. It could vary from presenting a series of maps to the committee or legislative body and the legislative body is unable to change that map and some allow the legislative body to make changes to the map to meet things like Voting Rights Act requirements, however it is exceedingly rare for there to be a citizen's commission that both draws the maps and approves them.

Mr. Rosenberger followed up on whether staff believed the reference to best practices picks up this notion of citizens-based apportionment to legislative approval and whether it has emerged as a best practice. Mr. Johnson replied that in terms of what is happening across the country, this is appearing to be a preferred method. Mr. Rosenberger stated that he sensed if the apportionment process was purely legislative, there would be disappointment, like we left an opportunity on the table. He asked staff if they feel the best practices language is sufficient. Mr. Clark replied that he concurred that a citizen involvement in drawing the maps is definitely a preferred best practice; it is an emerging best practice and that can range from citizens being able to submit maps to a legislative body for consideration all the way to an appointed commission of citizens that would draw these maps and he thought that was clearly captured in the draft language that was presented.

Mr. McCarthy stated that his question arose out of the complexity of the process; who can serve, who can't, and that is a lot to leave wide open for the Council. If possible, he would like for Columbus to avoid all of the contention that can come with the line-drawing process because it can be unpleasant.

Chair Coe commented that item number three is the underlying focus of community involvement and that the committee is really looking to Council to actively engage with the community at large to figure out what is best. She stated she would be open to potentially modifying that language but wouldn't go so far as defining that the Council should use a particular process.

Mr. Rosenberger suggested adding a word or two related to the topics of citizen participation in apportionment/re-apportionment and let the details be handled by others. Ms. Bradley stated that she would like to see very specific language regarding input on this process. She wanted to see the committee give direction to Council to ensure there is adequate opportunity for the citizens to see, review, and comment on the proposal. She agreed with Mr. McCarthy that the committee shouldn't try to direct the apportionment process and also doesn't want it to be contentious but just want to make sure that the public has an ample opportunity to understand, digest and comment on it.

Chair Coe stated that she liked the phrase “to allow adequate time to review and comment on the specific proposals”. Ms. Bradley added that other cities have presented competing maps, sometimes online. She said she didn’t feel that this committee should get into the minutia of how Council does it, just to understand that we think the citizen review and comment period is important. Discussion followed about how to include this in the language. Chair Coe stated the importance of substantive community education and opportunities. If the chance is not given for the community to see it, there will be great confusion and often one method doesn't work for everyone so making sure those messages get shared with civic groups and area commissions and people whose first language may not be English is important.

Chair Coe asked staff to read the proposed language for item number three. Mr. Johnson read “In consideration of these potential charter amendments the committee recommends that Council actively engage the community to determine best practices that are most applicable to Columbus, especially in the topics of apportionment and re-apportionment, time line for placement on a ballot, process for implementation should voters approve the measure, and active citizen participation in the apportionment process. Further, the committee recommends that the community be given the opportunity to offer input at every phase of the process.”

Chair Coe made a motion to amend item number three as read by Mr. Johnson. McCarthy seconded. All voted in favor, no one was opposed. Motion carried.

Chair Coe made a motion to support item number three as amended. Mr. Rosenberger seconded. All voted in favor, no one was opposed. Motion carried.

Chair Coe directed attention toward vacancies and appointments, Section five, which will be divided into two parts for discussion. Ms. Barroso de Padilla asked for clarification as to why the language requires that Council establish via the administrative code, the process for filing a vacancy. Johnson replied that placing that process in the administrative code gives Council the possibility to flesh out the language itself and it also requires a two-thirds majority to approve or amend.

Ms. Bradley stated that she wanted the language to specify “non-partisan” so that the charter is not silent on the fact. Discussion followed regarding the best way to add this to the draft language. Mr. Clark suggested that item number one be amended to read “to require that Council establish, via the administrative code, the process for filling a vacancy, provided that such process shall remain non-partisan.”

Chair Coe moved to amend vacancies and appointments, number one, as read by Mr. Clark. Ms. Bradley seconded. All voted in favor, none opposed. Motion carried.

Chair Coe made a motion to approve vacancies and appointments section five items one through five as amended. Barroso de Padilla seconded. All voted in favor, none opposed. Motion carried.

Chair Coe read the second part of the vacancies and appointments draft language. "The Charter Review Committee recommends council continue a policy related to the filling of vacancies in addition to public hearing requirements for all vacancies council shall have a preference for appointing a person who will not run for council at the next succeeding municipal election unless based on the totality of the circumstances council finds this limitation would not be in the city's best interest."

Ms. Barroso de Padilla addressed transparency in Council's decision making and Chair Coe replied that the previous discussion on that topic included having a public hearing that that would allow the community to see the candidate/candidates that Council had narrowed it down to. Also, the committee discussed the vote to approve or disapprove that person should not occur on the same day to allow the community time to give feedback after the interview process. Item number three is a result of the discussion that the best option is those that they appoint to fill a seat don't run in the next election. The committee wants to encourage Council to look at the idea of appointing someone who will not run but yet recognizing that there will probably be circumstances where that doesn't make the most sense or is not in the best interest of the city. Ms. Barroso de Padilla expressed concern about transparency when there is a variance on which person would be able to run in the next election, and when someone would not. Chair Coe replied that the expectation would be that Council would make a determination before they would even announce the vacancy and look at the pool of applicants.

Mr. Clark added Seattle always announces it in advance; at the same time they announce there is a vacancy. Ms. Barroso de Padilla felt that she would like to see that captured somehow within the draft language. Mr. McCarthy stated that it could be possible that someone that is appointed and says they aren't going to run then changes their mind and decides to run. He stated that is not a huge fan of the placeholder concept. His opinion is that he would probably be even less specific than the current language, just to say we think placeholders should be something that Council should consider more frequently in the nomination or appointment process.

Mr. Rosenberger commented on district at large, and how it will change the dynamic in the city and stated that he feels it may result in more diversity of representation. He stated he doesn't care for the word choice in the draft language of a preference that you can take yourself out of based upon the totality of circumstances. He stated that he feels more comfortable with a presumption and then a determination that there are extraordinary facts and circumstances to take you outside the rule.

Ms. Bradley commented about flexibility and how this would work if someone changed his/her mind. Mr. Rosenberger stated that if someone assumes a seat on council stating that they would not run, they would have a real burden to carry if they changed their mind and he thinks that is enough.

Chair Coe added that a lot of questions about party support, etc. came up during discussion of this topic. She would expect that if a person agrees they are not going to run for election and then turns around and runs there would be some party challenges as well. She continued with discussion about the district component with regard to

placeholders and limiting potential appointees by geography and the likelihood that candidate's lives would be open to a short term appointment, and others that would be to leave a career and take that opportunity for only a few months. She suggested that this may be more of a challenge than it was when you had the entire city population to consider when filling a vacancy.

Ms. Bradley questioned for clarity that a vacant seat would have to be filled by someone from that same district where the vacancy is and that Council would have to find someone in the district to serve but they wouldn't be permitted to run, or if Council doesn't think that is the way to go, they could find someone in the district and allow them to run, if they so choose. She understands that it offers Council flexibility, but wondered how it will be perceived by the public. That one position will not be able to run, but another position may be allowed to fill that seat and run in the next election. It could come across as unfair. Chair Coe stated that if this is recommended, there is a pretty high burden on Council to come up with a reason why they wouldn't follow this. Ms. Bradley stated that even if we didn't have districts, it would still be questioned why did you put the burden on this person not to be able to run but then you allowed this person to run for that seat? She commented that there may be good intentions, but she wasn't really sure how the public will perceive that. The group is trying to be fair and open, but she felt the only thing that is fair and open is a special election where everybody starts from ground zero, or leave it vacant.

Mr. McCarthy reiterated that the power of incumbency is greatly overstated in this context. If the person is not chosen, the political process continues the way it has and you'll essentially have the power of running with the county party endorsed person which is really where the influence comes from, running as a team that is endorsed by the county party. He stated that is primarily why he doesn't think that we should put restrictions or be specific to Council on what they can and can't do in this regard. He stated that he feels very comfortable with the lengths the committee has gone to to be sensitive to the calls for change and feels it has met those considerations more than halfway in many respects. He does not feel comfortable supporting any further stipulations and would be more comfortable modifying this language to simplify it and say something along the lines of this commission urges council to consider where appropriate a placeholder candidate.

Chair Coe added that in item one, we are requiring them to establish a process that is in the administrative code. Council has already made a caretaker appointment; clearly it is something they know is an option. She stated she was leaning toward not recommending this entire section and leaving one through five as was already recommended. If Council ultimately feels like it is okay to recommend they always use a caretaker they can write that into the language. If they want to craft language that gives them the flexibility that is needed, they are the ones that have to make the appointment and serve the community as a whole.

Mr. Mills stated that the expansion from seven to nine and district at large format is a big discussion but equally as important is this interim appointment process, and he would

hate to see us back away from this item. He said he was in approval of the draft language as printed and distributed.

Chair Coe called for a ten minute recess.

[RECESS]

Chair Coe resumed the meeting and added that she had asked staff to modify the language, realizing that committee members are not all on the same page. She commented that her main concern is that when the group first started talking about this language, they were talking about leaving the structure of Council at large and she felt pretty strongly that it was important then, now she is very concerned that we have put more limits on where candidates are going to come from. She asked staff to read the language as potentially amended. Mr. Johnson read that the new section if amended would read, "The charter review committee recognizes that Council has recently utilized an appointment process whereby an appointee will not run for Council at the next succeeding municipal election. The committee recommends that Council adopt a policy related to the filling of vacancies in addition to public hearings requirements as follows: One, based on the totality of circumstances and when appropriate, Council will continue to fill a vacancy by appointing a person who will not run for Council at the next succeeding municipal election. This decision should be announced prior to accepting applications to fill a vacancy."

Mr. Rosenberger stated that he still liked the presumptions and extraordinary circumstance language, but this language gives a big shove in the right direction so he can live with it. Chair Coe made a motion to amend the language as read. Mr. Rosenberger seconded. All voted in favor with the exception of Mr. Mills who voted no. Motion carried.

Chair Coe asked staff to re-read the language and indicated she was making a motion to support this language. Mr. Rosenberger seconded. All voted in favor, no one opposed. Motion carried.

Chair Coe stated that the next topic for consideration is employment status. Employment status just has one point, so the recommendation would say that the charter review committee recommends no charter change to the employment status of members of Council. The charter review committee further recommends that council study a first obligation policy and determine if such policy suits council's needs." She indicated that the committee would be making no recommendation for specific charter changes, but encouraging Council to consider how they internally define it, and this stems from the full-time and part-time discussion and that our charter is silent on the matter. Mr. Rosenberger stated he was fine with the first sentence but uncomfortable with the second sentence and preferred it be deleted. Discussion followed regarding first obligation and a study of the topic separately.

Chair Coe moved to leave the first sentence in the draft language and delete the second sentence. Ms. Bradley seconded, all voted in favor, no one opposed. Motion carried.

Chair Coe moved to support the recommendation that would just simply read “charter review committee recommends no charter change to the employment status of members of council.”

Ms. Bradley seconded, All voted in favor, no one opposed. Motion carried.

Chair Coe moved the conversation to supporting area commissions. The draft language says “While area commissions are not a charter matter, they advise multiple branches of city government, play a role in furthering city government. Stronger area commissions will continue to foster a city council responsible to the needs of our growing city. The charter review committee recommends further study by the City Council and the Mayor to strengthen the operation and efficiency of area commissions. The committee specifically recommends a process similar to the current charter review committee. To that end the committee recommends the commission on area commissions to study the following. One, providing area commission coverage for every city resident, two, addressing the administrative support needs for area commissions included but not limited to funding, staff support, web hosting, records retention, organizational development, training and community engagement. Three, streamlining and equalizing the organization and operation of area commissions, including but not limited to uniform bylaws, elections, zoning processes, and public notice and participation.

And finally number four, ensuring adherence to city and state laws regarding open meetings and open records.”

Mr. McCarthy suggested adding some language about the urgency of doing this quickly. The other changes discussed will take a longer period of time but this study could get started pretty quickly. Chair Coe agreed that there are things that can be done to address area commission issues sooner and to better use existing resources, whether it is the community engagement group from City Council, the Mayor's staff, to things that are out there that maybe not all area commissions are aware of. She also commented about the idea of covering every resident under an area commission and if something could be written to include civic associations, such as a better way to define them or something to flesh out the involvement of civic associations. Discussion continued about civic associations and training so they are aware of available services and including them in the draft language so they feel included for their important role in their respective communities.

Mr. Rosenberger commented further on the subject of urgency and suggesting that Council implement the spirit of these recommendations while the dialogue and the charter process lays its way out. Also, with regard to the at-large district concept, there are things that Council can accomplish the spirit of without amending the charter. He feels the report would have an omission if there isn't talk about accomplishing the spirit of this with Council action when possible. Chair Coe suggested that the cover letter to the report could address that. She stated that without formally having districts, Council

can still make geographic assignments to give citizens more of a connection. She thought a cover letter versus a recommendation per se because it overshadows the spirit of what we are speaking of without formally saying it.

Mr. McCarthy stated that the committee had taken some great strides to capture the spirit of the public testimony and he wanted to make sure that the committee frames the recommendations in that context. Given the fact there hasn't been a lot of media coverage on this and only a small sliver of the total population has really been tuned in to this, he wants to be sure how the recommendations are communicated.

Chair Coe asked staff about proposed civic association language. Mr. Clark replied that work relating to this topic is largely performed by the administration, not by Council. He also commented about the nature of civic associations vs. area commissions, block watches, and other ways that the community organizes itself and engages with the city. Chair Coe stated that she was mostly thinking the committee can encourage Council, the Mayor and the Department of Neighborhoods to look at block watches and civic associations. As far as this draft language goes, the committee didn't want to leave civic associations out because when talking about trying to have more transparency and more community involvement, civic associations are a part of that. Further discussion followed about civic associations and how to include them, also about a potential Commission on Commissions. Mr. Clark suggested that in the first paragraph of the recommendation there was a sentence added that states "In making these recommendations the committee recognizes the special role that civic associations play in the City of Columbus." Chair Coe made a motion to add the sentence as read at the end of the first paragraph in the section labeled "supporting area commissions." Ms. Bradley seconded. All voted in favor, none opposed. Motion carried.

Mr. McCarthy moved to add an additional amendment. Just before "the committee recommends a commission on area commissions to study the following", he requested it be amended to add "forming as soon as possible in 2017, a commission on area commissions to study the following" Mr. Mills seconded, all voted in favor, none opposed, motion carried.

Chair Coe made a motion to support this section with the two amendments. McCarthy seconded. All voted in favor, none opposed. Motion carried.

Chair Coe lead discussion about the committee's next meeting. It was determined that staff will have revised copies of everything we have discussed out by the 14th and comments from the committee should be returned to staff by noon on the 16th. Mr. Rosenberger commented that this should be treated as an interim judgment until committee members can review and comment on the draft and then meets to approve it. Mr. McCarthy stressed the importance of communicating these changes effectively to the public as they are significant.

Mr. Clark suggested that the committee may want to give a deadline for public comment as well, because that will need to be provided and posted online and committee

members need time to review them. It was determined that comments from the public on the topics can be submitted until the 14th.

Ms. Bradley asked about proper protocol for submitting recommendations to the Mayor and Council. Mr. Clark indicated that the report should be submitted to the City Clerk for Members of City Council, and can be delivered to Mayor Ginther by either of his staff members present. Mr. McCarthy asked if Chair Coe would submit this to Council at some point on behalf of the committee. Mr. Johnson stated that once Council receives the report, it is his understanding that it is Council's intention to hold at a minimum, a Rules and Reference Committee hearing on the subject. Discussion followed regarding highlights, additional commentary, and the opportunity for committee members to attend Council's public hearing.

Mr. Rosenberger commented about the preamble, and Ms. Barroso De Padilla agreed that language was important to be included as part of framing the process that lead to the recommendations. She stated that the committee has been very thoughtful to think about all points and how they will be perceived. Ms. Bradley added that the history is part of the preamble and it should be included to let people know that we did consider their comments, and this recommendation is the result of our deliberations. Chair Coe suggested everyone wait and review the language from staff before continuing the discussion. The committee will meet again on February 17th at 2:00 p.m.

Chair Coe moved to adjourn. McCarthy seconded. All voted in favor, none opposed. Meeting adjourned at 3:47 p.m.



**Columbus Charter Review Committee
Committee Meeting Agenda
Friday, February 17, 2017
2:00 p.m.
Columbus City Hall, 90 W. Broad St.**

1. Welcome and opening remarks
2. Approval of the minutes
3. Summary of public comments received to date
4. Discussion of draft language
5. Public comments
6. Closing remarks
7. Adjournment