



Legislation Details (With Text)

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On agenda: 7/23/2018 **Final action:** 7/24/2018

Title: To find legally sufficient a petition for a proposed amendment to the Charter of the City of Columbus ordinance, titled "To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects", and to declare an emergency.

Sponsors: Shannon G. Hardin

Indexes:

Code sections:

Attachments: 1. BOE Certification, 2. CA memo re legal sufficiency

Date	Ver.	Action By	Action	Result
7/25/2018	2	CITY CLERK	Attest	
7/23/2018	2	COUNCIL PRESIDENT	Signed	
7/23/2018	1	Columbus City Council	Approved	Pass

On June 27, 2017, petitioners Robert R. Krasen, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Sandra Bolzenius, filed with the City Clerk a pre-circulation copy of a petition for a proposed ~~amendment to the Charter of the City of Columbus~~ ordinance, titled "To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects". Following this, on June 26, 2018, petitioners filed with the City Clerk a petition for said ~~amendment~~ ordinance. Petitioners filed 617 part-petitions containing 18,404 signatures.

On July 7, 2018, the Franklin County Board of Elections certified its examination of the part-petitions, as required by Section 42-9 of the City Charter. The Board of Elections found that the total number of valid signatures exceeds the standard as defined in Section 43 of the Charter ("equal to not less than five percent of the total vote cast at the last preceding municipal election for mayor").

On July 9, 2018, the City Attorney advised this Council that the subject petition complies with Section 42-5 of the City Charter, which sets forth the requirements as to form for each petition for a proposal initiated by a citizen.

Based on the foregoing, this Council finds that the petitioners' have complied with the relevant provisions of the City Charter as stated above, and thus, Section 43-1 of the City Charter requires this Council to find that the petition for an initiated ordinance is legally sufficient.

To find legally sufficient a petition for a proposed ~~amendment to the Charter of the City of Columbus~~ ordinance, titled "To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects", and to declare an emergency.

WHEREAS, the Charter of the City of Columbus vests with the people of the City of Columbus the right to initiate ordinances by petition; and

WHEREAS, petitioners are responsible for complying with all applicable requirements of the Ohio Constitution, the Charter of the City of Columbus, and the Ohio Revised Code in seeking to exercise the aforementioned right; and

WHEREAS, the Columbus City Council is required to **either pass the proposed ordinance as submitted or** place a proposed ordinance on the ballot if the Council finds that a citizen-initiated petition contains sufficient valid signatures and if the Council is satisfied of the legal sufficiency of the petition; and

WHEREAS, on June 26, 2018, petitioners Robert R. Krasen, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Sandra Bolzenius filed with the City Clerk a copy of a petition for a proposed ~~amendment to the Charter of the City of Columbus~~ **ordinance**, titled “To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects”; and

WHEREAS, on June 26, 2018, petitioners filed 617 part-petitions containing 18,404 signatures for the aforementioned petition; and

WHEREAS, after a thorough and timely review of the part-petitions, the Franklin County Board of Elections found that the total number of valid signatures exceeds the standard required by Section 43 of the City Charter; and

WHEREAS, after a thorough, timely review of the petition as required by Section 42-9 of the City Charter, the City Attorney has reported to this Council his opinion that the aforementioned petition is sufficient as a matter of law; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that determination of the sufficiency of the petition is required by the Columbus City Charter; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That this Council finds that the petition for proposed amendments to the Columbus City Code, titled “To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects” filed with the City Clerk on June 26, 2018 by petitioners Robert R. Krasen, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Sandra Bolzenius, meets the mandatory minimum legal requirements established by the people in the Charter of the City of Columbus.

SECTION 2. That based upon the findings in Section 1, this Council finds that the aforementioned petition is legally sufficient.

SECTION 3. That the City Clerk be and hereby is authorized and directed to forthwith mail a copy of this ordinance to the aforementioned petitioners at the addresses listed in the petition filed with the City Clerk on June 26, 2018.

SECTION 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall go into effect and be in force from and after the date of passage; and pursuant to the Charter of the City of Columbus Section 42-12, this ordinance shall not be submitted to or require the mayor's signature, or be subject to the mayor's veto; nor shall such ordinance be subject to the referendum.