



Legislation Details (With Text)

File #: 1567-2021 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 6/9/2021 **In control:** Rules & Reference Committee

On agenda: 6/14/2021 **Final action:** 6/18/2021

Title: To submit to the electors of the city of Columbus at the November 2, 2021 general election, the question of adopting the proposed ordinance, such question to be known as "Proposed Ordinance No. 1, Clean Energy."

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1161_001 AMENDED, 2. Proposed Ordinance No 1 BALLOT SUMMARY AMENDED v2

Date	Ver.	Action By	Action	Result
6/18/2021	2	CITY CLERK	Attest	
6/14/2021	2	COUNCIL PRESIDENT	Signed	
6/14/2021	1	Columbus City Council	Amended as submitted to the Clerk	Pass
6/14/2021	1	Columbus City Council	Approved as Amended	Pass

This ordinance directs the submission of a question of adopting a proposed ordinance to the electors for the general election ballot for November 2, 2021.

On October 22, 2019, petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, and Jabarisdiki Gregg filed with the City Clerk a pre-circulation copy of a petition for a proposed ordinance, titled "To authorize and direct the City Auditor to establish an Energy Conservation and Energy Efficiency Fund and a Clean Energy Education and Training Fund and to take the necessary actions to transfer \$10,000,000 from the general fund of the City of Columbus to each of these funds for a total of \$20,000,000 for the appropriate purposes; and to authorize and direct the City Auditor to take the necessary actions to transfer \$10,000,000 from the general fund of the City of Columbus for the purpose of funding a minority business development program; to establish a Columbus Clean Energy Partnership Fund; and to authorize and direct the City Auditor to take the necessary actions to transfer of \$57,000,000 from the general fund of the City of Columbus for the purpose of funding an electricity subsidy program for residents of the City of Columbus; to establish a transparency and accountability reporting requirement for the City Auditor for all uses of funds in section [sic] 1,2,3, and 4' to declare this Ordinance to be an emergency measure and shall take effect and be in force from and after its passage." Following this, on October 16, 2020, petitioners filed with the City Clerk a petition for said ordinance. Petitioners filed 444 part-petitions containing 10,128 signatures.

On November 6, 2020, City Attorney Zach Klein advised Columbus City Council, through a review of the petition as required by Section 42-9 of Charter, that the petition as submitted was deficient as to form.

On November 9, 2020, 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 November 23, 2020, Columbus City Council approved ordinance 2770-2020 finding the aforementioned petition

legally insufficient as to form.

On December 4, 2020, petitioners filed a writ of mandamus to compel Columbus City Council to approve the ordinance to appear on the May 4, 2021 primary ballot. The Supreme Court of Ohio subsequently ruled on April 29, 2021, that Columbus City Council is required to find the petition legally sufficient as to form and to proceed to follow Section 43-1 of the City Charter by either adopting the ordinance or placing it on the ballot for an upcoming election.

On May 17, 2021, Columbus City Council approved ordinance 1265-2021, finding that the petitioners had complied with the relevant provisions of the City Charter and finding that the petition for an initiated ordinance was legally sufficient. Previous ordinance 2770-2020 was repealed.

This ordinance fulfills the terms of the ruling of the Supreme Court of Ohio and the requirements of the City Charter by directing that the proposed ordinance be placed on the ballot for the upcoming general election.

To submit to the electors of the city of Columbus at the November 2, 2021 general election, the question of adopting the proposed ordinance, such question to be known as "Proposed Ordinance No. 1, Clean Energy."

WHEREAS, the Office of the City Clerk has received a petition seeking to adopt an initiated ordinance; and

WHEREAS, City Council has found the petition to be sufficient pursuant to applicable requirements of the Charter of the City of Columbus, the Ohio Constitution, and the Ohio Revised Code; and

WHEREAS, pursuant to the Charter of the City of Columbus and the Ohio Constitution, City Council hereby directs that the question of adopting the proposed ordinance, "Proposed Ordinance No. 1, Clean Energy" be put before electors of the city at the upcoming general election; and

WHEREAS, pursuant to Section 43-3 of the Charter, City Council has herein provided a summary of the proposed ordinance; and

WHEREAS, pursuant to Section 42-12 of the Charter, any ordinance placing an issue before voters shall go into effect and be in force from and after the date of passage, and shall not be submitted to or require the Mayor's signature, or be subject to the Mayor's veto; **NOW, THEREFORE**,

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

SECTION 1. That there be submitted to the electors of the city of Columbus the question of adopting an ordinance, such question and proposed ordinance being set forth as an attachment ("PROPOSED ORDINANCE No.1, CLEAN ENERGY") hereto and hereby made a part hereof.

SECTION 2. That, pursuant to Section 43-3 of the Charter of the City of Columbus, City Council hereby prescribes a summary of the proposed ordinance which shall be placed upon the ballot, such summary being set forth as an attachment ("PROPOSED ORDINANCE No. 1, CLEAN ENERGY") hereto and hereby made a part hereof.

SECTION 3. That the city clerk is directed to forthwith serve a certified copy of this ordinance upon the boards of elections of Franklin County, Delaware County, and Fairfield County, Ohio.

SECTION 4. That the boards of elections of Franklin County, Delaware County, and Fairfield County, Ohio be and hereby are requested to place the question, "Proposed Ordinance No. 1, Clean Energy," along with the summary of the proposed amendment prescribed herein, upon the ballot to be submitted to the electors as provided for and upon the date set forth herein.

SECTION 5. That, pursuant to Section 42-12 of the Charter of the City of Columbus, this ordinance shall go into effect and be in force from and after its passage.