



Legislation Details (With Text)

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Title: To declare the insufficiency of a petition to amend the Charter of the City of Columbus filed with the City Clerk on July 8, 2019; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Columbus Arts Free - Certification - Corrected, 2. legal sufficiency memo (arts fee) 7.25.19

Date	Ver.	Action By	Action	Result
7/31/2019	1	CITY CLERK	Attest	
7/30/2019	1	MAYOR	Signed	
7/29/2019	1	COUNCIL PRESIDENT	Signed	
7/29/2019	1	Columbus City Council	Approved	Pass

On July 8, 2019, petitioners Barbara J. Reardon, Michael J. Davala, Matthew Bowersox, Emily Devol, and Rebecca Gentile ("petitioners") filed with the City Clerk a petition to amend the Charter of the City of Columbus. Petitioners filed 803 part-petitions purporting to contain 22,095 signatures of Columbus electors.

The people have established in the Ohio Constitution and the Charter of the City of Columbus a requirement that petitioners file valid signatures of no less than 10% of the electors in the last preceding municipal election to submit such a petition to the electors of the City. Since 110,292 Columbus residents voted in the last general municipal election on November 7, 2017, petitioners must present 11,030 valid signatures.

On July 22, 2019, the Franklin County Board of Elections, following a thorough, timely review, communicated to the City Clerk that the petition contains 10,746 valid signatures. Furthermore, the Franklin County Board of Elections indicated that petitioner Emily Devol was not a qualified elector of the City of Columbus as required under established law. On July 25, 2019, the City Attorney communicated to Council and the City Clerk his opinion that the petition is insufficient as a matter of law. The petitioners fail to meet the mandatory minimum standards established by the people in the Ohio Constitution and the Charter of the City of Columbus and, as such, their proposed charter amendment is legally insufficient and shall not be submitted to the electors of the City of Columbus.

To declare the insufficiency of a petition to amend the Charter of the City of Columbus filed with the City Clerk on July 8, 2019; and to declare an emergency.

WHEREAS, the Ohio Constitution, Article 18, Section 9, and the Charter of the City of Columbus, Section 45, vest with the people the right to amend the City Charter via a citizen-initiated charter amendment petition; and

WHEREAS, petitioners are charged with the responsibility to meet all applicable requirements of the Ohio Constitution, the Charter of the City of Columbus, and the Ohio Revised Code in seeking to amend the Charter; and

WHEREAS, the City Council is required to place a charter amendment on the ballot if the Council finds that a citizen-initiated charter amendment petition contains sufficient valid signatures and if the Council is satisfied of the legal sufficiency of the part-petitions as to form; and

WHEREAS, the Ohio Constitution and the Charter of the City of Columbus require valid signatures of at least 10% of the electors from the last preceding municipal election to submit a citizen-initiated charter amendment to the electors of the City; and

WHEREAS, the Franklin County Board of Elections reports that 110,292 residents voted in the most recent Columbus general municipal election, held on November 7, 2017; and

WHEREAS, this Council finds that, based on the foregoing, 11,030 valid signatures from Columbus electors must accompany a citizen-initiated petition to submit a charter amendment to the electors of the City of Columbus; and

WHEREAS, on July 8, 2019, five petitioners filed with the City Clerk a petition consisting of 803 part-petitions and purporting to contain 22,095 signatures of Columbus voters; and

WHEREAS, after a thorough, timely review of the part-petitions, the City Clerk certified to this Council that the aforementioned petition contains 10,746 valid signatures as determined by the Franklin County Board of Elections on July 22, 2019; and

WHEREAS, on July 25, 2019, the City Attorney advised the City Clerk and this Council that the petition fails to comply with the requirements of Section 45 of the City Charter and is therefore insufficient as a matter of law; and

WHEREAS, the number of valid signatures submitted by the petitioners fails to meet the requirements established by the people in the Ohio Constitution and the Charter of the City of Columbus and the petition is therefore insufficient; and

WHEREAS, an emergency exists in the usual daily operation of the City Council in that determination of the sufficiency of the petition is required forthwith; **NOW, THEREFORE**

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

SECTION 1. That the petition proposing a charter amendment filed with the City Clerk on July 8, 2019 by petitioners Barbara J. Reardon, Michael J. Davala, Matthew Bowersox, Emily Devol, and Rebecca Gentile, entitled by the petitioners as "Section 242 - Protection from local taxes and fees on arts and entertainment," fails to meet the mandatory minimum requirements established by the people in the Ohio Constitution and the Charter of the City of Columbus and, as a result, the proposed amendment is not legally sufficient and shall not be submitted to the electors of the City of Columbus.

SECTION 2. That the City Clerk be and hereby is authorized and directed to mail a copy of this ordinance to the aforementioned petitioners at the addresses listed in the petition filed with the City Clerk on July 8, 2019.

SECTION 3. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after passage if the Mayor neither approves nor vetoes the same.