



Legislation Details (With Text)

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Title: To find not legally sufficient a petition for a proposed amendment to the Charter of the City of Columbus, titled "Columbus City Council Reform Amendment;" and to declare an emergency.

Sponsors: Andrew Ginther

Indexes:

Code sections:

Attachments: 1. City Attorney Memo to Columbus City Council re petition 7 21 15

Date	Ver.	Action By	Action	Result
7/30/2015	1	CITY CLERK	Attest	
7/27/2015	1	COUNCIL PRESIDENT	Signed	
7/27/2015	1	Columbus City Council	Approved	Pass

BACKGROUND

On January 15, 2015, petitioners Robert J. Fittrakis, Willis E. Brown, Joseph C. Sommer, Suzanne M. Patzer, and Jonathan C. Beard filed with the City Clerk a pre-circulation copy of a petition for a proposed amendment to the Charter of the City of Columbus, titled "Columbus City Council Reform Amendment." Following this, on July 7, 2015, petitioners filed with the City Clerk a petition for said amendment. Petitioners filed 998 part-petitions containing 28,537 signatures.

On July 21, 2015, the City Attorney's office advised this Council that the subject petition fails to comply with the requirements of Section 42-2 of the City Charter, which governs the use of petition forms. First, the proposed amendment violates the single subject requirement of Section 42-2(d), by including separate and distinct proposals in a single petition. Secondly, the title of the proposed amendment ("Columbus City Council Reform Amendment") does not clearly and without argument describe the amendment, as prescribed in Section 42-2(e). The City Attorney's office had previously identified these defects upon review of the pre-circulation copy of the petitions, and advised Council of these on May 20, 2015. The petitioners were also advised of these defects, but did not take corrective action.

In addition, on July 22, 2015, 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 did not meet or exceed the standard as detailed in Section 45 of the Charter ("equal to not less than ten percent of the total vote cast at the last preceding regular municipal election").

Based on the foregoing, this Council finds that the petitioners' failure to comply with the requirements of Section 42-2 of the City Charter, as well as the lack of a sufficient number of valid signatures, is fatal to the petition. As such, this Council finds that the petition for an initiated charter amendment is not legally sufficient and shall not be placed on the ballot.

To find not legally sufficient a petition for a proposed amendment to the Charter of the City of Columbus, titled "Columbus City Council Reform Amendment;" 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 Charter amendments by petition; and

WHEREAS, petitioners are vested 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 exercise the aforementioned right; and

WHEREAS, the Columbus City Council is required to place a proposed charter amendment 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 January 15, 2015, petitioners Robert J. Fittrakis, Willis E. Brown, Joseph C. Sommer, Suzanne M. Patzer, and Jonathan C. Beard filed with the City Clerk a pre-circulation copy of a petition for a proposed amendment to the Charter of the City of Columbus, titled "Columbus City Council Reform Amendment;" and

WHEREAS, on July 7, 2015, petitioners filed 998 part-petitions containing 28,537 signatures for the aforementioned petition; and

WHEREAS, after a thorough and timely review of the part-petitions, the City Attorney has advised this Council that the aforementioned petition is not sufficient as a matter of law because petitioners failed to follow the mandatory requirements of Section 42-2 of the City Charter; 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 did not meet or exceed the standard required by Section 45 of the City Charter; 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 a proposed amendment to the Charter of the City of Columbus, titled "Columbus City Council Reform Amendment," filed with the City Clerk on July 7, 2015 by petitioners Robert J. Fittrakis, Willis E. Brown, Joseph C. Sommer, Suzanne M. Patzer, and Jonathan C. Beard, fails to meet the mandatory minimum legal requirements established by the people in the Ohio Constitution, the Ohio Revised Code and 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 not legally sufficient and shall not be submitted to the electors of the City of Columbus.

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 July 7, 2015.

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.