



Legislation Details (With Text)

File #: 1626-2020 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 7/1/2020 **In control:** Rules & Reference Committee
On agenda: 7/6/2020 **Final action:** 7/9/2020

Title: To find not sufficient a petition for a proposed amendment to the Charter of the City of Columbus, titled "To establish a community bill of rights for water, air, and soil protection and to prohibit fossil fuel extraction and related activities and projects;" and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Columbus Community Bill of Rights - Certification (002)

Date	Ver.	Action By	Action	Result
7/9/2020	1	CITY CLERK	Attest	
7/7/2020	1	ACTING MAYOR	Signed	
7/6/2020	1	COUNCIL PRESIDENT	Signed	
7/6/2020	1	Columbus City Council	Approved	Pass

On June 19, 2019, petitioners Josefa Soto, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Sandra M. 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, titled "To establish a community bill of rights for water, air, and soil protection and to prohibit fossil fuel extraction and related activities and projects." Following this, on June 18, 2020, petitioners filed with the City Clerk a petition for said amendment. Petitioners filed 257 part-petitions containing 8,991 signatures.

On June 28, 2019, the City Attorney advised this Council that the subject petition complied with Section 42-2 of the City Charter, which sets forth the requirements as to form for each petition for a proposal initiated by a citizen.

On June 30, 2020, the Franklin County Board of Election 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 failed to achieve the standard as defined in Section 45 of the Charter ("equal to not less than ten percent of the total vote cast at the last preceding municipal election").

Based on the foregoing, this Council finds that the petitioners' failure to comply with the requirements of Section 45 of the City Charter is fatal to the petition. As such, this Council finds that the petition for an initiated charter amendment is not sufficient and shall not be placed on the ballot.

To find not sufficient a petition for a proposed amendment to the Charter of the City of Columbus, titled "To establish a community bill of rights for water, air, and soil protection and to prohibit fossil fuel 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 Charter amendments 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 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 sufficiency of the petition; and

WHEREAS, on June 19, 2019, petitioners Josefa Soto, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Sandra M. 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, titled "To establish a community bill of rights for water, air, and soil protection and to prohibit fossil fuel extraction and related activities and projects;" and

WHEREAS, on June 18, 2020, petitioners filed 257 part-petitions containing 8,991 signatures for the aforementioned petition; and

WHEREAS, after a thorough, timely review of the petition as required by Section 42-9 of the City Charter, the City Attorney advised this Council that the subject petition complied with Section 42-2 of the City Charter, which sets forth the requirements as to form for each petition for a proposal initiated by a citizen; 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 failed to meet the standard required by Section 45 of the City Charter; and

WHEREAS, this Council concurs with the review of the Franklin County Board of Elections and finds that this petition violates the standard for valid signatures as 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 "To establish a community bill of rights for water, air, and soil protection and to prohibit fossil fuel extraction and related activities and projects," filed with the City Clerk on June 18, 2020 by petitioners Josefa Soto, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Sandra M. Bolzenius fails to meet the mandatory minimum legal requirements established by the people in the Charter of the City of Columbus due to lack of valid signatures.

SECTION 2. That based upon the findings in Section 1, this Council finds that the aforementioned petition is not 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 June 18, 2020.

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.