



Legislation Details (With Text)

File #: 1265-2021 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 5/14/2021 **In control:** Rules & Reference Committee

On agenda: 5/17/2021 **Final action:** 5/20/2021

Title: To find legally sufficient, as to form, 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;" and to repeal ordinance 2770-2020.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/20/2021	1	CITY CLERK	Attest	
5/18/2021	1	MAYOR	Signed	
5/17/2021	1	COUNCIL PRESIDENT PRO-TEM	Signed	
5/17/2021	1	Columbus City Council	Read for the First Time	
5/17/2021	1	Columbus City Council	Waive the 2nd Reading	Pass
5/17/2021	1	Columbus City Council	Approved	Pass

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 the City Charter by either adopting the ordinance or placing it on the ballot for an upcoming election.

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. Previous ordinance 2770-2020 will be repealed.

To find legally sufficient, as to form, 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;” and to repeal ordinance 2770-2020.

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, on October 22, 2019, petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, and Jabaridiki 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”; 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, on October 16, 2020, petitioners filed 444 part-petitions containing 10,128 signatures for the aforementioned petition; and

WHEREAS, 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; and

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

WHEREAS, on November 23, 2020, Columbus City Council approved ordinance 2770-2020 finding the aforementioned petition legally insufficient as to form; and

WHEREAS, 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 approve the petition as legally sufficient as to form and proceed to follow the City Charter by either adopting the ordinance or placing it on the ballot for an upcoming election; and

WHEREAS, Council finds that the petitioners have complied with the relevant provisions of the City Charter, and thus, Section 43-1 of the City Charter requires this Council to find that the petition for an initiated ordinance is legally sufficient; **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 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” and filed with the City Clerk on October 16, 2020 by petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, and Jabaridiki Gregg, meets the mandatory minimum legal requirements established by the people in the Charter of the City of Columbus.

SECTION 2. That this Council finds that the aforementioned petition is legally sufficient as to form.

SECTION 3. That the City Clerk be and hereby is authorized and directed to forthwith mail a copy of this ordinance to the aforementioned petition committee at the addresses listed in the petition filed with the City Clerk on October 16, 2020.

SECTION 4. That ordinance 2770-2020 is hereby repealed.

SECTION 5. That this ordinance shall take effect at the earliest date allowable under law.