



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1515-2011, **Version:** 1

Background: Pursuant to Chapter 349 of the Ohio Revised Code, and in response to petitions by several developers, the Columbus City Council has created the Hayden Run Community Development Authority (CDA) in northwest Columbus. It was established in 2007, pursuant to the City's policy to Pay as We Grow and Grow with a Plan.

Section 349.04 of the Ohio Revised Code deals with the "Method of selecting board of trustees." The CDA is governed by a seven (7) member Board of Trustees. Currently one local government representative and three citizen members are appointed by the City, and three representatives are selected by developers. The state statute provides that over time appointed trustees will be replaced by trustees elected from and by residents of the authority district, and specifies the stages of development at which the number and category of appointed trustees will be replaced by elected successor resident trustees. Community authority elections occur on the first Tuesday after the first Monday in December of those years in which a sufficient population threshold has been reached.

The certified population of the authority District for 2011 is 2,112. Since this is 42.2% of the total projected population of 5,000, state law requires the CDA to conduct its first election on December 6, 2011, in which residents will elect three successor resident trustees to replace two appointed citizen trustees and one appointed developer trustee. The procedures established by this ordinance will apply to this election and to future elections of the CDA in the years in which applicable population thresholds are reached.

Fiscal Impact: No funding is required for this legislation.

To establish election procedures for successor resident members of the Board of Trustees of the Hayden Run Community Development Authority; and to declare an emergency.

WHEREAS, the Hayden Run Community Development Authority ("CDA") has heretofore been duly created pursuant to the authority contained in Chapter 349 of the Ohio Revised Code; and

WHEREAS, the CDA is required by Section 349.04 of the Ohio Revised Code to hold elections for successor resident members of its Board of Trustees when the population of the Authority's New Community District ("District") has reached specified proportions of the projected total population of the District; and

WHEREAS, the CDA is expected to hold, and residents of the District are expected to participate in their first election on December 6, 2011, for the purpose of choosing three successor resident members of the Authority's Board of Trustees this year, and the appropriate number in future years when elections are to be held pursuant to Section 349.04 of the Ohio Revised Code and this Ordinance; and

WHEREAS, this City Council desires to establish election procedures for this first election and for future elections of the CDA; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to establish these election procedures so that the first election of the CDA can proceed properly this December,

all for the immediate preservation of the public health, peace, safety and welfare; **NOW, THEREFORE,**

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

Section 1. That the Appointed Citizen Members shall be replaced by members elected to the Authority's Board of Trustees pursuant to this Ordinance and Section 349.04 of the Ohio Revised Code (collectively, together with the members elected to replace the Appointed Developer Members and the Appointed Local Government Member, the Elected Members) in accordance with the following schedule:

- a. One Elected Member shall be elected to replace an Appointed Citizen Member on the first Election Date (as hereinafter defined) which occurs after the population of the District equals one-sixth (1/6) of the Projected Total Population.
- b. A second Elected Member shall be elected to replace an Appointed Citizen Member on the first Election Date which occurs after the population of the District equals one-third (1/3) of the Projected Total Population.
- c. A third Elected Member shall be elected to replace an Appointed Citizen Member on the first Election Date which occurs after the population of the District equals one-half (1/2) of the Projected Total Population.

Section 2. That Appointed Developer Members shall be replaced by Elected Members in accordance with the following schedule:

- a. One Elected Member shall be elected to replace an Appointed Developer Member on the first Election Date which occurs after the population of the District equals one-third (1/3) of the Projected Total Population.
- b. A second Elected Member shall be elected to replace an Appointed Developer Member on the first Election Date which occurs after the population of the District equals two-thirds (2/3) of the Projected Total Population.
- c. A third Elected Member shall be elected to replace an Appointed Developer Member on the first Election Date which occurs after the population of the District equals the whole of the Projected Total Population.
- d. The order in which Appointed Developer Members will be replaced by Elected Members will be: first, Lifestyle Communities; second, M/I Homes; third, Dominion Homes.

Section 3. That an Elected Member shall be elected to replace the Appointed Local Government Member on the first Election Date which occurs after the population of the District equals three-quarters (3/4) of the Projected Total Population.

Section 4. That the Projected Total Population of the District is 5,000. Until such time as the Projected Total Population is achieved, the Authority's Board of Trustees shall annually determine, not less than seventy-five (75) days prior to the Election Date, the population of the District, and shall certify that population to this Council not less than sixty (60) days prior to that Election Date. In determining the annual population, the CDA shall begin with the most recent United States Census population count for the District. The CDA shall then determine the number of units sold since the last Census and multiply that number by the number of residents per unit as of the last Census. The certified population shall be the total of the most recent Census count and the additional number of residents as calculated in the

previous sentence.

Section 5. That the certified population for the District in 2011 is 2,112. Since this exceeds one-third, but is less than one-half of the Projected Total Population of 5,000, state law requires the CDA to conduct its first election on December 6, 2011, in which residents of the District will elect three successor resident trustees to replace two appointed citizen trustees and one appointed developer trustee.

Section 6. That each Elected Member shall be elected to a two (2) year term. No Elected Member and no appointed citizen member shall be an employee of or have a financial interest in a Developer. This Council designates David Gobel as appointed citizen member of the Board of Trustees and David Hull as appointed local government representative member of the Board of Trustees, both for two year terms commencing January 1, 2012. The remaining two appointed citizen members shall be replaced on January 1, 2012 by successor resident members elected at the CDA election to be held pursuant to this Ordinance on December 6, 2011.

Section 7. That the Hayden Run CDA Board of Trustees shall be responsible for conducting all CDA successor elections, including responsibility for all expenses associated with conducting the elections. Elections shall be conducted pursuant to this Ordinance and Section 349.04 of the Ohio Revised Code. To the extent election procedures are not specified in either this Ordinance or Section 349.04, the Board of Trustees shall have the discretion to establish such additional procedures as it deems necessary, utilizing the procedures of the Franklin County Board of Elections as guidance. The Board of Trustees shall determine the voting location and the hours during which voting will be permitted. For each election, the Board of Trustees shall make the voting location and hours reasonably convenient for District residents, and shall take reasonable steps to provide notice of the basic election facts to District residents.

Section 8. That voters in CDA elections must be residents of the District who are 18 years of age or older. Potential voters must provide reasonable evidence of residency in the District, which requirement shall be broadly construed. Reasonable evidence includes, without limitation, any evidence accepted to establish residence or identity for the purposes of elections administered by the Franklin County Board of Elections.

Section 9. That Elected Member candidates must comply with the candidate eligibility requirements of 349.04 of the Ohio Revised Code. Board of Trustee seats shall be awarded to the candidate or candidates with the highest number of votes. Ties will be broken by vote of the full Board of Trustees.

Section 10. 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 ten days after passage if the Mayor neither approves nor vetoes the same.