



## Legislation Details (With Text)

<b>File #:</b>	2035-2015	<b>Version:</b>	1
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	7/16/2015	<b>In control:</b>	Rules & Reference Committee
<b>On agenda:</b>	7/27/2015	<b>Final action:</b>	7/30/2015
<b>Title:</b>	To find not legally sufficient a petition for a proposed amendment to the Charter of the City of Columbus, titled "Community Bill of Rights;" and to declare an emergency.		
<b>Sponsors:</b>	Andrew Ginther		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. City Attorney Memo to Columbus City Council re petition 7 14 15, 2. Franklin Co. Board of Elections Memo to City Clerk re petitions 7 13 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 June 30, 2014, petitioners Karen S. Fries, Dana Leanne Kuhnline, Jennie A. Scheinbach, Michelle R. Phillips, Connie M. Hammond, and Karyn A. Deibel filed with the City Auditor a pre-circulation copy of a petition for a proposed amendment to the Charter of the City of Columbus, titled "Community Bill of Rights." Following this, on July 2, 2015, petitioners filed with the City Clerk a petition for said amendment. Petitioners filed 373 part-petitions containing 13,461 signatures.

On July 14, 2015, the City Attorney's office advised this Council that the subject petition fails to comply with several of the requirements of Section 42-2 of the City Charter, which governs the use of petition forms; specifically with regard to the following: 1) the title of the proposed amendment ("Community Bill of Rights") does not clearly describe the amendment, and the title is not placed on each page of the part-petition; 2) a lack of notice language, as required by Section 42-2(g), on each page of the part-petition where the voters' signatures may be placed; and 3) the circulator's statement does not contain the compensation statement required by Section 42-2(h).

In addition, on July 13, 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 "Community Bill of Rights;" 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 June 30, 2014, petitioners Karen S. Fries, Dana Leanne Kuhnline, Jennie A. Scheinbach, Michelle R. Phillips, Connie M. Hammond, and Karyn A. Deibel filed with the City Auditor a pre-circulation copy of a petition for a proposed amendment to the Charter of the City of Columbus, titled "Community Bill of Rights;" and

**WHEREAS**, on July 2, 2015, petitioners filed 373 part-petitions containing 13,461 signatures for the aforementioned petition; and

**WHEREAS**, after a thorough, 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 "Community Bill of Rights," filed with the City Clerk on July 2, 2015 by petitioners Karen S. Fries, Dana Leanne Kuhnline, Jennie A. Scheinbach, Michelle R. Phillips, Connie M. Hammond, and Karyn A. Deibel, 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 2, 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.