



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

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Title: To find not legally sufficient a petition for a proposed ordinance titled "To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects;" and to declare an emergency.

Sponsors: Zach M. Klein

Indexes:

Code sections:

Attachments: 1. City Attorney Memo to Columbus City Council re petition 3 23 17, 2. Franklin Co. Board of Elections Memo to City Clerk re petitions 3 23 17

Date	Ver.	Action By	Action	Result
4/4/2017	1	CITY CLERK	Attest	
4/4/2017	1	MAYOR	Returned Unsigned	
4/3/2017	1	COUNCIL PRESIDENT	Signed	
4/3/2017	1	COUNCIL PRESIDENT	Signed	
4/3/2017	1	Columbus City Council	Approved	Pass

On March 11, 2016, petitioners Robert R. Krasen, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Michelle R. Phillips filed with the City Clerk a pre-circulation copy of a petition for a proposed ordinance to submit to Columbus City Council, titled "To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects." Following this, on March 10, 2017, petitioners filed with the City Clerk a petition for said ordinance. Petitioners filed 395 part-petitions containing 11,221 signatures.

On March 23, 2017, the City Attorney's office advised this Council that the initiative petition was legally sufficient as to form, in accordance with Section 42-9 of the Columbus City Charter, provided that the Franklin County Board of Elections determined that it contained the requisite number of signatures as required by Section 43 of the Charter.

However, on March 23, 2017, the Board of Elections certified its examination of the part-petitions, as required by Section 42-9 of the Charter. The Board of Elections found that the total number of valid signatures did not meet or exceed the standard as detailed in Section 43 of the Charter ("equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor").

Based on the foregoing, this Council finds that the petitioners' failure to procure a sufficient number of valid signatures, based on the requirements of Section 43 of the City Charter, is fatal to the petition. As such, this Council finds that the petition for an initiated ordinance is not legally sufficient and shall not be considered for passage.

To find not legally sufficient a petition for a proposed ordinance titled "To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil 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 ordinances 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 either vote within thirty days to either adopt the proposed ordinance without alteration, or place a proposed ordinance 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 March 11, 2016, petitioners Robert R. Krasen, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Michelle R. Phillips filed with the City Clerk a pre-circulation copy of a petition for a proposed ordinance to submit to Columbus City Council, titled "To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects;" and

WHEREAS, on March 10, 2017, petitioners filed 395 part-petitions containing 11,221 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 legally sufficient as to form, provided that the Franklin County Board of Elections determines that it contains the requisite number of signatures as required by Section 43 of the 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 43 of the 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 ordinance for Council, titled "To Establish a Community Bill of Rights for Water, Soil, and Air Protection and to Prohibit Gas and Oil Extraction and Related Activities and Projects," filed with the City Clerk on March 10, 2017 by petitioners Robert R. Krasen, Connie M. Hammond, William M. Lyons, Gregory Thomas Pace, Karyn A. Deibel, and Michelle R. Phillips, 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 March 10, 2017.

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.