Legislation Details (With Text)

File #:	2007-2019 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	7/10/2019	**In control:**	Rules & Reference Committee
On agenda:	7/15/2019	**Final action:**	7/17/2019
Title:	To find legally sufficient a petition for a proposed ordinance, titled "To authorize and direct the City Auditor to establish an Energy Conservation and Energy Efficiency Fund, a Clean Energy Education and Training Fund, a Minority Business Enterprise Clean Energy Development fund and to transfer $5,000,000.00 to each of these funds for a total of $15,000,000.00 for the appropriate purposes; to establish a Columbus Clean Energy Partnership Fund and to authorize the expenditure of $42,000,000.00 for the purpose of funding a 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 1,2,3, and 4; to waive the competitive bidding provisions of the Columbus City Codes," and to declare an emergency. (REPEALED BY ORD. 2143-2019; PASSED 7/29/2019).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. BOE Certification of Signatures re Clean Energy Inititative, 2. City Attorney Memo to Columbus City Council re Clean Energy Petition 6 27 19		

Date	Ver.	Action By	Action	Result
7/17/2019	1	CITY CLERK	Attest	
7/15/2019	1	COUNCIL PRESIDENT	Signed	
7/15/2019	1	Columbus City Council	Approved	Pass

BACKGROUND

On June 18, 2018, petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, Jabarisidiki Gregg, and Charles Dickerson 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, a Clean Energy Education and Training Fund, a Minority Business Enterprise Clean Energy Development fund and to transfer $5,000,000 to each of these funds for a total of $15,000,000 for the appropriate purposes; to establish a Columbus Clean Energy Partnership Fund and to authorize the expenditure of $42,000,000 for the purpose of funding a 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 1,2,3, and 4; to waive the competitive bidding provisions of the Columbus City Codes." Following this, on June 12, 2019, petitioners filed with the City Clerk a petition for said ordinance. Petitioners filed 633 part-petitions containing 14,948 signatures.

On June 27, 2019, the City Attorney's office advised this Council that the subject petition complies 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.

In addition, on June 28, 2019, 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").

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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.

To find legally sufficient a petition for a proposed ordinance, titled "To authorize and direct the City Auditor to establish an Energy Conservation and Energy Efficiency Fund, a Clean Energy Education and Training Fund, a Minority Business Enterprise Clean Energy Development fund and to transfer $5,000,000.00 to each of these funds for a total of $15,000,000.00 for the appropriate purposes; to establish a Columbus Clean Energy Partnership Fund and to authorize the expenditure of $42,000,000.00 for the purpose of funding a 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 1,2,3, and 4; to waive the competitive bidding provisions of the Columbus City Codes," and to declare an emergency. (REPEALED BY ORD. 2143-2019; PASSED 7/29/2019).

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 June 18, 2018, petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, Jabarisidiki Gregg, and Charles Dickerson (collectively, the petition committee) 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, a Clean Energy Education and Training Fund, a Minority Business Enterprise Clean Energy Development fund and to transfer $5,000,000 to each of these funds for a total of $15,000,000 for the appropriate purposes; to establish a Columbus Clean Energy Partnership Fund and to authorize the expenditure of $42,000,000 for the purpose of funding a 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 1,2,3, and 4; to waive the competitive bidding provisions of the Columbus City Codes"; 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 June 12, 2019, petitioners filed 633 part-petitions containing 14,948 signatures for the aforementioned petition; and

WHEREAS, after a thorough and timely review of the part-petitions as required by Section 42-9 of the City Charter, the City Attorney has reported to this Council his opinion that the aforementioned petition is sufficient as a matter of law; and

WHEREAS, after a thorough and timely review of the part-petitions, the Franklin County Board of Elections has 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, within fourteen days of the receipt of the report regarding the validation of signatures and the City Clerk's reading a summary of the same into the record City Council is required by Section 43-1 of the City Charter to determine the sufficiency of the petition by ordinance; 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:

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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, a Clean Energy Education and Training Fund, a Minority Business Enterprise Clean Energy Development fund and to transfer $5,000,000 to each of these funds for a total of $15,000,000 for the appropriate purposes; to establish a Columbus Clean Energy Partnership Fund and to authorize the expenditure of $42,000,000 for the purpose of funding a 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 1,2,3, and 4; to waive the competitive bidding provisions of the Columbus City Codes” and filed with the City Clerk on June 12, 2019 by petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, Jabarisidiki Gregg, and Charles Dickerson, meets the mandatory minimum legal requirements established by the people in 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 legally sufficient.

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 June 12, 2019.

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.

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