



Legislation Details (With Text)

File #: 2770-2020 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/20/2020 **In control:** Rules & Reference Committee

On agenda: 11/23/2020 **Final action:** 11/25/2020

Title: To find not 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 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 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 declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. City Attorney Memo to Columbus City Council re petition 11 6 20

Date	Ver.	Action By	Action	Result
11/25/2020	1	CITY CLERK	Attest	
11/23/2020	1	COUNCIL PRESIDENT	Signed	
11/23/2020	1	Columbus City Council	Approved	Pass

BACKGROUND

On October 22, 2019, petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, and Jabarisisidiki Gregg filed with the City Clerk a pre-circulation copy of a petition for a proposed ordinance to submit to Columbus City Council, 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 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, the City Attorney's office advised this Council that the initiative petition was not legally sufficient as to form, as it fails to comply with Section 42-2 of the City Charter, which governs the use of petition forms.

Specifically, the proposed title failed to comply with paragraph (e) of Section 42-2 in that it did not contain a reference to the establishment of a Minority Business Enterprise Clean Energy Development Fund as provided for in Section 3. It also contained no reference to the delegation of the City's contracting authority to a private party as described in Sections 3 and 4 of the petition. Also, such delegation would require a waiver of the competitive bidding provisions of the City Code, which is not disclosed in the petition title. The City Attorney's office had reported these deficiencies to Council on November 5, 2019 in response to a review of the pre-circulation filing of this petition, and the form and content of the part-petitions filed on October 16 are the same as that of the pre-circulation filing.

Based on the foregoing, this Council finds that the petition's failure to comply with Section 42-2 of the City Charter is fatal to the petition. As such, this Council finds that the petition for a proposed ordinance is not legally sufficient and shall not be considered for passage or defeat.

To find not 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 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 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 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 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 to submit to Columbus City Council, 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 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, on October 16, 2020, petitioners filed 444 part-petitions containing 10,128 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 legally as sufficient as to form, as required by Section 42-2 of the Columbus 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 ordinance for Council, 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 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,” 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, 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 October 16, 2020.

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.