



## Legislation Details (With Text)

**File #:** 3006-2021      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 11/9/2021      **In control:** Rules & Reference Committee

**On agenda:** 11/22/2021      **Final action:** 11/24/2021

**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 \$30,000,000 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. Columbus Energy Conservation Fund - Certification

Date	Ver.	Action By	Action	Result
11/24/2021	1	CITY CLERK	Attest	
11/23/2021	1	MAYOR	Signed	
11/22/2021	1	COUNCIL PRESIDENT	Signed	
11/22/2021	1	Columbus City Council	Approved	Pass

## BACKGROUND

On October 19, 2021, petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, Jabarisdiki Gregg, and Cyera S. Black filed with the City Clerk 280 part petitions containing 6,500 signatures 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 \$30,000,000 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."

On November 5, 2021, the Franklin County Board of Election 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 failed to

achieve the standard as defined in Section 45 of the Charter (“equal to not less than ten percent of the total vote cast at the last preceding municipal election”).

Based on the foregoing, this Council finds that the petition’s failure to comply with Section 45 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 \$30,000,000 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 19, 2021, petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, Jabarisdiki Gregg, and Cyera S. Black filed with the City Clerk a 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 \$30,000,000 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 19, 2021, petitioners filed 280 part-petitions containing 6,500 signatures for the aforementioned petition; and

**WHEREAS**, on November 5, 2021, the Franklin County Board of Election certified its examination of the part-petitions, as required by Section 42-9 of the City Charter, finding that the total number of valid signatures failed to achieve the standard as defined in Section 45 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 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 \$30,000,000 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 19, 2021 by petitioners Christina L. Gonzaga, Tyrone Spence, Udell Hollins, Dolores A. Williams, Irene Gil Llamas, Jabarisdiki Gregg, and Cyera S. Black, 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 19, 2021.

**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.