

Rules Committee Minutes

Honorable Council
City of Newark, Ohio
June 21, 2022

The Rules Committee met in Council Chambers on Tuesday, June 22, 2022 with these members in attendance:

Jeff Harris- Chair
Jonathan Lang
Colton Rine

We wish to report

1. **Ordinance No. 22-19** AN ORDINANCE SUBMITTING THE QUESTION “SHALL THE PROPOSED CHARTER AMENDMENTS, AS RECOMMENDED BY THE CHARTER REVIEW COMMISSION OF THE CITY OF NEWARK, LICKING COUNTY, OHIO, BE ADOPTED” TO THE VOTERS OF THE CITY OF NEWARK, OHIO AND DECLARING AN EMERGENCY.

Tricia Moore, Law Director- I was here to observe the Charter Commission, they were a very good group, who focused really on the details of the Charter. Mr. Waldren is here, he was a member of that group. One thing they were very keen about picking up on is that there are some important missing words in our Charter, for example, the first question for the voters is to add the word “unless” to article 2.04, because leaving that word out and as it reads right now, makes it unconstitutional. So, they would like to add the word “unless” which is very important to the structuring of that section. Along with that they also noticed throughout the Charter several typographical, grammatical errors that they wanted to have fixed because the City Charter is a reflection of our City and we want it to look and read the best way possible. So, what was proposed was an amendment to the Charter to allow that whenever the Charter is reprinted that Council along with the Law Director can make any typographical changes needed that doesn't change any substantive language in the Charter, from here on out, without having to take it to the voters, such as every time the word “the” has to be added we wouldn't have to put it on the ballot for people to vote.

Motion to send to full council by Mr. Lang, second by Mr. Rine

Mr. Lang – Thank you for your effort on this. This is just a procedural question, in terms of how this shows up on the ballot then, will these be two separate questions for the voters or does it just go up there as one?

Law Director Moore – It would be two separate questions. I know the Charter Commission felt that 2.04 was so important that they wanted to make sure that one was set by itself and then 16.03, the added amendment to the Charter, hopefully voters will look at the first one and understand the second one. They do go together but are separate.

Mr. Lang – Could you just go into more detail on the purpose of adding the word “unless”.

Law Director Moore – If you look at Section 2.04 Intergovernmental Cooperation, it currently reads “The City may exercise any of its powers, perform any of its functions and provide related financing, jointly or in cooperation, by contract or otherwise, with any one or more states, including but not limited to the State of Ohio, and any of their political subdivisions, special

districts, instrumentalities, divisions or agencies; the United States or any of its divisions or agencies; or any individual, partnership, prohibited by the Constitution of the State of Ohio” and it should say “unless” prohibited by the State of Ohio.

Mr. Lang – So with this change, let’s assume the voters did not pass the amendment to 16.03, then would we still need to go to the voters for a change like this.

Law Director Moore – That’s an interesting question, I know this change changed more than that and we’re talking about more than a word “the’ or a capitalization, big changes like that may have to go to the ballot initiative because it does change the meaning and the way it should have been written. But throughout the Charter there are some things capitalized that are not capitalized later, there is a word misspelled duly is spelled “dully” so those kind of changes we want to be able to make just on reprinting. So, obviously, to put all of those on the ballot would be very expensive and just seems to be kind of petty.

Mr. Lang – So it would be fair to say this isn’t really an example of something we wouldn’t take to voters in the future.

Law Director Moore – This is a bigger substantial change, yes.

Steven Smith, 237 Violet Ct. – It sounds like a very well intentioned change here to allow grammatical changes, but I wondered who is deciding whether it is a substantive change or not because in some instances just the omission of a comma can change the meaning of a sentence. A common example is what’s called the oxford comma. If we’re going to do this and I think we should in some manner, there has to be some way of deciding whether it’s a substantive change or not.

Law Director Moore – Any changes would have to be made with the approval of Council and the law Director. SO, there would be a review of if it does change the substance of a section by adding a comma, that’s different than fixing the misspelling of words. That would be a process we would follow. It is declaring an emergency because we have to have this in to the Board of Elections by August 10th.

Mr. Lang – So this would go on the ballot in November?

Law Director Moore – Yes, November.

Motion passed 3-0

President Ellington – The Chair of the Charter review Committee will be here next meeting.

Meeting is adjourned

Jeff Harris, Chair