

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

August 30, 2021

Sherry Poland, Director
Hamilton County Board of Elections
4700 Smith Road
Cincinnati, Ohio 45212

Dear Ms. Poland:

I have received petitions from Tom Brinkman for a Charter of the City of Cincinnati amendment to be placed on the November 2, 2021 ballot to: 1.) Require approval of council to commence litigation, 2.) Establish and adjust council salaries on annual basis to the median household income for the City. 3.) Require a one-year residency within the city to run or serve as mayor or member of council. 4.) Eliminate filling a vacancy on council by a designee for the former member of council. 5.) Provide that a vacancy on council is filled by the person who is not serving or has not served on council but who received the next highest total numbers of votes at the most recent municipal election. 6.) End the "so-called" pocket veto by the mayor. 7.) Provide individual liability for certain violations of open meeting or public record laws. 8.) Provide for the recall of the Mayor. We are requesting that the Board of Elections verify the petitions and certify the signatures received.

If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Autry".

Melissa Autry, CMC
Clerk of Council

City of Cincinnati Council



Melissa Autry, CMC
Clerk of Council

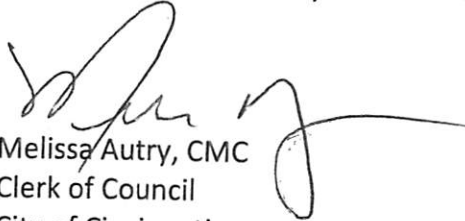
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To Whom It May Concern:

The City of Cincinnati, Clerk of Council's Office received 277 petitions from Tom Brinkman on Monday, August 30, 2021 regarding an amendment to the Charter of the City of Cincinnati to: 1.) Require approval of council to commence litigation, 2.) Establish and adjust council salaries on annual basis to the median household income for the city, 3.) Require a one-year residency within the city to run or serve as mayor or member of council, 4.) Eliminate filling a vacancy on council by a designee for the former member of council. 5.) Provide that a vacancy on council is filled by the person who is not serving or has not served on council but who received the next highest total numbers of votes at the most recent municipal election. 6.) End the "so-called" pocket veto by the mayor. 7.) Provide individual liability for certain violations of open meeting or public record laws. 8.) Provide for the recall of the Mayor.


Melissa Autry, CMC
Clerk of Council
City of Cincinnati

RECEIPT OF PETITION

I certify that on August 30, 2021, I received a petition proposing various amendments to the Cincinnati City Charter.

Said petition consisted of:

277 part-petitions and purporting to contain 11,821 signatures.

Melissa Autry
Clerk of Council, City of Cincinnati

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NOTICE

Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution.

CLERK OF CITY

PETITION

CLERK OF CITY

For submission of Proposed Amendments to the Charter of the City of Cincinnati

To the Council, the legislative authority of the City of Cincinnati, Ohio:

We, the undersigned, Electors of the City of Cincinnati, Ohio, petition your honorable body to forthwith provide by ordinance, for submission to the electors of the City of Cincinnati, the following proposed Amendments to the Charter of the City.

AMENDMENTS

TITLE: AMENDMENTS TO THE CHARTER OF THE CITY OF CINCINNATI TO:

- 1) require approval of council to commence litigation
- 2) establish and adjust council salaries on an annual basis to the median household income for the city
- 3) require a one-year residency within the city to run or serve as mayor or member of council
- 4) eliminate filling a vacancy on council by a designee of the former member of council
- 5) provide that a vacancy on council is filled by the person who is not serving or has not served on council but who received the next highest total numbers of votes at the most recent municipal election
- 6) end the "so-called" pocket veto by mayor
- 7) provide individual liability for certain violations of open meeting or public record laws
- 8) provide for the recall of the mayor

TEXT: BE IT RESOLVED by the people of the City of Cincinnati, State of Ohio, that Sections 3, 4, 4a, 4b, and 5 of Article II, "Legislative Power," Section 2 of Article III, "Mayor," and Section 11 of Article IV, "Executive and Administrative Service," and Sections 2c of Article IX, "Nominations and Elections," of the Charter of the City of Cincinnati be amended as follows:

Section 1. Section 3 of Article II, "Legislative Power" of the Charter of the City of Cincinnati is amended by adding a new sentence at the end of the existing section, as follows:

The affirmative vote of a majority of the members of the council shall be required to authorize the commencement of any litigation on behalf of the City of Cincinnati or any of its officials.

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE

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Section 2. Section 4 of Article II, "Legislative Power" of the Charter of the City of Cincinnati is hereby repealed, and new Section 4 of Article II, "Legislative Power" is hereby enacted as follows:

Article II. Legislative Power

Section 4. Subject to the terms of Article IX, Section 1 of this charter, a council of nine members shall be elected for a term of two years, commencing on the first Tuesday after January 1st next after their election and shall serve until their successors are elected and qualified. Each member of council shall receive annual compensation in an amount equal to the median household income for the City of Cincinnati as reported in the American Community Survey 1-Year Report as published by the United States Census Bureau for the year prior to the beginning of each calendar year. The annual compensation payable to each member of council shall not increase or decrease during any calendar year once such compensation is established, but the annual compensation payable to a member of council may increase or decrease from one calendar year to the next. Such compensation shall be payable semi-monthly.

Section 3. Section 4a of Article II, "Legislative Power" of the Charter of the City of Cincinnati is hereby repealed, and new Section 4a of Article II, "Legislative Power" is hereby enacted as follows:

Article II. Legislative Power

Section 4a. No person shall serve as mayor or a member of council unless such person shall have been a resident of the city for at least one year prior to assuming office, either through election or otherwise, and such person shall continue to be a resident of the city and a qualified elector thereof. Any person serving as mayor or member of council who should cease to possess any of said qualifications, or moves from the city, shall forthwith forfeit the office.

Section 4. Section 4b of Article II, "Legislative Power" of the Charter of the City of Cincinnati is hereby repealed, and new Section 4b of Article II, "Legislative Power" is hereby enacted as follows:

Article II. Legislative Power

Section 4b. If a member of council dies, resigns, or is removed, then the person who received the highest number of votes for election to council at the most recent municipal election but who was not declared elected to council at such election and who is not otherwise already serving or has served as a member of council since the most recent municipal election shall be the successor to hold the office for the remainder of the unexpired term of that member of council, provided such person shall not have previously failed to accept the position as a member of council at any time since the most recent municipal election.

Upon the death, resignation, or removal of a member of council, the clerk of council shall immediately notify in writing the person designated herein as the successor of such person's entitlement to assume the office as a member of council. Within two weeks of being informed by the clerk of council, the person designated herein as the successor shall certify in writing to the clerk of council that he or she

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satisfies all requirements to hold the office of member of council and that he or she accepts the position as a member of council.

If the person designated herein as the successor shall fail to provide the written certification to the clerk of council as provided herein or shall have previously failed to accept the position as a member of council at any time since the most recent municipal election, then such person shall be deemed to have not accepted the position as a member of council and the person who received the next highest number of votes for election to council at the most recent municipal election but who was not declared elected to council at such election and who is not otherwise already serving or has served as a member of council since the most recent municipal election shall then be considered the successor to hold the office for the remainder of the unexpired term of the member of council who dies, resigns, or is removed, and the clerk of council shall proceed to provide notification to such person as provided for herein and such person shall provide the certification as required herein, until a successor assumes the office of as a member of council.

Section 5. Section 2 of Article III, "Mayor" of the Charter of the City of Cincinnati is hereby repealed, and new Section 2 of Article III, "Mayor" is hereby enacted as follows:

Article III. Mayor

Section 2.

The mayor shall preside over all meetings of the council but shall not have a vote on the council. The mayor may call a special meeting of the council. The mayor shall exercise the veto power as provided in Article II. The mayor shall appoint and may remove the vice-mayor and the chair of all committees of the council without the advice and consent of the council. The mayor shall assign all legislative proposals to the appropriate committee for consideration no later than 30 days after such proposed legislation is filed with the clerk of council. No later than 30 days after such proposed legislation is reported out of committee, the mayor shall place such legislative proposal on the agenda for consideration at the next meeting of council. The mayor may propose and introduce legislation for council consideration.

The mayor shall be recognized as the official head and representative of the city for all purposes, except as provided otherwise in this charter.

The mayor shall appoint the city manager upon an affirmative vote of five members of the council following the mayor's recommendation for appointment. Prior to the vote, the mayor shall seek the advice of council, to include the opportunity for council to interview the candidates considered by the mayor. Should the council not approve the recommendation of the mayor, the mayor may submit another recommendation or institute a new search. The mayor, with the advice of council, shall have the authority to initiate and recommend to the council the removal of the city manager, provided that such removal shall require an affirmative vote of five members of the council. A temporary appointment to the position of city manager that may be required by reason of a vacancy in the office shall be submitted by the mayor to the council for its approval prior to the appointment.

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The mayor shall deliver an annual address to the council and citizens of the city reporting on the state of the city and making recommendations for the establishment and achievement of future city goals.

The mayor shall transmit to the council the annual budget estimate prepared by the city manager. The transmittal shall occur within 15 days after receipt from the city manager and may include a letter commenting on the proposed budget.

The mayor shall perform such other duties as may be prescribed by this charter or as may be imposed by council, consistent with the office. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes.

In time of public danger or emergency, the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law.

The mayor shall appoint his or her assistants in the unclassified service and shall fix their salaries. Such assistants shall serve at the pleasure of the mayor and shall constitute the mayoral service. All other appointments to be made by the mayor shall be made with the advice and consent of the council except as otherwise provided in this charter.

Section 7. A new Section 11 of Article IV, "Executive and Administrative Service" of the Charter of the City of Cincinnati is hereby enacted as follows:

Article IV. Executive and Administrative Service

Section 11.

The mayor or any member of council shall be liable to the city for any judgment in, or amount negotiated in settlement of, any civil action or appeal, together with any attorney fees and expenses incurred or expended by the city in defending such civil action or appeal, arising from the violation or alleged violation by the mayor or member of council of state law relating to open meetings or public records, provided that the act or omission giving rise to the civil action or appeal was undertaken by the mayor or member of council in an effort to avoid or circumvent the requirements of such state law or done purposely, knowingly, in bad faith, or in a wanton or reckless manner. The act or omission of the mayor or member of council giving rise to such liability may be established in the civil action itself or in a separate civil action commenced by the city solicitor or by a taxpayer who may bring such civil action and recover his or her costs, including attorney fees, only after the city solicitor fails, upon the written request of the taxpayer, to bring such civil action.

Section 8. A new Section 2c of Article IX, "Nominations and Elections" of the Charter of the City of Cincinnati is hereby enacted as follows:

Article IX. Nominations and Elections

Section 2c.

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The mayor may be removed from office before expiration of his or her term. The process and procedure for such removal shall include, but are not limited to, all provisions of state law providing for removal of any elective officer of a municipal corporation.

We hereby designate the following persons as a committee to represent the petitioners in all matters relating to this petition or its circulation:




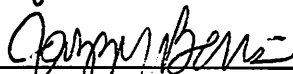
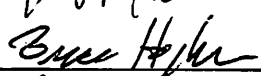


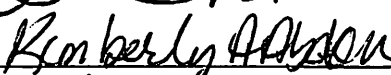
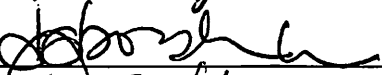

Name	Residence
Thomas E. Brinkman, Jr.	3215 Hardisty Ave., Cincinnati, OH 45208
Joseph Murray IV	3552 Kroger Ave #1, Cincinnati, OH 45226
Pete Witte	4319 Ridgeview Ave., Cincinnati, OH 45238

Instructions: You must live in the City of Cincinnati and be registered to vote.

You must use ink.

You must sign your name, date of signing, and give your voting residence.

You must not sign anyone else's name.

Signatures	Printed Name	Place of Residence Street and Number	Date of Signing
	Jon Halsted	1315 Suncrest Pl.	8-12-21
	Lauren Martin	3870 Mount Vernon	8-15-21
	Natalie DeLuca	3736 Drake	8/15/21
	Jazzy Benz	5562 Vendam Avenue	8/18/2021
	BRUCE HOPKINS	3687 TRASKWOOD CIR	8-19-21
	ERIN HOPKINS	3687 Traskwood Circle	8-19-21
	Brian Aldon	910 GRAND AVE	8-19-21
	Kimberly Aldon	910 GRAND AVE	8-19-21
	Deborah Haupt	5918 E Woodmont	8-19-21
	Dawson Adams	822 Carini Ln	8-19-21

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Signatures	Printed Name	Place of Residence Street and Number	Date of Signing
	Deliah Chavez	3304 Ashwood Dr.	8/19/21
	Ellen Muraca	8500 Menwood Ave	8/19/21
	JOE ZUKER	3637 BRENTWOOD	8/19/21
	Jon Crane	7060	
	Dan Crane	6562 Deermarch Dr	8/19/21
	Renee Muraca	3833 Earls Court Vw	8/19/21
	JOE MURACA	" " "	8/19/21
	Ben Stearns	2710 Golfshire Ave	8/19/21
	Nick Taylor	" "	" "
	Craig Sanderfer	6561 BARRET RD	8.20.21
	J TRIBOTTI	1331 Vine St.	8.20.21
	Kate Remonick	1352 CUYER AVE	8/20/21
	Paul Nix	3575 Paxton Ave Union	8/20/21
	Scott Riddle	4277 Woodhull Dr	8/20/21
	Annie Dookie	2919 OBSERVATORY AVE	8/20/21
	Leigh Taylor	3512 Niles Ave. 45208	8/20/21
	Amy Finn	3847 Drakewood 45209	8/20/21
	Billy Horton	3608 Burch	8/20/21
	Andrew Nix	3827 Paxton Ave	8/20/21
	Margaret Burch	2716 Eushill Ave	8/20/21

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Signatures	Printed Name	Place of Residence Street and Number	Date of Signing
	Alison Molnar	20 Observatory	8-20-21
	Christina Martell	3331 Monticith	8-20-21
	Ben Webb	5706 Section	8/20/21
	Bendy Webb	5306 section	8/20/21
	Cody	5704 section	8/20/21
	Paulina	4735 N Edgewood	8/20/21
	Emma Paty	4735 N Edgewood	8/20/21
	ED SCARLETT	1216 W. 12th St. WYOMING LN	8/20/21
	Megan Tubo	3516 St. Charles Place	8/20/21
	Michael Ann	3076 St. Charles Place	8/20/21
	Nanette Schroeder	2894 Alpine Ter.	8/20/21
	Kristen Knief	2129 Oxford Ave. 45230	8/20/21
	Douglas E. Sui	3413 Paxton Ave 45208	8/20/21
	KATE GERBER	3148 LINWOOD AVE, 45208	8/20/21
	Iris Bunsin	3512 Montcith Ave 45208	8/20/21
	Bellanne Brown	3508 Montcith Ave 45208	8/20/21
	Jay Brown	3508 Montcith Ave 45208	8/20/21
	Alex Sunshine	3512 Montcith Ave 45208	8/20/21
	Joseph Barish	1308 Meier Ave 45208	8/20/21
	Shanna Barish	1308 Meier Ave. 45208	8/20/21

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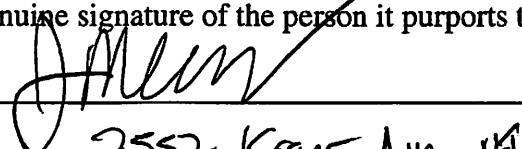
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DECLARATION OF CIRCULATOR

I, Joe Murray (name of circulator of petition), declare under penalty of election falsification that I am a resident of the State of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing petition containing 50 (number) signatures; that I witnessed the affixing of every signature; that each signature was made in my presence on the date indicated; that all signers were to the best of my knowledge and belief qualified to sign; that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code (i.e., is the genuine signature of the person it purports to be).

Signed



Address:

3552 Koger Ave #1
(where circulator resides)
Cint., OH 45226

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