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# opinion

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# REVIEW OF OUR CHARTER VITAL



MICHAEL GOLDMAN

Michael Goldman is a board member of the Charter Committee of Greater Cincinnati.

Cincinnati City Council's passage of an emergency ordinance that would lease city-owned parking systems has reopened the debate over how a municipal government should balance the authority of its City Council with the citizens' right to referendum.

Cincinnati's city charter was written to respect the role that public discourse plays in good governmental policy. It also reflects the trust that must be placed in members of City Council to allow them to act on behalf of all citizens. The charter attempts to balance the need for transparency and accountability while empowering council to govern. The citizens' right to referendum to check council's power when it violates the will of the people is clear.

But the charter also gives council the authority, when appropriate, to pass emergency legislation that goes into immediate effect. Unfortunately, this balance between council decisions and citizen input, specifically the use of the "emergency clause," has led to seriously different interpretations of the city charter and ultimately to litigation. The Charter Committee of Greater Cincinnati believes that our city's nearly 90-year-old charter needs to be updated and ambiguous language must be clarified.

Recent city councils have passed roughly 75 percent of all ordinances as emergencies. When designating ordinances as emergencies becomes routine, it confuses any common un-



The Charter Committee has a long history in Cincinnati. Members gather on Fountain Square in 1976. The charter was drafted in 1926. PROVIDED

derstanding of emergency. The "emergency" designation limits the time and opportunity for citizen input, threatening the important role of open debate, seemingly shifting the balance of power away from the people.

The board of the Charter Committee believes that the current debate over the appropriate use of emergency ordinances is overdue. In fact we believe this debate should finally serve as the catalyst for a review of the entire city charter, identifying ways to clarify, update and improve it.

The Charter Committee would like to spearhead such a review. Our city charter, drafted in 1926, has been amended on a number of occasions, but most of these amendments have been a reaction to short-term political controversies. The result has been modifications in a patchwork fashion, allowing our city's "constitution" to become reactionary rather than aspirational.

The Charter Committee was formed to improve Cincinnati through the adoption of a clear, cohesive, functional city charter and then holding our government accountable to its terms. This is still central to the Charter Committee's mission.

But the world has changed since 1926. The needs and role of city government are different. Increasing use of "emergency" legislation is but one example of why the time has come to re-engage in a holistic review of our charter. We sincerely hope that community, civic and business groups – as well as interested individuals – will join the Charter Committee in this task. We live in the 21st century. We need to begin work on a 21st century city charter. ■

*This column was co-authored by Charter Committee board members Mike Morgan, Marilyn Ormsbee, Dot Christenson and endorsed by the board of the Charter Committee of Greater Cincinnati.*

## ENQUIRER EDITORIAL

# Charter changes need care

The Charter Committee of Greater Cincinnati, which takes its name from Cincinnati's governing document, says it's time for a comprehensive review of the city charter.

In the accompanying opinion piece, the committee's interim president, Michael Goldman, makes the case for a top-to-bottom review of what is essentially the Constitution of the city of Cincinnati.

He makes some good points. The charter has been amended piecemeal over the years. Many of the issues on the Cincinnati ballot in recent years have actually been charter amendments: the City Council change to four-year terms and the ban on trash fees were both charter amendments. Both streetcar ballot issues were proposed amendments to the charter.

The language of the charter rules on any legal dispute over city laws. The latest example is the court case over whether City Council can avoid voter referendums by passing emergency ordinances.

Much of the case turns on one paragraph in the charter.

A comprehensive charter review would be a long-term effort, probably taking several years, and would need to involve a broad group of stakeholders. The Charter Committee would be an appropriate group to start this conversation, as its mission statement says it "believes that Cincinnati's government should be free of partisan politics, and should be led by individuals committed to the City, not the fortunes of their party."

The effort would need to be influenced by groups interested only in one agenda: good government. That was the purpose behind the drafting of Cincinnati's charter in 1926, and it should be the purpose behind any changes to it. ■

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