

City of Cincinnati



Interdepartment
Correspondence Sheet

Date 6/7/89

To Councilmember David S. Mann, Chairman, Law & Public Safety Committee

From Richard A. Castellini, City Solicitor


Copies to See Below

Subject Item on 6/6/89 Law & Public Safety Committee Agenda -
Newly Revised Ordinance Concerning Community Council Membership

In accordance with your request at the 6/6/89 committee meeting, transmitted herewith is a newly revised ordinance:

Directing the City Manager to include as a condition for funding in the Neighborhood Support Program or listing in the City's Community Council Directory the requirements that a neighborhood council or organization extend full membership privileges to all persons eighteen years of age or older who reside within the City corporation limits and the territorial boundaries of the council or organization, not discriminate based on the nature of a member's housing quarters, not extend voting or office-holding privileges to persons under eighteen or not residing within the neighborhood except upon condition, and make decisions regarding the Neighborhood Support Program in open meetings where all residents have an open vote; declaring the intent of Council that only councils or organizations meeting those requirements shall be deemed by Council as representative of a neighborhood in connection with neighborhood issues; and repealing Ordinance No. 100-1987.

The changes incorporated in the ordinance are deletion of former Section 1.D, deletion of "Permitted Members" in former Section 1.E (now 1.D), modification of Section 2.A as requested, and corresponding changes in the heading and preamble.


RAC/DBL/pj

cc: Scott Johnson, City Manager
Michael Bierman, Deputy City Manager
Ernest Freeman, City Planning
Wayne Chapman, NH&C
Kevin Shepard, REB
R. Thomas, Clean Cincinnati,
Sanitation Division

D.B.L.
6/7/89

City of Cincinnati

An Ordinance No. 220 -1989

Directing the City Manager to include as a condition for funding in the Neighborhood Support Program or listing in the City's Community Council Directory the requirements that a neighborhood council or organization extend full membership privileges to all persons eighteen years of age or older who reside within the City corporation limits and the territorial boundaries of the council or organization, not discriminate based on the nature of a member's housing quarters, not extend voting or office-holding privileges to persons under eighteen or not residing within the neighborhood except upon condition, and make decisions regarding the Neighborhood Support Program in open meetings where all residents have an open vote; declaring the intent of Council that only councils or organizations meeting those requirements shall be deemed by Council as representative of a neighborhood in connection with neighborhood issues; and repealing Ordinance No. 100-1987.

WHEREAS, Ordinance No. 100-1987 directed the City Manager to include as a condition for funding in the Neighborhood Support Program certain requirements including that a neighborhood council or organization extend full membership privileges to all persons who reside within the territorial boundaries of the council or organization; and

WHEREAS, City Council affords councils or organizations representing City neighborhoods opportunities to communicate to City Council on issues such as zoning issues, formulating or commenting on proposed development plans, funding requests, and objections to liquor permits; and

WHEREAS, it is the determination of City Council that it is in the best interests of the City that a council or organization should be deemed by City Council as representative of a City neighborhood and eligible for Neighborhood Support Program funding only if the council or organization can limit its membership to residents within the neighborhood; and

WHEREAS, City Council has therefore determined to amend and expand the requirements previously set forth in Ordinance No. 100-1987; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby directed to include henceforth as conditions for funding in the Neighborhood Support Program ("NSP") or listing in the City's Community Council Directory the following requirements:

A. Definitions

As used in this ordinance "Neighborhood" shall mean the geographical area within the city corporation limits and the territorial boundaries of a neighborhood

council or organization; and "Neighborhood Resident" shall mean any person who resides within a Neighborhood.

B. Mandatory Eligibility for Membership:

A neighborhood council or organization shall extend full membership, voting and participation privileges to all Neighborhood Residents eighteen years of age or older. Residency may be evidenced by a voter registration card, driver's license, lease, housing contract, rent receipt, or tax or utility bills.

C. Nondiscrimination

A neighborhood council or organization shall not discriminate in its membership and voting policies based on the nature of housing quarters chosen by a person as a place of abode, except that such housing quarters may be required to be located within the Neighborhood.

D. Limitation on Voting Privileges and Eligibility to Hold Office

A neighborhood council or organization shall not extend voting privileges or eligibility to hold office to other than Neighborhood Residents, unless the articles of incorporation, bylaws or regulations of the council or organization provide that at least once per year any group of at least five Neighborhood Residents may require a special vote at which only Neighborhood Residents may vote to determine whether persons other than Neighborhood Residents shall continue to have voting privileges or be eligible to hold office.

E. Open Meetings

A neighborhood council or organization shall make all decisions regarding NSP in open meetings where as a minimum all Neighborhood Residents (whether members or not) have an open vote.

F. Grace Period for Compliance

Requirements in this section not contained in Ordinance No. 100-1987 need not be complied with prior to the next regularly scheduled full membership meeting of a neighborhood council or organization subsequent to the effective date of this ordinance.

G. Evidence of Compliance

A neighborhood council or organization shall provide evidence to the City Manager or his designee of compliance with the requirements herein, together with a description of the territorial boundaries of the council or organization.

Section 2. That the conditions stated in Section 1 hereof shall not prohibit:

- A. Less restrictive membership standards, subject to the requirement of Section 1.D;
- B. A regulation or bylaw conditioning entitlement to vote on internal organization matters or conditioning the right to seek office on (a) payment of reasonable dues, (b) the passage of a reasonable length of time (not exceeding sixty days) following application for membership

or payment of dues, or (c) prior attendance at a reasonable number (not exceeding three) of organization meetings within an annual period;

- C. A reasonable regulation or bylaw providing for termination of membership for good cause; or
- D. A regulation or bylaw vesting voting rights in officers, committees or the governing body of the organization as to any matters other than the election of the organization's trustees or governing body, or decisions regarding NSP (for organizations receiving NSP funding).

Section 3. That it is the intent of Council that only neighborhood councils or organizations meeting the requirements of Section 1 above, shall be deemed by Council as representative of a neighborhood in connection with neighborhood issues such as zoning issues, formulating or commenting on proposed development plans, funding requests, or objections to liquor permits.

Section 4. That Ordinance No. 100-1987 is hereby repealed.

Section 5. That this ordinance shall take effect and be in force from and after the thirty day referendum period provided by law.

Passed: June 7 A.D., 1989

Ben Starnes
Mayor

Attest: *Sandy L. Shepard*
Clerk

I HEREBY CERTIFY THAT ORDINANCE NO 220
1989 WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 6-20-89

Sandy L. Shepard
Clerk of Council.

Council Meeting Voting Sheet

No. 60
Mirlisena

Dated: 6/7/89

Suspension
of rules

Amendments

Refer Back to
Passage Committee

Emergency

Indefinitely
postponed

Yeas Nays Yeas Nays Yeas Nays Yeas Nays Yeas Nays

Booth					/					
Chabot					/					
Guckenberger	<i>Excused from this session</i>									
Luken	<i>Excused at time of vote</i>									
Mann					.	/				
Mirlisena					/					
Sterne						/				
Strauss						/				
Williams						/				
Total					3	4				

Council Meeting Voting Sheet

No. 6 v

Dated: 6/7/89

*Motion by Chobot
to Substitute*

Suspension
of rules

Amendments

Passage

Emergency

Indefinitely
postponed

Yeas Nays Yeas Nays Yeas Nays Yeas Nays Yeas Nays

Booth					/					
Chobot					/					
Guckenberger	<i>Excused from this session</i>									
Luken	<i>Excused at time of vote</i>									
Mann					/					
Mirlisena					/					
Sterne					/					
Strauss					/					
Williams					/					
Total					7					

Council Meeting Voting Sheet

No. 60

Dated: 6/7/89

	Suspension of rules		Amendments		Passage		Emergency		Indefinitely postponed	
	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
Booth	/				/					
Chabot	/				/					
Guckenberger	Excused FROM this session									
Luken	Excused AT TIME OF VOTE									
Mann	/				/					
Mirlisena	/				/					
Sterne	/				/					
Strauss	/				/					
Williams	/				/					
Total	7				7					