

use of emergency rezonings and tax-increment-financing districts for residential uses.

3. Relators seek an order and/or judgment from this Court that Respondent Members of the Hilliard City Council submit the proposed charter amendment for the approval or rejection of the electors of the City of Hilliard. Relators alternatively seek an order from this Court submitting the proposed charter amendment for the approval or rejection of the electors of the City of Hilliard.
4. Relators have acted with the utmost diligence in bringing the instant action, that there has been no unreasonable delay or lapse of time in asserting their rights herein and, further, there is no prejudice to Respondent.
5. Relator lacks an adequate remedy at law.
6. Relators Les Carrier, Andrew Teater, Paul Lambert, Tracy Kovalchik, and Larry Earman are electors in the City of Hilliard. They are the five individuals designated on the face of the petition seeking the proposed charter amendment to represent the petitioners in all matters relating to the petition or its circulation.
7. Respondent Hilliard City Council, is the legislative authority of the City of Hilliard.
8. According to the Franklin County Board of Elections, the total number of electors that participated in the 2013 municipal general election in

the City of Hilliard was 2,509. Accordingly, the Charter Amendment Petition would need 251 valid signatures for the issue to be submitted to the electors for their approval or rejection.

9. On November 2, 2015, a petition seeking the submission of a proposed amendment to the charter of the City of Hilliard (the "Charter Amendment Petition") was filed with the Clerk of the Hilliard City Council.
10. On November 13, 2015, the Charter Amendment Petition was transmitted to the Franklin County Board of Elections.
11. On November 18, 2015, the Franklin County Board of Elections returned the petition to the City together with a certification attesting that it contained 946 valid signatures of electors of the municipality, well over the 251 valid signatures needed to submit the Charter Amendment Petition to the electors for their approval or rejection.
12. On December 14, 2015, Respondent Hilliard City Council voted 5-2 against an ordinance that would have placed the proposed charter amendment on the March 15, 2016 ballot.
13. At its December 14, 2015, meeting, Respondent Hilliard City Council cited three alleged defects in the Charter Amendment Petition that formed the basis for its failure to pass the ordinance that would have placed the proposed charter amendment on the March 15, 2016, to wit:
(1) the Charter Amendment Petition fails to include a title for the

proposed measure even though R.C. 731.31 expressly requires one; (2) there is no indication on the Charter Amendment Petition that the text specified would be entirely new provisions to the City Charter; and, (3) the petitioners altered the prescribed petition form to add a reference to a “Keep Hilliard Beautiful Committee” where no committee name is permitted on the form.

14. The Charter Amendment Petition plainly does include titles to the proposed sections, to wit: “**ARTICLE XII, SECTION 12.09 – REFERENDUM AND EFFECTIVE DATE ON ZONING ORDINANCES,**” and, “**ARTICLE XII, SECTION 12.10 – PROHIBITION OF CREATION OF TAX INCREMENT FINANCING INCENTIVE DISTRICTS FOR DWELLING UNIT IMPROVEMENTS AND PROHIBITION OF DECLARATION OF DWELLING UNIT IMPROVEMENTS AND PROHIBITION OF DECLARATION OF DWELLING UNIT IMPROVEMENTS TO BE A PUBLIC PURPOSE.**” (Emphasis and capitalization in original.) These statements, bolded, capitalized, and set apart from the text of the proposed amendments are titles of the sections of proposed text that they modify.

15. There is no requirement that a proposed charter amendment contain a statement as to whether the text proposes new provisions to the city charter; nor is there a requirement that the petitioners append a copy of the existing city charter to the part-petitions. To the contrary, the

petition, by its terms is for “submission of proposed amendment to charter.” Thus, by its nature, the title and text contained on the face of the petition is “proposed,” that is, not presently part of the charter.

16. Finally, Respondent Hilliard City Counsel asserted that it is not required to submit the proposed charter amendment to the electors because the petitioners added a reference to “Keep Hilliard Beautiful Committee” immediately above where the name of the five committee members appear.

17. There is no requirement that the petition be submitted on the form prescribed by the Secretary of State (Form 6-B). Nor is there any prohibition on the inclusion of the committee name which was made in this instance. The form of the Charter Amendment Petition is sufficient and in compliance with applicable law.

18. Accordingly, Respondent Hilliard City Council has a clear legal duty to submit the charter amendment question to the Franklin County Board of Elections for placement on the ballot.

19. Relators have a clear legal right to have Respondent Hilliard City Council pass an ordinance submitting the charter amendment question to the electors of the City of Hilliard.

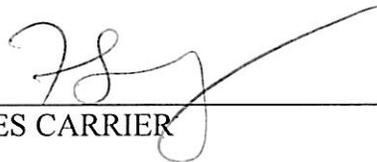
20. Relators lack any other relief than an order or judgment from this Court ordering that Respondent Hilliard City Council pass an

ordinance submitting the charter amendment question to the electors of the City of Hilliard.

21. On December 20, 2015, Relators Counsel transmitted an e-mail to Tracy Bradford, Law Director for the City of Hilliard requesting that she immediately institute the mandamus action herein pursuant to Ohio Rev. Code §§ 733.58, 733.581, on or before 4:00 p.m. on December 21, 2015. On December 21, 2015, Ms. Bradford responded requesting additional time to review the request. Also on December, 21, 2015, Relators agreed to wait until 4:00 p.m. on December 22, 2015.

22. I have read the Complaint filed in this action and state that matters as alleged therein are true.

FURTHER AFFIANT SAYETH NAUGHT



LES CARRIER

Sworn to and subscribed before me this 22 day of December, 2015.



Notary Public

