

## **Why Residents Should Vote YES on the Community Bill of Rights: Issue 29**

Over the next several weeks residents are going to hear various arguments against the Bill of Rights Charter Amendment. Not all of what you hear will be accurate or even factual. The truth is, no one really knows for sure what the future holds if we add the Bill of Rights to our Charter. What we do know though is that we have basic rights on self governance and the right to a clean living environment that have been granted to us under the Constitution. Democracy is about the people creating the rules that we live by and these rules should not be forced upon us by legislators or corporations simply because they have more power or money.

Here are some reasons MADION supports the Broadview Heights Community Bill of Rights Charter Amendment:

Industrial activity that puts the local water supply, air quality, home values, and the health of our children at risk have been irresponsibly allowed by law-makers and public servants unwilling or unable to stand up to wealthy fossil fuel corporations. This charter amendment will go to the voters in the city and bypass the compromised values that have allowed our families, homes and environment to be gambled on for the sake of short-term profit.

Neither the state, nor the ODNR has "sole authority" to issue permits to corporations, authorizing them to violate the fundamental rights of residents of the city, or to poison the natural environment on which our lives depend. The state has absolutely no authority to "regulate" the rights of citizens. This amendment establishes a Community Bill of Rights, and it protects those rights by prohibiting certain corporate actions that violate those rights.

It's true that the State should be protecting citizens from the threats posed by fracking, but in Ohio we have a legislature captured by big dollars and big corporations. The people are denied representation and a republican form of government, and so we must take the reigns of self-governance in the communities where we live in order to protect our rights, our lives, our health, our environment and the value of our property. We have fundamental rights that the State has no authority to "regulate" or violate indirectly by issuing "permits" to powerful corporations. We do not erect governments to violate our rights but to protect them. When government fails to do so, the people have a right and full authority to make governing decisions for themselves. That is what the right to initiative allows, and the people of Broadview Heights intend to take advantage of this peaceful means of resolving the violation to their rights by the State and its agencies.

If protecting the health, safety and welfare of residents of Broadview Heights means defending them in court, that is the duty and obligation of the city's public servants. Putting a price tag on the well-being of members of the community is not the job of the mayor or any other elected official. Avoiding litigation, even at the cost of surrendering the rights of city residents, is not a legitimate option.

The mayor and other elected officials have publicly expressed opinions about the enforceability of the Charter Amendment once the citizens adopt it into law in November. We are appalled that public servants elected by the residents of this City would even suggest not enforcing a law enacted through the initiative process. Statements from our officials that they will not enforce the Bill of Rights if the residents pass it, flies in the face of the right to self-government and the constitutional guarantee of a republican form of government. We don't just need our City officials to represent their own opinions about our laws; they have a duty to honor the City Charter and, to the extent that the people avail themselves of the initiative and referendum processes, they are obligated to obey the direct instructions of their constituents. In his capacity as Public Safety Director, the Mayor has a duty to enforce local laws and Charter provisions enacted to protect the health, safety and welfare of the community. Neither the Mayor, members of Council, nor the City Law Director has been granted the authority or power to decide the legality or constitutionality of any law or amendment enacted through initiative by the people. It is time they stopped pretending they can legitimately act as prosecutor, judge and jury against the people whom they supposedly serve.

**Vote YES on ISSUE 29!**