

**CITY OF NORTH OLMSTED
ORDINANCE NO. 2020 – 88**

BY: Mayor Kennedy and Councilmembers Glassburn & Hemann

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF AN AMENDMENT TO THE ELECTORS OF THE CITY OF NORTH OLMSTED TO ARTICLE IV, SECTION 7 OF THE CHARTER OF THE CITY OF NORTH OLMSTED FOR THE PURPOSE OF (1) AUTHORIZING THE COUNCIL TO ESTABLISH COUNCIL MEETING DATES AND LOCATIONS; (2) ELIMINATING THE REQUIRMENT THAT COUNCIL MEETINGS OCCUR IN COUNCIL CHAMBERS; AND (3) AUTHORIZING COUNCIL MEETINGS TO BE CONDUCTED VIA ELECTRONIC FORMAT, AND DECLARING AN EMERGENCY.

WHEREAS, North Olmsted Charter Art. IV, Section 7 reads as follows:

SEC. 7. MEETINGS.

(a) Regular Meetings. The Council shall meet in the Council chambers at such times as may be prescribed by its rules, regulations, ordinances or by-laws, however, not less than twice during each calendar month, excepting that Council may provide for its vacation, during the months of July or August, and during such period is subject to the call of the Mayor.

(b) Special Meetings. Special meetings of Council may be called in accordance with the rules and regulations or by-laws adopted by Council. In the absence of any provision therein, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or may be called by the Clerk of Council upon the written request of the Mayor or President of Council, or any three members of Council. A request for a special meeting shall state the time, place and date thereof and the subject or subjects to be considered and no other subject or subjects shall be considered unless at least three members of Council request that certain additional items be considered and at least twenty-four (24) hours advance notice of the request to consider such additional items is given to the Mayor and each member of Council in the manner hereinafter provided. Notice of a special meeting called at the request of the Mayor, President of Council or any three members thereof, shall be given in

writing to each member of Council and the Mayor by serving on each of them personally or by leaving a copy thereof at his/her usual place of residence, not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of this notice may be waived in writing; and

WHEREAS, the Coronavirus / COVID-19 pandemic of 2020 necessitated changes in Council meeting locations and frequencies, which changes were not possible due to Charter requirements on location and frequency of meetings; and

WHEREAS, after the passage of H.B. 197 authorizing electronic meetings and, additionally, the issuance of orders from Governor Mike DeWine prohibiting gatherings of more than ten (10) people, the City of North Olmsted implemented a successful launch of City Council meetings in electronic format (GoToMeeting); and

WHEREAS, it is the desire of this Council to submit to the voters of the City of North Olmsted a proposal to amend Article IV, Section 7 of the Charter of the City of North Olmsted to remove mandatory meeting locations and frequencies and to instead authorize the City Council to establish its own meeting schedule, location and format, including electronic, virtual format; and

WHEREAS, this proposal was reviewed and recommended by the Charter Review Commission in accordance with Article XIV, Section (b) (1) of the City Charter, and the Commission on the 28th day of May, 2020, filed a written report with the Clerk of Council in which the Commission stated that, by a 7 to 0 vote, a motion to recommend approval of the proposal passed; and

WHEREAS, this Council has adopted this Ordinance, as required by state law, no sooner than 120 days, and no later than 60 days, prior to the date of the election at which the issue will be voted upon by the electorate.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH OLMSTED, COUNTY OF CUYAHOGA, AND STATE OF OHIO, TWO - THIRDS OF ALL MEMBERS CONCURRING THAT:

SECTION 1. Pursuant to Article XVIII, Sections 9 of the Ohio Constitution, and Article XII of the Charter of the City of North Olmsted, this Council authorizes and directs that the following proposal to amend the Charter of the City of North Olmsted be submitted to the electors of the City of North Olmsted at an election to be held at the usual places of voting in the City on Tuesday, November 3, 2020:

That Charter Article IV (“The Council”), Section 7 (“Meetings”), which presently reads as follows:

SEC. 7. MEETINGS.

(a) Regular Meetings. The Council shall meet in the Council chambers at such times as may be prescribed by its rules, regulations, ordinances or by-laws, however, not less than twice during each calendar month, excepting that Council may provide for its vacation, during the months of July or August, and during such period is subject to the call of the Mayor.

(b) Special Meetings. Special meetings of Council may be called in accordance with the rules and regulations or by-laws adopted by Council. In the absence of any provision therein, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or may be called by the Clerk of Council upon the written request of the Mayor or President of Council, or any three members of Council. A request for a special meeting shall state the time, place and date thereof and the subject or subjects to be considered and no other subject or subjects shall be considered unless at least three members of Council request that certain additional items be considered and at least twenty-four (24) hours advance notice of the request to consider such additional items is given to the Mayor and each member of Council in the manner hereinafter provided. Notice of a special meeting called at the request of the Mayor, President of Council or any three members thereof, shall be given in writing to each member of Council and the Mayor by serving on each of them personally or by leaving a copy thereof at his/her usual place of residence, not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of this notice may be waived in writing; and

BE AMENDED, AND, AS AMENDED, SHALL READ AS FOLLOWS:

SEC. 7. MEETINGS.

(a) Regular Meetings. The Council shall meet ~~in the Council chambers~~ at such times and at such locations and / or via electronic methods as may be prescribed by its rules, regulations, ordinances or by-laws, however, not less than twice during each calendar month, excepting that Council may provide for its vacation, during the months of July or August, and during such period is subject to the call of the Mayor.

(b) Special Meetings. Special meetings of Council may be called in

accordance with the rules and regulations or by-laws adopted by Council. In the absence of any provision therein, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or may be called by the Clerk of Council upon the written request of the Mayor or President of Council, or any three members of Council. A request for a special meeting shall state the time, place and date thereof and the subject or subjects to be considered and no other subject or subjects shall be considered unless at least three members of Council request that certain additional items be considered and at least twenty-four (24) hours advance notice of the request to consider such additional items is given to the Mayor and each member of Council in the manner hereinafter provided. Notice of a special meeting called at the request of the Mayor, President of Council or any three members thereof, shall be given in writing to each member of Council and the Mayor by serving on each of them personally or by leaving a copy thereof at his/her usual place of residence, not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of this notice may be waived in writing; and

SECTION 2. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then the said amendment to Article I of the Charter shall be effective upon certification of such affirmative vote following the election on November 3, 2020.

SECTION 3: It is the desire of the Council that the ballot for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall Article IV, Section 7 of the Charter of the City of North Olmsted entitled "Meetings" be amended to authorize the City Council to establish its meeting calendar *dates, times, locations* and to permit the Council to conduct City Council meetings via internet based platforms?

Yes



No

SECTION 4. The Clerk of Council is authorized and directed to deliver a certified copy of this Ordinance to the Board of Elections of Cuyahoga County no sooner than July 7, 2020 and no later than September 5, 2020.

SECTION 5. This Council requests that the Board of Elections of Cuyahoga County cause to be duly given an appropriate notice of the election to be held on November 3, 2020, on the foregoing amendments to the Charter of this City and otherwise provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 6. The Clerk of Council is authorized and directed to cause the full text of such proposed Charter amendments to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of North Olmsted, with the first publication to be made at least fifteen days prior to the election to be held on November 3, 2020, as provided in Article XVIII, Section 9 of the Ohio Constitution and in Section 731.211 of the Ohio Revised Code.

SECTION 7. There is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

SECTION 8. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions, were in meetings open to the public in compliance with the law.

SECTION 9. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is necessary that this Ordinance go into effect immediately so as to satisfy statutory deadlines for the submission of Charter amendments to the electorate, and further provided it receives the affirmative vote of two-thirds of all members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: August 4, 2020

First Reading: 8-4-2020
Second Reading: Suspended
Third Reading: Suspended
Committee: _____

ATTEST:



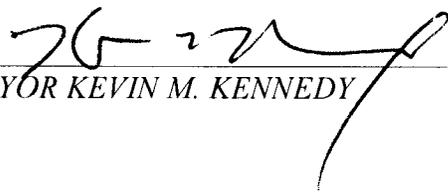
CHARLES MASSAROLO II



NICOLE DAILEY JONES

Clerk of Council

APPROVED: 8-4-2020


MAYOR KEVIN M. KENNEDY

President of Council

APPROVED AS TO LEGAL FORM:

/s/ Michael R. Gareau, Jr.
MICHAEL R. GAREAU, JR.
Director of Law