

**CITY OF NORTH OLMSTED  
ORDINANCE NO. 2020 – 91**

**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 XV OF THE CHARTER OF THE CITY OF NORTH OLMSTED FOR THE PURPOSE OF ALLOWING CITY MEETINGS, INCLUDING ALL BOARD AND COMMISSION MEETINGS, TO BE CONVENED AND CONDUCTED VIA AN ELECTRONIC FORMAT, AND DECLARING AN EMERGENCY.***

**WHEREAS**, the Coronavirus / COVID-19 pandemic of 2020 necessitated dramatic changes in the way all City of North Olmsted meetings were conducted; 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 Board and Commission meetings (and City Council meetings) in electronic format (GoToMeeting or Zoom); 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 XV of the Charter of the City of North Olmsted to authorize the City Council to establish that City meetings be conducted via an 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 28<sup>th</sup> 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, Section 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 XV (“Open Meetings”), which presently reads as follows:

#### OPEN MEETINGS

##### SEC. 1. ALL MEETINGS OF PUBLIC BODIES TO BE OPEN; EXCEPTIONS.

Any provision of this Charter or general State law notwithstanding, the meetings of every public body of the City of North Olmsted shall be open to the public at all times, unless a majority of the public body determines that it is necessary to hold an executive session, closed to the public, solely for the purpose of considering any of the following matters:

(a) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaint against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public bodies shall hold an executive session for the discipline of an elected official for conduct related to the performance of his/her official duties or for his/her removal from office. If a public body holds an executive session pursuant to this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed herein are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting;

(b) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective

buyers and sellers to prepare and submit offers. If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned;

(c) Conferences with an attorney for the public body concerning disputes involving the public body which are the subject of pending or imminent court action;

(d) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(e) Matters required to be kept confidential by federal law or rules or state statutes;

(f) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

If a public body holds an executive session to consider any of the matters listed in Paragraphs (b) through (f) of this section, the motion and vote to hold an executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

## SEC. 2. DEFINITIONS.

As used in this Article:

(a) "Public body" means Council, or any board, commission, committee, or similar decision making body of the City of North Olmsted;

(b) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.

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

**OPEN MEETINGS**

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(a) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaint against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public bodies shall hold an executive session for the discipline of an elected official for conduct related to the performance of his/her official duties or for his/her removal from office. If a public body holds an executive session pursuant to this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed herein are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting;

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**(c) "Hearing" as used herein means an administrative hearing at which a person may present written or oral testimony on a matter before a public body.**

**SEC. 3. ELECTRONIC MEETINGS AND HEARINGS AUTHORIZED**

**Members of a public body in the City of North Olmsted may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology subject to the following:**

**(a) The City Council has adopted, in an in-person public meeting format and by two-thirds of the members of Council eligible to vote, an Ordinance or Resolution authorizing the public body to hold, attend or conduct public meetings and hearings in a manner authorized by this Section.**

**(b) Provisions of the Revised Code notwithstanding, members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology, shall be considered present as if in person at the meeting or hearing, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the meeting or hearing as required by any ordinance, rule or Charter Art. IV, Sec. 8 of the City of North Olmsted. This section does not authorize individual members of a public body to participate and vote at public meetings or public hearings via teleconference or video conference when the public meeting or public hearing has not been authorized via Section 3(a) herein.**

**(c) The public body shall provide notification of meetings and hearings held under this section to the public, to the media that have requested notification of a meeting, and to the parties required to be notified of a hearing, at least twenty-four hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the public body shall immediately notify the news media that have requested notification or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing.**

**(d) The public body shall provide the public access to a meeting held under this section, and to any hearing held under**

**this section that the public would otherwise be entitled to attend, commensurate with the method in which the meeting or hearing is being conducted, including, but not limited to, live-streaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology.**

**(e) The public body shall hold and conduct meetings and hearings in such fashion as to enable the public to observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically, and to enable public participation therein, if required by rule or ordinance. When members of a public body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the public body should use electronic equipment that is available to the general public, and the methods must be sufficient to preserve adjudicatory rights and records pursuant to Revised Code Chapter 2506.**

**(f) Any resolution, rule, or formal action of any kind adopted in accordance with this section shall have the same effect as if it had occurred during an in-person open meeting or hearing of the public body. The authority granted in this section shall apply notwithstanding any conflicting provision of the Revised Code.**

**SECTION 2.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then the said amendment to Article XV 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 XV of the Charter of the City of North Olmsted entitled "Open Meetings" be amended to authorize the City Council to establish, by an affirmative vote of two-thirds of its members eligible to vote, that any public meeting by a public body may be conducted via teleconference, video conference, or any other similar electronic technology, provided citizen access to such meetings is ensured and

open meetings laws, including notifications, are otherwise followed.

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.

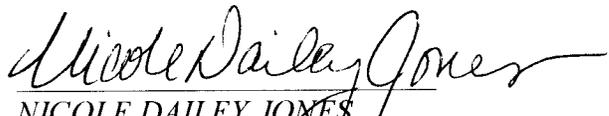
PASSED: August 4, 2020

First Reading: 8-4-2020  
Second Reading: SUSPENDED

Third Reading: Suspended  
Committee: \_\_\_\_\_

ATTEST:  


CHARLES MASSAROLO II  
Clerk of Council

  
NICOLE DAILEY JONES  
President of Council

APPROVED: 8-4-2020

  
MAYOR KEVIN M. KENNEDY

APPROVED AS TO LEGAL FORM:

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