

1st reading 6-28-21
2nd reading
3rd reading 6-28-21
Voted On
Ayes: 7 Nays: 0
PASSED X DEFEATED

ORDINANCE NO. 2021-13

**AN ORDINANCE
ENACTING AUTHORITY FOR PUBLIC BODIES OF
ORANGE VILLAGE TO CONTINUE TO CONDUCT
VIRTUAL MEETINGS AND DECLARING AN
EMERGENCY.**

WHEREAS, pursuant to state law, the public bodies of Orange Village have been meeting via electronic means to attempt to help to slow the spread of COVID-19; and

WHEREAS, the state law which granted authority to local governments to hold public meetings via electronic means expires July 1, 2021; and

WHEREAS, while many people have been vaccinated for COVID-19, large crowds of people still may spread the disease, particularly if the crowd is inside a building; and

WHEREAS, Ohio municipalities have the authority under Article XVIII, Section 3 to "exercise all powers of local self-government", including the authority to enact reasonable rules permitting virtual attendance at meetings of municipal public bodies; and

WHEREAS, the Council desires to take immediate action to permit the continuation of virtual attendance at the meetings of Orange Village public bodies to avoid risks of transmission of the disease if large crowds gather indoors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ORANGE, CUYAHOGA COUNTY, OHIO, THAT:

SECTION 1.

(a) As used in this section:

(1) "Hearing" means an administrative hearing, at which a person may present written or oral testimony on a matter before the public body.

(2) "Public body" and "meeting" have the meanings defined in section 121.22 of the Ohio Revised Code.

(b) At the discretion of the chair of the public body, members of a public body may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology and the following shall apply:

(1) Any resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open meeting or hearing of the public body.

(2) Notwithstanding division (C) of section 121.22 of the Ohio Revised Code, 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.

(3) Public bodies 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.

(4) 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, examples such as 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. The public body shall ensure that the public can observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically.

(5) When members of a public body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the public body must establish a means, through the use of electronic equipment that is widely available to the general public, to converse with witnesses, and to receive documentary testimony and physical evidence.


(6) The authority granted in this section applies notwithstanding to any conflicting provision of the Ohio Revised Code.

SECTION 3. The actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the law.

SECTION 4. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of

the Village of Orange, and for the reason of the fact that the immediate passage is necessary to have the opportunity for Council to continue to study the value of virtual attendance in the month of July and beyond without having to hold indoor public meetings after July 1, 2021; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by Council and its approval by the Mayor, or as otherwise provided by law.

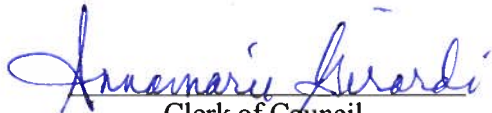
PASSED: June 28, 2021



Council President

Submitted to the Mayor for
approval on this 28th day of June, 2021

Approved by the Mayor this
28th day of June, 2021

ATTEST:


Clerk of Council


Mayor