

1st reading 1-12-22
2nd reading 2-2-22
3rd reading 2-9-22
Voted On 2-9-22
Ayes: 7 Nays: 0
PASSED X DEFEATED

01/12/2022

**ORDINANCE NO. 2022-1
(AS AMENDED)**

**AN ORDINANCE
AMENDING CERTAIN SECTIONS OF CHAPTER 105 AND
SECTION 111.01 OF THE CODIFIED ORDINANCES OF
ORANGE VILLAGE TO CLARIFY THE VILLAGE'S OPEN
MEETING REQUIREMENTS AND TO CONTINUE TO
AUTHORIZE THE USE OF ELECTRONIC TECHNOLOGY
TO PERMIT REMOTE MEETINGS AND ELECTRONIC
ATTENDANCE AT MEETINGS, AND DECLARING AN
EMERGENCY.**

WHEREAS, pursuant to state law, the municipal bodies of Orange Village began meeting via electronic means to attempt to help to slow the spread of COVID-19 in the year 2020; and

WHEREAS, the state law which granted authority to local governments to hold public meetings via electronic means expired July 1, 2021; 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 electronic attendance at meetings of municipal bodies; and

WHEREAS, in June of 2021, given the continued risks associated with the transmission of COVID-19, the Orange Village Council determined that the municipal bodies of Orange Village should continue to have the option to meet remotely, and therefore enacted Ordinance No. 2021-13, which identified the prior provisions of state law which permitted remote public meetings and applied such law to the municipal bodies of Orange Village; and

WHEREAS, Council now desires to integrate the option of remote meetings, which were enacted by Ordinance No. 2021-13, into its codified ordinances; and

WHEREAS, Council also desires to eliminate an inconsistent codified requirement of meeting at Village Hall, which was inconsistent with Ordinance No. 2021-13 and, therefore, repealed by implication by that ordinance; and

WHEREAS, while Council is amending Section 111.01 of the Codified Ordinances it also desires to recognize the regularly scheduled work session of Council, which may sometimes be combined with a special meeting, and which is held on the first Wednesday each month; and

WHEREAS, this ordinance is intended to reflect the current laws and practices of Orange Village municipal bodies under existing ordinances and to ratify the actions of the Village's municipal bodies taken in accordance with the policies identified in this ordinance, whether such meetings were held under the authority of state law or a municipal ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:

SECTION 1. That existing Section 105.01, Definitions, of Chapter 105, Open Meetings, of the Codified Ordinances of Orange Village is amended to provide as follows:

“105.01 DEFINITIONS.

As used in this chapter:

(a) "Clerk" means the Clerk of Council, or, in the absence of the Clerk of Council, such other person as may be designated by the President of Council. For actions related to the Planning and Zoning Commission and/or the Architectural Board of Review, the "Clerk" shall be the Building Department Secretary.

(b) "Electronic Technology" means telephone, teleconference, video conference or other electronic technology which permits the two or more people to hear and be heard, with or without the ability to see the other person or people.

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

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

(ed) "Municipal body" means Council or any committee of Council, or the Planning and Zoning Commission and/or the Architectural Board of Review.

(fe) "Oral notification" means notification given orally either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone, at the telephone number of such person as shown on the records kept by the Clerk under this chapter.

(ge) "Post" means to post on the Village Hall bulletin board, located at 4600 Lander Road, Orange Village, the Building Department bulletin board, located at 4680 Lander Road, or the Village's website.

(hf) "Special meeting" means a meeting which is neither a regular meeting nor an adjournment of a regular or special meeting to another time or day to consider items specifically stated on the original agenda of such regular or special meeting.

(ig) "Written notification" means notification in writing mailed, emailed, ~~telegraphed~~ or delivered to the address of the person for whom such notification is intended as shown on the records kept by the Clerk under this chapter, or in any way delivered to such person. If mailed, such notification shall be mailed by first class mail, deposited in a U.S. Postal Service mailbox no later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting."

SECTION 2. That existing Chapter 105, Open Meetings, is amended by the addition of new Section 105.09, which shall provide as follows:

“105.09 LOCATION OF MEETINGS; AUTHORIZATION OF ELECTRONIC MEETINGS AND ELECTRONIC ATTENDANCE AT MEETINGS.

(a) Municipal Bodies may hold meetings at the Orange Village Hall, the Orange Village Building Department or any other convenient and appropriate location as determined in the sole discretion of the chair of the Municipal Body.

(b) Notwithstanding the location of regular meetings posted pursuant to Section 105.02 of the Codified Ordinances, and subject to Chapter 105, Open Meetings, the chair of a Municipal Body may call, and members of a Municipal Body may hold and attend, regular or special meetings, and the Municipal Body may conduct and attend hearings, by means of Electronic Technology. The decision to hold a meeting of a Municipal Body via electronic means shall be vested in the sole discretion of the chair of the Municipal Body. If a Municipal Body is meeting in person, members of the Municipal Body may attend, participate, and vote via Electronic Technology at the discretion of the Committee Chair.

(c) If any at any meeting of a Municipal Body is being held via Electronic Technology, or if one or more members of the Municipal Body are attending via Electronic Technology, as provided ins Section 105.09(b) of the Codified Ordinances, the following rules 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 Municipal Body who attend meetings or hearings by means of Electronic Technology shall be considered present as that member were physically present 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) Municipal 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 Municipal 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 Municipal 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 Municipal Body shall ensure that the public can observe and hear the discussions and deliberations of all the members of the Municipal Body, whether the member is participating in person or via Electronic Technology.

(5) When members of a Municipal Body conduct a hearing by means of 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. That existing Chapter 111, Council, Section 111.01, Meeting; Quorum, is amended to provide as follows:

“111.01 MEETINGS; QUORUM.

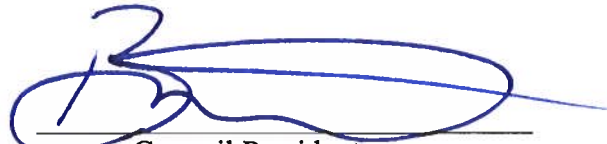
Pursuant to Article III, Section 9, of the Village Charter, a work session of Council shall be held on the first Wednesday of each month, which may be combined with a special meeting, and the regular meetings of Council shall be held on the second Wednesday of each month. ~~at the Council Chambers, Village Hall,~~ The regularly scheduled work session, and the regular meeting, shall be held at 7:30 p.m., unless a different time is stated in the appropriate notice given pursuant Section 105.02 of the Codified Ordinances. If a quorum cannot be present at the regular meeting, the President of Council may designate an alternate date.”

SECTION 4. That existing Sections 105.01 and 111.01 of the Codified Ordinances, and any ordinances in conflict with this ordinance, are hereby repealed.

SECTION 5. That all actions taken at meetings that have been held via electronic technology pursuant to state law and Ordinance No. 2021-13 are hereby ratified.

SECTION 5. That 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 Orange Village and, further, that this ordinance needs to be effective immediately to integrate the open meeting requirements and the electronic technology options available to municipal bodies in Orange Village; wherefore, this ordinance shall be in full force and effect from and after its adoption and approval by the Mayor, provided it receives the affirmative vote of five (5) members of Council, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

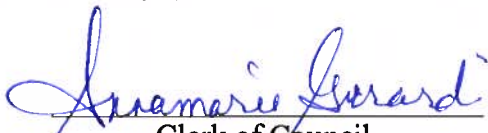
PASSED: FEB. 9, 2022

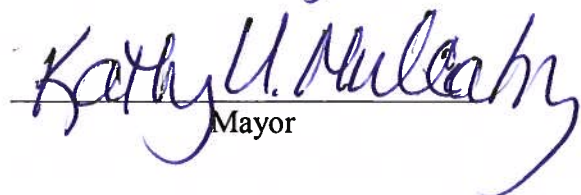

Council President

Submitted to the Mayor for
approval on this 9th day of February, 2022

Approved by the Mayor this
9th day of February, 2022

ATTEST:


Clerk of Council


Mayor