

ORDINANCE NO. 2021-7

AN ORDINANCE

AMENDING CHAPTER 107 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WAITE HILL TO ENACT A NEW SECTION 107.09 TO PROVIDE AUTHORITY FOR PUBLIC BODIES OF THE VILLAGE OF WAITE HILL TO CONDUCT VIRTUAL MEETINGS AND TO PERMIT REMOTE ATTENDANCE BY MEMBERS AT MEETINGS, REPEALING CERTAIN ORDINANCES AND DECLARING AN EMERGENCY.

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

WHEREAS, the state authority to hold public meetings via electronic means expired July 1, 2021; and

WHEREAS, Ohio municipalities have the authority under Article XVIII, Section 3 of the Ohio Constitution to “exercise all powers of local self-government”, including the authority to enact reasonable rules permitting remote 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 municipal public bodies, or permit remote attendance of meetings by members of the municipal body so as to be able to assure a quorum and votes by a municipal body of members are not able to attend a meeting in person;

WHEREAS, the intention of Council is, to apply the same rules of attendance of virtual meetings to the Village’s public meetings as have applied previously, to permit virtual meetings and remote attendance, while assuring that the public is able to observe the meetings of public bodies.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, CUYAHOGA COUNTY, OHIO:

SECTION 1. That existing Chapter 107 of the Codified Ordinances of the Village of Waite Hill is amended to enact a new Section 107.09, Virtual Meetings and Remote Attendance, which shall read as follows:

“107.09 VIRTUAL MEETINGS AND REMOTE ATTENDANCE.

- (a) As used in this section "Hearing" means an administrative hearing, at which a person may present written or oral testimony on a matter before the municipal body.
- (b) At the discretion of the chair of the municipal body, members of a municipal 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 municipal body.
- (2) Notwithstanding division (C) of section 121.22 of the Revised Code, members of a municipal 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 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 electronically.
- (5) When members of a municipal body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the municipal 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 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 Waite Hill, and for the reason of the fact that the immediate passage is necessary for municipal bodies within the Village to permit remote attendance by members so

as to better serve the constituents of the Village by promptly considering the Village's business, even if members of the municipal body cannot physically attend the meeting; 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: _____, 2021

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2021

Approved by the Mayor

ATTEST:

_____, 2021

Clerk-Treasurer

Mayor