

EMERGENCY

City of Cincinnati

AKS



An Ordinance No. \_\_\_\_\_

-2022

**MODIFYING** Chapter 121, “Remote Public Meetings,” of the Cincinnati Municipal Code by amending the title of Chapter 121, “Remote Public Meetings,” to “Open Meetings” to expand the Chapter’s scope to address the use of executive sessions; and **ORDAINING** new Section 121-7 “Use of Executive Session by the Board of the Cincinnati Retirement System” to allow the Board of the Cincinnati Retirement System to adjourn into executive session to discuss disability retirement applications, other individual eligibility issues, and personal medical and financial information of individual members and beneficiaries of the Cincinnati Retirement System related to the benefits provided to the members of the system, in order to protect the personal information of its members and beneficiaries.

WHEREAS, Sections 145.07 and 145.27 of the Ohio Revised Code authorize the use of executive session when the Ohio Public Employees Retirement System Board is discussing medical records or the degree of disability of a member or other information contained in the “personal history record” of an individual; and

WHEREAS, the State Teachers Retirement System and Public School Employees Retirement System boards are also permitted to adjourn into executive session to discuss medical records and the “personal history record” of an individual; and

WHEREAS, Ohio Revised Code Section 145.27 defines a “personal history record” as information maintained by the Ohio Public Employees Retirement System on an individual (whether a member or beneficiary) that includes address, phone number, social security number, contribution record, correspondence with the system or other information deemed by the board to be confidential and also provides for keeping medical reports and recommendations confidential; and

WHEREAS, Council desires to allow similar protections for the personal and medical information of the members and beneficiaries of the Cincinnati Retirement System; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the title of Chapter 121, “Remote Public Meetings,” of the Cincinnati Municipal Code is hereby amended as follows:

Chapter 121 – Open Meetings ~~Remote Public Meetings~~

Section 2. That new Section 121-7, “Use of Executive Session by the Board of the Cincinnati Retirement System” of Chapter 121, “Remote Public Meetings,” of the Cincinnati Municipal Code, is hereby ordained as follows:

**Sec. 121-7. – Use of Executive Session by the Board of the Cincinnati Retirement System.**

During any open meeting of the Board of the Cincinnati Retirement System, the Board may adjourn into executive session for the purpose of discussing the following information related to an individual who is a member, former member, contributor, or beneficiary of the retirement system:

- (a) Address, telephone number, email address, social security number, and date of birth;
- (b) Record of contributions;
- (c) Statements of previous service and other information on an individual gathered for the operation of the retirement system;
- (d) The amount of a monthly allowance, pension, or benefit paid to the individual; and
- (e) Medical records and other information, including but not limited to personal financial information, that is gathered or maintained by the retirement system to determine eligibility for benefits.

Section 3. That the City Manager is hereby authorized to develop rules and regulations necessary to carry out the purposes of this ordinance.

Section 4. That the authority granted by this ordinance applies notwithstanding any conflicting provision of O.R.C. § 121.22, but nothing in this section shall be construed to negate any provision of O.R.C. § 121.22 not in conflict with this ordinance.

Section 5. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 4 hereof.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the Cincinnati Retirement System Board to discuss matters relating to the benefit eligibility of its members and beneficiaries in executive session to protect the medical and personal privacy of such members and beneficiaries.

Passed: \_\_\_\_\_, 2022

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk