

Date: June 15, 2021

To: Paul Boggs Muething, City Manager

From: Andrew W. Garth, City Solicitor

AWG

Subject: Emergency Ordinance – Modifying Title I Remote Public Meetings

Transmitted herewith is an emergency ordinance captioned as follows:

MODIFYING Title I, “Council and Corporation Miscellany,” by enacting new Chapter 121, “Remote Public Meetings,” of the Cincinnati Municipal Code, to allow public bodies of the City, except Council and its committees, to conduct public meetings remotely.

AWG/MSS/(lnk)
Attachment
341165

EMERGENCY

City of Cincinnati

MSS

BWB

An Ordinance No. _____

-2021

MODIFYING Title I, "Council and Corporation Miscellany," by enacting new Chapter 121, "Remote Public Meetings," of the Cincinnati Municipal Code, to allow public bodies of the City, except Council and its committees, to conduct public meetings remotely.

WHEREAS, the experience gained over the past year under emergency measures suspending some aspects of the Ohio Open Meetings Act has shown that both the public and required attendees benefit from the ability to attend public meetings remotely using modern communications technology; and

WHEREAS, using widely available technology to increase public access to and public participation in such meetings is desirable because it increases transparency regarding the operations of local government; and

WHEREAS, allowing remote attendance by members of public bodies at such meetings increases flexibility and encourages public service by decreasing the burden associated with such service, especially when meetings extend beyond the regular workday; now, therefore,

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

Section 1. That new Chapter 121, "Remote Public Meetings," of Title I, "Council and Corporation Miscellany," of the Cincinnati Municipal Code, is hereby enacted as follows:

Sec. 121-1. - Definitions.

For purposes of this chapter, the words and phrases defined in this chapter shall have the meanings ascribed to them unless a different meaning is clearly indicated by the context.

Sec. 121-1-H. – Hearing.

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

Sec. 121-1-M. - Meeting.

"Meeting" has the same meaning as ascribed in O.R.C. § 121.22.

Sec. 121-1-P. – Public Body.

“Public body” has the same meaning as ascribed in O.R.C. § 121.22, and includes those boards, commissions, and institutions created by the city’s charter or by ordinance, except that it does not include the council or any of its committees or subcommittees.

Sec. 121-3. – Remote Open Meetings Allowed.

Members of the city’s public bodies may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar technology.

Sec. 121-5. – Effect of Remote Attendance.

During any open meeting or hearing of a public body at which members of the public body appear remotely by means of teleconference, video conference, or any other similar technology, all of the following shall apply:

- (a) Any resolution, rule, determination, vote, 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 held pursuant to O.R.C. § 121.22.
- (b) Members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other similar 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.
- (c) 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.
- (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 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.

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

Section 2. That the City Manager is hereby authorized develop regulations necessary to carry out the purposes of this ordinance.

Section 3. 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 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3 hereof.

Section 5. 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 enable the continuation of remote meeting capabilities for city public bodies following expiration of statewide orders.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk