

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 05 - 21 - 32

A RESOLUTION REMOVING THE PROCEDURES PROVIDING FOR REMOTE MEETINGS PREVIOUSLY ADOPTED VIA RESOLUTION NUMBER R-03-20-20 AND RESOLUTION NUMBER R-03-20-20 (A)

WHEREAS, on March 25, 2020, both chambers of the Ohio Legislature passed emergency COVID-19 response legislation via House Bill 197; and

WHEREAS, House Bill 197 was sent to Governor DeWine and signed into law by the Governor on March 27, 2020; and

WHEREAS, House Bill 197 contains amended language with respect to Ohio Revised Code 121.22 (the “Open Meeting Act”) governing public bodies and meetings and hearings of public bodies; and

WHEREAS, the amendments to Ohio Revised Code 121.22 (the “Open Meeting Act”) contained within House Bill 197 provide the following: (A) During the period of emergency declared by Executive Order 2020-01D, but not beyond December 1, 2020, 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” provided that all of the following apply: (1) Any resolution, rule, or formal action taken by way of a Remote Meeting will have the same effect as if it had occurred during an open meeting or hearing of the public body; and (2) Public body members who attend meetings or hearings via teleconference, video conference, or any other similar electronic technology are considered to be present as if in person at the meeting or hearing and will be permitted to vote, and will be counted for purposes of determining a quorum; and (3) Public bodies must provide notice of meetings and hearings to the public and to the media who have requested notice 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 media which have requested notice or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing; and (4) The public body shall provide the public access to a meeting held and to any hearing held that the public would otherwise be required 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 electronic technology; and (5) 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; and (6) When a public body conducts a hearing by means of teleconference, video conference, or other similar technology, the public body must establish a means via electronic equipment which is widely available to the general public to converse with witnesses, and to receive documentary testimony and physical evidence.

WHEREAS, in accordance with the foregoing, via enactment of City of Clayton, Ohio Resolution No. R-03-20-20 on March 19, 2020 and City of Clayton, Ohio Resolution No. R-03-20-20 (A) on April 2, 2020, the Clayton City Council authorized “Remote Meetings” as a result of the State(s) of Emergency declared in response to the COVID-19 pandemic; and

WHEREAS, pursuant to Ohio H.B. 404, the amendments to Ohio Revised Code 121.22 (the “Open Meeting Act”) contained within House Bill 197 allowing public bodies to hold and attend meetings by means of teleconference, video conference, or any other similar electronic technology was extended until July 1, 2021; and

WHEREAS, on May 13, 2021, Ohio Governor Mike DeWine announced as of June 2, 2021, most COVID-19 related health orders, including those requiring social distancing and the wearing of face masks in the State of Ohio will be lifted and on May 14, 2021, Governor DeWine announced those who are fully vaccinated need not wear face masks; and

WHEREAS, the Council of the City of Clayton, Ohio believes it to be in the best interest of the City and its citizens, commencing on June 3, 2021, to return to conducting in-person public meetings and hearings and cease the remote public meetings and hearings conducted during the COVID-19 pandemic.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That, commencing June 3, 2021, all public meetings of the City of Clayton, Ohio including, but not limited to, regular and special Council meetings and public hearings, workshops, and all City board and commission meetings and public hearings will be conducted in-person as they were prior to the enactment of Resolution No. R-03-20-20 and Resolution No. R-03-20-20 (A), and said public meetings and hearings will no longer be conducted via remote technology.

That, in the event Council determines it necessary and in the best interest of the public health to return to remote public meetings and public hearings, consistent with current Ohio H.B. 404, Council may vote to return to remote public meetings and hearings through June 30, 2021 or such later time as may be authorized by the Ohio General Assembly.

2. That the State of Emergency declared via enactment of Resolution No. R-3-20-19 on March 19, 2020 and Resolution No. R-3-20-19(A) on April 2, 2020 shall remain in effect during the period of time Governor DeWine’s Executive Order 2020-01D is in effect.
3. That this Resolution shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

ADOPTED BY COUNCIL ON MAY 20, 2021.

AUTHENTICATION:

Neil Spurns
Mayor (Presiding Officer of Council)

Barbara Stein
Clerk of Council

APPROVED AS TO FORM:

[Signature]
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper
Brookville Star

Date of publication
May 26, 2021

Barbara Stein
CLERK