

ORDINANCE NO.: 27 -2020  
INTRODUCED BY: HENRY

AN EMERGENCY ORDINANCE AUTHORIZING THE PRESIDENT OF CITY COUNCIL TO TEMPORARILY SUSPEND THE NORMAL OPERATING PROCEDURES FOR MEETINGS OF THE CITY COUNCIL AND TO AUTHORIZE REMOTE COUNCIL MEETINGS DURING THE STATE OF EMERGENCY DUE TO COVID-19; AND DECLARING AN EMERGENCY.

WHEREAS, on March 9, 2020, Governor Mike DeWine signed an Executive Order declaring a State of Emergency for the entire State of Ohio in response to COVID-19 pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code Section 5502.22;

WHEREAS, on March 13, 2020, President Trump declared a national emergency, invoking the Stafford Act and allowing the Federal Emergency Management Agency to coordinate disaster response and aid state and local governments in addressing the COVID-19 pandemic;

WHEREAS, Ohio Governor Mike DeWine has announced the closing of all schools, kindergarten through grade 12, through May 1, 2020, has restricted the sales of alcohol, food and all other beverages to carry-out sales and delivery only, and has issued guidance limiting mass gatherings of people;

WHEREAS, the Centers for Disease Control and Prevention (CDC) has advised those that have possible or confirmed COVID-19 to stay home from work, school, and away from other public places;

WHEREAS, on March 22, 2020, the Director of the ODH issued a Stay at Home Order requiring all Ohio citizens to stay at home except to perform essential functions, prohibiting social gatherings of over ten (10) people and ordering all non-essential businesses and operations to cease, which Order was amended and extended by the Director of ODH on April 2, 2020 to run through May 1, 2020;

WHEREAS, on April 2, 2020, Mayor David H. Roche issued a Declaration of State of Emergency for the City of Richmond Heights due to COVID-19;

WHEREAS, the City Council recognizes that COVID-19 poses a significant risk to the public health, safety and welfare, and that, given that it is highly contagious, numerous governmental entities across the State of Ohio have cancelled or restricted public gatherings and official meetings to reduce the spread of COVID-19;

WHEREAS, the State of Ohio General Assembly, by House Bill 197, passed on March 25, 2020, and signed into law on March 27, 2020, enacted provisions to permit public bodies, during the period of the State of Emergency declared by the Governor, to hold and attend public meetings by means of teleconference, video conference, or any other similar electronic

technology, and to provide that any resolution, rule or formal action of any kind shall have the same effect as if it had occurred during an open in-person meeting;

WHEREAS, this Ordinance is deemed necessary in order to continue the daily operations of the municipal government so that the City while taking protective measures to prevent the spread of coronavirus through public meetings, the City's legislative body – the Council – may continue to perform its essential governmental functions as provided for in the Director of ODH's Orders;

WHEREAS, the Council finds, determines and declares that this Ordinance is promulgated under the general police power of the City, for the preservation of the public peace, health, safety and welfare of the public and that it is in the best interests of the citizens of the City to grant to the President of this Council the authority to temporarily suspend in-person public meetings during the pendency of the State of Emergency declared by the Governor and that the continuing legislative functions of this Council are essential governmental functions under the current ODH director Orders;

NOW, THEREFORE, Be it Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: In order to continue the daily operations of the municipal government so that the City can address the serious public health concerns while taking protective measures to prevent the spread of coronavirus through public meetings, this Council grants to the President of Council the authority to temporarily suspend in-person meetings of the City Council and to implement procedures to allow City Council meetings to be conducted remotely in compliance with State law.

Section 2. During a City Council meeting held during the time period this Ordinance is in effect, members of the public shall not be entitled or permitted to be present in the physical location where the meeting occurs.

Section 3: During the time period this Ordinance is in effect, and in compliance with any federal, state and Cuyahoga County Board of Health orders, the President of City Council has the authority to order meetings of the City Council to be conducted as public meetings in accordance with the provisions of Ohio House Bill 197, in effect on March 27, 2020, and the President of Council shall make such provisions to conduct public meetings remotely by teleconferencing or video conferencing or any other similar method authorized by House Bill 197, and shall comply with all requirements for public notice and public access set forth therein.

- a. Notice: Notice of all remote meetings shall be given at least 24 hours prior to the start of the meeting. Notice shall be provided to the public via a reasonable method for alerting the public. Notice shall be posted on the City's website, provided to those media entities with standing requests for notification of City special and emergency meetings and shall include the meeting agenda. The notice of all remote meetings shall provide the method and instructions for the public to connect to the meeting.
- b. Minutes: During each meeting, full and accurate meetings minutes shall be taken pursuant to Section 121.22(C) of the Ohio Revised Code. If a Council Member is

disconnected, the session will cease until all members are reconnected and discussion can begin again.

c. Executive Sessions: In compliance with Ohio Revised Code Section 121.22 (G), any executive session of City Council and any board or commission of the City shall be voted on during the meeting by the members of the City Council, City board or commission and then may be held over remote conference not open to the public.

Section 4: The provisions of Section 121.14 of the Codified Ordinances of the City of Richmond Heights with respect to addressing the Council through written communications delivered in-person or oral communications made at in-person meetings shall be suspended during the pendency of the federal or Ohio's declared State of Emergency.

Section 5: Prior to each remote meeting, members of the public shall be provided the opportunity to provide written communications to City Council by means of regular U.S. Mail, recognized delivery service, or electronic mail, and those communications shall be read by the Clerk of Council during the remote regular meeting, and if deemed appropriate by the Council President or a majority of Councilmembers, may be responded to during that remote regular meeting by a public official(s) or employee(s) whom the President of Council determines to be the most appropriate person to respond.

Section 6: During the time that this Ordinance is in effect, in situations where the City has used public competitive bidding for a issuance of a contract as required by City Charter §VI-3 (n), the bid opening shall be made in a remote meeting with the only persons present in-person at the meeting being the City director for whose department or division the contract will serve and the City Engineer, or their designees, to open the bids and verbally announce the bid amounts. Advance notice of the remote bid-opening meeting shall be in boldfaced letters in the published bid solicitation notice and also made a part of the bid package that is made available to potential bidders, which notice shall include the method and instructions for the public to connect to the meeting

Section 7: All ordinances, resolutions, and policies of the City that are inconsistent with this Ordinance are superseded by this Ordinance to the extent of such inconsistency during the time period this Ordinance is in effect.

Section 8: The provisions of this Ordinance shall remain in full force and effect during the pendency of either the federal or Ohio declared State of Emergency, whichever remains in effect for the longer period of time.

Section 9: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and Ohio House Bill 197.

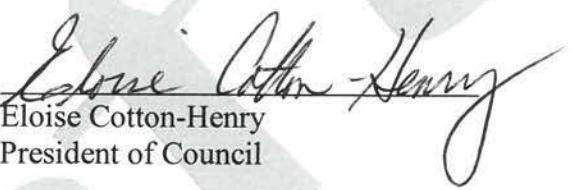
Section 10: This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens and public officials of the City of Richmond Heights and for the further reason that it is necessary to immediately authorize the President of City Council to hold public meetings remotely so that the

City can continue to properly function and protect persons during the COVID-19 pandemic; wherefore, this Ordinance shall take effect and be in force immediately upon its passage by the Council and the signature of the Mayor.

PASSED: 4/14/20

  
David H. Roche, Mayor

APPROVED: 4/14/20

  
Eloise Cotton-Henry  
President of Council

ATTEST: Betsy Traben  
Betsy Traben  
Clerk of Council