

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 21-85 AC CMS

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE CONDUCT OF THE MEETINGS OF CITY COUNCIL OPEN TO THE PUBLIC BY ELECTRONIC MEANS AS AN EMERGENCY MEASURE.

WHEREAS, pursuant to Ordinance No. 21-48 AC CMS, this Council submitted to the electors of the City of Oberlin a proposed amendment to Section III (F) of the Charter of the City of Oberlin to authorize meetings of Council open to the public to be conducted in accordance with the provisions of State law or as may otherwise be prescribed by Ordinance of Council approved by at least a 5/7th majority of its members and provided that said Ordinance shall assure that the public is able to hear and observe the discussions and deliberations of all of the participating members of Council; and

WHEREAS, said proposed amendment was placed upon the November 3, 2021 ballot as “Issue 13” by the Lorain County Board of Elections; and

WHEREAS, on November 3, 2021, the electors of the City of Oberlin approved Issue 13 with 78.45% of those voting casting an affirmative vote; and

WHEREAS, pursuant to the authority granted under Article XVIII of the Ohio Constitution and pursuant to Section III (F) of the Oberlin City Charter, as amended, Council desires to establish procedures for the conduct of its public meetings by electronic means.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBERLIN, COUNTY OF LORAIN, AND STATE OF OHIO:

SECTION 1: That upon the written direction of the President of Council or of three (3) members of Council delivered to the Clerk of Council, any meeting of Council that is open to the public may be held by electronic means in accordance with the provisions of Section 3 below. Successive meetings of Council may be held by electronic means in accordance with the provisions of Section 3 below upon the passage of a motion by a majority of the member of Council.

SECTION 2: That in the event of illness, exposure to a communicable illness or absence due to participation in official city business, the President of Council shall have the authority to excuse any member of Council from being physically present during a public meeting of Council and to authorize that member of Council to participate by electronic means in accordance with the provisions of Section 3 below. The President of Council shall announce such authorization at the meeting to which it applies.

SECTION 3: That notwithstanding any conflicting provision contained in any ordinance, resolution, rule or of the Ohio Revised Code, members of Council may attend, participate, deliberate, vote, take other official actions and considered to be present in meetings open to the public, in whole or in part, by video conference or other similar electronic technology provided that, (1) notice is given as required by Ohio law for a public meeting; (2) a quorum is present, whether in person or by the technology employed; (3) in the event that a member appearing by

the technology employed is disconnected and such disconnection results in less than a quorum being present, all discussions and deliberations shall be discontinued until that member can be reconnected; (4) the public is able to hear and observe the discussions and deliberations of all of the members present including those participating by the technology employed. In the event that Council has established a rule to permit comments by the public, the technology employed shall provide a means for members of the public to comment in accordance with that rule. All other requirements of the Open Meetings Act not inconsistent with this Ordinance shall be applicable.

SECTION 4. That any ordinance, resolution, rule, or formal action of any kind adopted in a meeting conducted in accordance with this Ordinance shall have the same effect as if it had occurred during an in-person, open meeting of Council.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this resolution 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 actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, to wit: to provide for the electronic participation of members of the Oberlin City Council at meetings open to the public without delay so as to protect the health and safety of the members of the Oberlin City Council and the public-at-large and to facilitate broader public access to the meetings of Council and provided that it is elevated to emergency status by the affirmative vote of at least five (5) members of Council and receives the affirmative vote of at least five (5) members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: December 28, 2021  
2nd Reading: \_\_\_\_\_  
3rd Reading: \_\_\_\_\_

ATTEST:

  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL

  
LINDA SLOCUM  
PRESIDENT OF COUNCIL

POSTED: 12/29/2021

EFFECTIVE DATE: 12/28/2021