

COUNCIL CHAMBER

City of Berea, Ohio

Ordinance No. 2021-73

By Gene Zacharyasz Sponsored By Council President Jeff Detmer
Council Members: Jim Maxwell
Chris McManis
Rick Skoczen

AN ORDINANCE

AMENDING SECTION 101.02, GENERAL DEFINITIONS, TO ADD DEFINITIONS OF A PUBLIC MEETING OPEN TO THE PUBLIC AND VOTING AT SUCH MEETINGS.

WHEREAS, the Charter of the City of Berea was adopted on May 3, 1960; and

WHEREAS, Section II of the Charter of the City of Berea states that the City of Berea shall have all power now or hereafter granted to municipalities by the Constitution and laws of Ohio; and that all powers shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, then in such manner as shall be provided by ordinance or resolution of the Council, or in such manner as may be prescribed by the General Laws of Ohio; and

WHEREAS, Item IV-4(b), Public Meetings, of the Charter of the City of Berea, states that all meetings of the Council, whether regular or special, or of its committees, shall be open to the public, and any citizen shall have access to the minutes and records thereof at all reasonable times; except that executive sessions may be held to discuss those subjects permitted by the General Laws of Ohio in accordance with the procedures set forth in the General Laws of Ohio; and

WHEREAS, Item X-1(e), Boards and Commissions – General, of the Charter of the City of Berea states that all meetings of boards and commissions shall be open to the public; and

WHEREAS, the COVID-19 pandemic provided opportunities for the Council of the City of Berea and other public bodies to re-examine alternative methods of conducting public meetings by electronic means and found that those alternate methods were both effective and efficient; and

WHEREAS, the Council of the City of Berea expressly finds that the manner in which public meetings were conducted during the pandemic by electronic means satisfied the requirements of Item IV-4(b) of the Charter of the City of Berea to be open to the public and ensured the public's right to attend a meeting in person; and

WHEREAS, pursuant to Section II of the Charter of the City of Berea, the Council of the City of Berea wishes to expressly authorize members of Berea City Council and members of public bodies to participate, including deliberating and voting on matters before the public body, by electronic means, provided that the public shall at all times have the ability to appear in person at the meeting, and provided that the Council President or the President Pro Tempore or the Chair or Vice Chair of a public body be physically present, and provided that any member of the Council or public body participating remotely shall be both seen and heard in the location designated for the public meeting; and

WHEREAS, the allowance of participation by electronic means in no way negates the expectation that members of City Council, and all public bodies, appear in person at public meetings, but rather affords an opportunity for virtual participation to be allowed in rare and exceptional cases only.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That a definition of a public meeting be added to Codified Ordinance 101.02 in new section (x), which shall read as follows:

101.02(x) "Public meeting open to the public" means a pre-arranged gathering of a majority of a public body, either in person or electronic means, for the purpose of discussing public business. In order for a meeting held by electronic means to satisfy the requirements of a public meeting, the public body shall first establish a written rule or regulation setting forth the terms and conditions that shall apply when conducting or participating remotely in a public

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meeting, provided that such rule include, at a minimum, all of the following conditions: (1) that either the President of Council or the President Pro Tem or the Chair or Vice-Chair of a public body shall be physically present at the location designated for the public meeting; and (2) that all members of the body participating by remote means shall be both seen and heard in the location designated for the public meeting; and (3) that the public shall be afforded the right to attend the meeting in-person.

SECTION 2. That a definition of voting be added to Codified Ordinance Section 101.02 in new section (y), which shall read as follows:

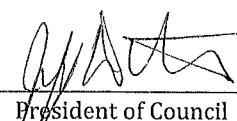
101.02(y) "Voting" or "vote" means the act of voting during a public meeting, by a majority of the members of City Council or a majority of the members of a public body, either in person or by electronic means, provided that in the case of a member participating by electronic means, said member must be both seen and heard while deliberating and voting in the location designated for the public meeting and that said public meeting meets the requirements set forth in 101.02(x).

SECTION 3. That the remaining sections of Section 101.02 remain in full force and effect.

SECTION 4. That 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 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 5. That this Ordinance shall take effect and be in force from, and after, the earliest period allowed by law.

PASSED: December 20, 2021

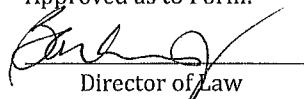

President of Council

ATTEST: John E.
Clerk of Council

APPROVED: December 20, 2021

Mayor

Approved as to Form:


Director of Law