

Ordinance No. 482-2021**By Mayor Jackson and Council Member Kelley****An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 101.021 relating to open public meetings and hearings.**

WHEREAS, in response to the State of Ohio's executive orders, Mayor Frank Jackson's Proclamation of Civil Emergency, and H.B. 404, all of which sought to mitigate the spread of COVID-19, the City started conducting virtual meetings to provide public access to its public meetings; and

WHEREAS, while the State's executive orders and the Mayor's Proclamation have expired, the COVID-19 pandemic is not over, residents still need to be vaccinated, and some immune-compromised individuals may be unable to achieve full protection from COVID-19; and

WHEREAS, the City has discovered over the past year that conducting virtual meetings has not only mitigated the spread of COVID-19 but has also improved government operations, increased transparency by providing more insight into the City's operations and decision-making, and increased resident participation; and

WHEREAS, the City is prescribing the methods by which meetings are to be open to the public and is providing for the flexibility to continue to conduct virtual meetings to obtain the benefits from them; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 101.021 to read as follows:

Section 101.021 Open Public Meetings and Hearings

(a) *Definitions.* As used in this section:

- (1) "Council" shall have the same meaning as defined in Section 101.02.
- (2) "Electronically" means by way of electronic equipment or devices, including but not limited to, live-streaming by means of internet, local radio, television, cable public access channels; call in information for a teleconference; or by means of any other similar electronic technology.

- (3) "Open to the public" means that a public meeting, or hearing conducted in-person, electronically, virtually, or any combination thereof, to which the public has access to the deliberations and official actions of the public body.
 - (4) "Public body" includes Council and boards, commissions, and committees established under the Charter or the Codified Ordinances of Cleveland, Ohio, 1976.
 - (5) "Virtually" means by way of teleconference, video conference, or any other similar electronic technology.
- (b) *Attendance.* Each public body may permit its members to attend its public meetings or hearings in-person, virtually, or a combination of the two. The following shall apply if any or all of the members are permitted to attend virtually:
- (1) Each member attending virtually shall be considered present as if the member is in-person at the public meeting or hearing, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the public meeting or hearing;
 - (2) Any vote on a resolution, ordinance or formal action of any kind cast by a member attending virtually shall have the same effect as if member is in-person at the public meeting or hearing; and
 - (3) 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 members are attending in-person or virtually.
- (c) *Open to the Public.* Each public body shall determine the method by which its meetings, or hearings are open to the public. For public hearings conducted virtually, the public body must also establish a means, through the use of electronic equipment that is widely available to the general public, to communicate with witnesses and to receive documentary testimony and physical evidence.
- (d) *Notice to the Public.* Each public body shall provide at least 12 hours' prior notification of the time, place, agenda items, and the manner by which the meeting or hearing will be held.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 7, 2021.

Effective June 9, 2021.