

RESOLUTION NO. 21-20
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER JoAnne Rau ON THE 16th
DAY OF March, 2020.

A RESOLUTION DECLARING CERTAIN EMERGENCY PROCEDURES NECESSARY FOR THE CONTINUED GOVERNANCE OF THE CITY DURING THE CURRENT NATIONAL STATE OF EMERGENCY.

WHEREAS, the Constitution of the State of Ohio, in Article XVIII, Section 3, grants municipalities the authority to exercise all powers of local self-government and to enforce local police, sanitary, and other similar regulations as are not in conflict with the general laws; and

WHEREAS, pursuant to this constitutional home rule authority, the people of the City of Centerville, Ohio, have adopted a Charter and Codified Ordinances to exercise the powers of local self-government and enforce local police power regulations; and

WHEREAS, in Executive Order 2020-01D, Ohio Governor Mike DeWine declared a state of emergency for the entire State to protect the well-being of the citizens of the Ohio from the dangerous effects of COVID-19 and to assist in protecting the lives, safety, and health of the citizens of Ohio; and

WHEREAS, subsequent to Executive Order 2020-01D the Governor has initiated other requirements greatly limiting in person social contact; and

WHEREAS, the President of the United States has declared a national state of emergency due to the COVID-19 pandemic; and

WHEREAS, City Council of the City of Centerville has substantial, legitimate interests in continuing governmental services to the fullest extent necessary throughout the current national and state emergency; and

WHEREAS, holding council meetings and obtaining City Council approvals are needed for the furtherance of governmental services and functions; and

WHEREAS, the Ohio Attorney General in opinion No 2009-034 indicated that with respect to Townships, the open meetings laws, including allowing public access and council members to be physically present at a meeting, apply even during a state of emergency; and

WHEREAS, in a letter dated March 13, 2020, the Ohio Attorney General informally indicated the following:

“The Ohio Attorney General’s Office has received numerous questions regarding the applicability of Ohio’s Open Meetings Act (OMA) during this time of a COVID-19 declared emergency. Under this very limited fact pattern, there may be a basis for local public bodies to use electronic means to meet and comply with the law. You should discuss this matter with your legal counsel before making any decisions;” and

WHEREAS, the Ohio Attorney General further asserted in the March 13 letter the following:

“In this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings so as to prevent the spread of COVID-19, but the business of government must continue, it is reasonable to read the OMA’s “in person” requirement as permitting a member of a public body to appear at a public meeting via teleconference. This interpretation gives effect to both R.C. 121.22 and R.C. 3701.13. It is also consistent with the United States Centers for Disease Control’s recent guidance, issued in response to the national COVID-19 epidemic, to use videoconferencing for meetings when possible;” and

WHEREAS, pursuant to the March 13, 2020 letter from the Ohio Attorney General and the fact that the City of Centerville Municipal Attorney has opined that the City has authority under its home rule authority; and

WHEREAS, the City of Centerville has the technology to have any and/or all council members can take part in a meeting electronically whereby all members of council and others that are signed into the meeting can be seen and heard and the meeting can be live broadcast to the public; (the “Remote Meeting”) and

WHEREAS, the City Council of the City of Centerville believes that it is in the best interest of the citizens of Centerville, to make available and utilize Remote Meetings to transact necessary business of the City during the course of the state of emergency;

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. Until such time as the state of emergency within the State of Ohio no longer exists under Executive Order 2020-01D, the City Council of Centerville may

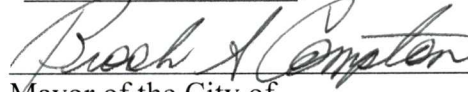
conduct its public meetings without the physical presence of all council members through the Remote Meeting process provided that

- (1) proper notice is provided as required under Ohio law for a public meeting;
- (2) a quorum is present, whether in person, or electronically through the Remote Meeting process;
- (3) in the event that a member appearing via the Remote Meeting Process is disconnected, the City Council shall cease all discussions and deliberations until the member can be reconnected;
- (4) the public is able to hear the discussions and deliberations of all of the members, even those who are present via electronic means;
- (5) all other requirements of the open meeting act will apply, including those that govern executive session, and the taking of meeting minutes.

Section 2. At the first meeting in which a quorum of council may be physically present, the City Council shall ratify the past action taken during a Remote Meeting process.

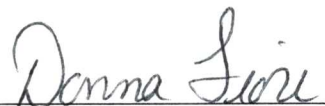
Section 3. That this Resolution shall go into effect at the earliest time provide by law.

PASSED THIS 16 day of March, 2020.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 21-20, passed by the Council of the City of Centerville, Ohio on the 16th day of March, 2020.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney