



MEGHAN F. GEORGE  
MAYOR

12650 DETROIT AVENUE • 44107 • 216-521-7580

January 3, 2022

**Re: Virtual Open Meetings**

Dear Members of Council:

As you know, the combined impact of the Delta and Omicron Variants have created a surge in COVID 19 cases and is creating an immense strain on our local healthcare systems and our community.

The attached legislation would, if adopted, afford every public body in the City of Lakewood the opportunity to meet **virtually** in the event of an emergency or special circumstances. Multiple municipalities, through the authority of home rule, have adopted similar provisions allowing their public bodies to meet virtually.

Allowing for virtual open meetings will allow flexibility for public bodies to have a quorum in the event that a member is contagious, allow for protection of the public body, and enable participation by vulnerable populations.

Given the urgency and significant impact on community health and safety, we respectfully request that this ordinance be passed on first reading.

Respectfully,

Meghan F. George, Mayor

Sarah Kepple, Councilmember At-Large



ORDINANCE NO. 02-2022

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council amending Section 109.01 Open Meetings, of the Lakewood Codified Ordinances to allow public bodies in the City of Lakewood to meet virtually under certain conditions.

WHEREAS, during the beginning of the COVID 19 Pandemic, the Ohio legislature enacted provisions state-wide permitting that open meeting be conducted virtually for the safety of all participants which expired July 1, 2021; and

WHEREAS, currently Cuyahoga County has the third highest positive COVID 19 infections per capita in the country and the highest number of hospitalizations due to COVID 19 per capita in the country; and

WHEREAS, under its municipal home-rule authority Council has determined that providing for virtual public meetings of Council and the City's boards and commissions, committees and other deliberative public bodies is necessary and appropriate when emergency or special circumstances exist; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that virtual public meetings may be necessary to protect the public health; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That new Section 109.01 Open Meetings of the Lakewood Codified Ordinances reading as follows:

**109.01 OPEN MEETINGS.**

(a) Unless otherwise provided in the Codified Ordinances, all meetings of Council, the Board of Building Standards and Building Appeals, the Board of Zoning Appeals, the Board of Control, Civil Service Commission, the Planning Commission, the Citizens Advisory Committee and other similar public bodies of the City or other citizens' committees as may be appointed from time to time, shall be open to the public, unless an executive session is expressly authorized under the applicable provisions of State law.

(b) Nothing herein contained shall mandate that any public body permit public participation in such meetings unless specifically required by the provisions of the Charter or the Codified Ordinances.

is hereby repealed.

Section 2. That new Section 109.01 Open Meetings, of the Lakewood Codified Ordinances is hereby enacted to read as follows:

**109.01 Open Meetings**

(a) Unless otherwise provided in the Codified Ordinances, all meetings of Council, the Board of Building Standards and Building Appeals, the Board of Zoning Appeals, the Board of Control, Civil Service Commission, the Planning Commission, the Citizens Advisory Committee and other similar public bodies of the City or other citizens' committees as may be appointed from time to time, shall be open to the public, unless an executive session is expressly authorized under the applicable provisions of State law.

(b) "Open to the public" means accessible by members of the public, in a physical location where the public body convenes in person together, except under the following circumstances where "open to the public" may also mean by teleconference or video conference:

(1) the presiding officer of the public body, or a majority of its members, calls for a meeting to be held by teleconference or video conference due to emergency or special circumstances;

(2) the public body provides the public access to the meeting, commensurate with the method in which the meeting is being conducted, including but not limited to: live-streaming or live broadcasting by means of the internet, local radio, television, cable or public access channels, offering call-in information for a teleconference, or granting access by means of any other similar electronic technology; and

(3) the public body ensures that the public can observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically.

(c) Nothing herein contained shall mandate that any public body permit public participation in such meetings unless specifically required by the provisions of the Charter or the Codified Ordinances.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon adoption by the Council

and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted \_\_\_\_\_

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Daniel J. O'Malley, President of Council

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Maureen M. Bach, Clerk of Council

Approved \_\_\_\_\_

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Meghan F. George, Mayor