

**VILLAGE OF YELLOW SPRINGS
ORDINANCE 2020-36**

**PERMITTING THE CONTINUATION OF REMOTE MEETINGS AND
REMOTE PUBLIC HEARINGS FOR ALL MUNICIPAL BODIES BY AMENDING
CHAPTER 220 OF THE YELLOW SPRINGS CODE OF ORDINANCES AND
DECLARING AN EMERGENCY**

WHEREAS, the Village of Yellow Springs Charter Section 3 specifies that it reserves all powers, both expressed and implied, of local self-government, and the benefits of municipal home rule; and

WHEREAS, the Village of Yellow Springs has set forth rules and procedures for meetings and notices in Yellow Springs Code of Ordinances Section 220.01; and

WHEREAS, the Village of Yellow Springs continues to operate under a declaration of state of emergency based on the COVID19 pandemic as set forth in Resolution 2020-15, unanimously passed by Village Council on April 20, 2020; and

WHEREAS, Village Council, after input from community members and the members of “municipal bodies” as defined in Section 220.01, desires to continue to have the capability to meet remotely and hold public hearings remotely regardless of any pending action by the Ohio General Assembly to address Ohio’s open meetings laws and pandemic protocols; and

WHEREAS, Village Council, acknowledging that a provision of House Bill 197 effective March 27, 2020, temporarily addressed the remote meeting issue for all political subdivisions in Ohio, but is set to expire December 1, 2020, even though the COVID19 pandemic risk remains, and local action is therefore immediately necessary as an emergency to address the health, safety and welfare of the Village,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:

Section 1. The following Section of Chapter 220 of the Village Codified Ordinances shall be added to include the language below:

220.02: REMOTE MEETINGS

(A) Members of municipal bodies may hold and attend meetings, and conduct public hearings by means of teleconference, video conference, or any other reliable remote technology and shall be counted as “present in person” for purposes of R.C. 121.22(C) for quorum and voting during any local, state or federal declared emergency which restricts the size of public gatherings.

(B) Any motion, ordinance, recommendation, resolution or other formal action of the body taken or adopted by the municipal body during a remote session has the same effect as if done during a regular meeting without the use of remote technology.

(C) All notice requirements of Section 220.01 remain in effect. The Clerk shall encourage public access to the discussions and deliberations of the body to the extent that the public would have been able to attend a regular meeting or hearing without the use of remote technology, and commensurate with the method which the body is utilizing. Examples include but are not limited to live-streaming and broadcasting on the local public access channel, call-in information incident to a teleconference, and any other similar remote methods.

(D) Any use of remote meeting technology shall ensure that the public is able to hear the discussions of each member of the body and also permits the public to converse with witnesses, and to receive documentary testimony and physical evidence in the event of public hearings.

(E) By specifying such remote meeting procedures at the discretion of each municipal body, the presiding officer of each body are encouraged to start meetings on time but also exercise patience while technological challenges may arise. The presiding officer shall remind everyone that minutes will be taken, and that the meeting or hearing complies with the Ohio Sunshine laws, and review remote etiquette such as asking participants to limit background noise by muting their device until called on to speak, asking people to state their full names and affiliation to the village prior to speaking, and reviewing time limits on public comments.

Section 2. This Ordinance is hereby declared to be an emergency measure under home rule power granted by the Village Charter and immediately necessary to preserve the public interest and for the health, safety and welfare of the Village of Yellow Springs.

Brian Housh, Council President

Passed: 11-16-2020

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Kevin Stokes _Y_
Lisa Kreeger __Y_ Laura Curliss __Y__