

FIRST READING: 6.8.20
SECOND READING: 6.22.20
THIRD READING: 7.13.20

ORDINANCE NO. 37-20

BY: ALL MEMBERS OF COUNCIL

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION
TO THE ELECTORS A PROPOSAL TO AMEND SECTION 6 OF ARTICLE X OF
THE CHARTER OF THE CITY OF ROCKY RIVER TO INCLUDE THE USE OF
ELECTRONIC TECHNOLOGY FOR MEETINGS AND HEARINGS IN
CIRCUMSTANCES OF HEALTH AND SAFETY EMERGENCY, AND DECLARING
AN EMERGENCY

WHEREAS, Council has received the recommendation of the 2020 Rocky River
Charter Review Commission, appointed pursuant to the Charter of the City of Rocky
River, to amend the Charter as herein provided, and Council is obligated to submit such
proposed amendment to the Electors of the City at the General Election to be held
November 3, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY
OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

Section 1. That this Council hereby authorizes and directs the submission to the
Electors of the City of Rocky River at the General Election to be held at the usual places
of voting of said City on Tuesday, November 3, 2020, between the hours as provided by
law, the following proposal to amend Section 6 of Article X of the Charter of the City of
Rocky River to read as follows:

ARTICLE X
GENERAL

SECTION 6. OPEN MEETINGS.

Notwithstanding any other provision of this Charter, all meeting or hearings,
both regular and special, which shall include any meeting or hearing by means of
electronic technology if circumstances of public health or safety emergency exists, of
all municipal public bodies, including Council, its committees, and all boards and
commissions, shall be open to the public, except closed meetings may be held after a
majority of a quorum determines, by a roll call vote, to hold an executive session for
the sole purpose of considering any of the following matters:

(1) To consider the appointment, employment, dismissal, discipline,
promotion, demotion or compensation of a public employee or
official, or the investigation of charges or complaints against a public
employee, official, licensee, or regulated individual, unless the public
employee official, licensee, or regulated individual requests a public
hearing. Except as otherwise provided by law no public body shall
hold an executive session for the discipline of an elected official for
the conduct related to the performance of his official duties or for his
removal from office.

If a public body holds an executive session pursuant to this
subsection, the motion to vote to hold that executive session shall
state which one or more of the approved purposes listed in this
subsection are the purposes for which the executive session is to be
held, but need not include the name of any person to be considered at
the meeting.

(2) To consider the purchase of property for public purposes, or for the
sale of property at competitive bidding, if premature disclosure of
information would give an unfair competitive or bargaining
advantage to a person whose personal, private interest is adverse to
the general public interest. No member of a public body shall use this
division as a subterfuge for providing covert information to
prospective buyers or sellers. A purchase or sale of public property is
void if the seller or buyer of the public property has received covert
information from a member of a public body that has not been
disclosed to the general public in sufficient time for other prospective
buyers and sellers to prepare and submit offers.

If the minutes of the public body show that all meetings and
deliberations of the public body have been conducted in compliance
with this section, any instrument executed by the public body
purporting to convey, lease, or otherwise dispose of any right, title or

I, the undersigned clerk of council of the city of Rocky River,
State of Ohio, do hereby certify that publication of the
foregoing ordinance was duly made by posting a true copy
thereof in the lobby of the Rocky River City Hall, in
accordance with the charter of Rocky River, commencing on
the 13th day of July, 20 20.

Andrew A. Orsini
Clerk of Council of the City of Rocky River, Ohio

interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

- (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;
- (4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- (5) Matters required to be kept confidential by federal law or rules or state statutes;
- (6) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

If a public body holds an executive session to consider any of the matters listed in subsections (2) through (6), the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those subsections are to be considered at the executive sessions.

A resolution, rule or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in a subsection of this section and conducted at an executive session held in compliance with this section.

Section 2. That the foregoing proposed amendment upon receiving at least a majority of the votes cast thereon at the November 3, 2020, General Election shall become effective immediately upon its adoption.

Section 3. That the ballot submitting the question of the adoption of the aforesaid amendment shall read substantially as follows:

PROPOSED CHARTER AMENDMENT

CITY OF ROCKY RIVER

A majority affirmative vote is necessary for passage.

Shall Article X, Section 6 of the Charter be amended to include the use of electronic technology for meetings and hearings if a public health or safety emergency exists?

Section 4. That the Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County.

Section 5. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the Election to be held on November 3, 2020, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6. That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the City of Rocky River, with the first publication to be made at least fifteen days prior to the General Election to be held on November 3, 2020, as provided by Article XVIII, Section 9 of the Constitution of the State of Ohio and Ohio Revised Code Section 731.211.

Section 7. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in that it is necessary that it

become effective and be certified to the election authorities immediately in order for the question to appear on the ballot at the General Election to be held on November 3, 2020; wherefore, this Ordinance shall go into effect immediately upon its passage.

PASSED: July 13th, 2020 James W. Moran
JAMES W. MORAN
President of Council

PRESENTED TO
MAYOR: July 13th, 2020 APPROVED: July 13th, 2020
ATTEST:

Susan G. Pease
SUSAN G. PEASE
Clerk of Council

Pamela E. Bobst
PAMELA E. BOBST
Mayor

meu:charter:ord:artXsec6

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 37-20 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 13th DAY OF July, 2020 THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW. THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 37-20

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 13th DAY OF July, 2020.
Susan G. Pease
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO