

ORDINANCE NO. 37-20

**AN ORDINANCE ADOPTING EMERGENCY RULES FOR
CITY COUNCIL DURING THE COVID-19 CRISIS
AND DECLARING AN EMERGENCY**

WHEREAS, the outbreak of the COVID-19 virus, the declared pandemic, the passage of States of Emergency by the State and Federal Governments and the Orders of various State and Federal health officials to deal with the crisis all require City Council to adopt Emergency Rules for the conduct of its business until such time as these declared states of emergency are lifted; and

WHEREAS, Council, pursuant to Chapter 220 of the Avon Codified Ordinances, has adopted a set of rules to govern its functioning as the City's legislative body; and

WHEREAS, Council, considering the public crisis and the recent passage of HB 197 by the Ohio State Legislature, viz., Section 12 thereof, now deems it to be in the best interest of the health safety and welfare of the citizens of Avon, its elected officials and its administrative personnel that it adopt supplemental emergency rules for the conduct of its public meetings until such time as the Governor declares the State of Emergency ended.

**NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF
AVON, LORAIN COUNTY, OHIO:**

Section 1 -. That as a result of the declared States of Emergency declared by both the State and Federal Government brought about by the spread of COVID-19, Council hereby adopts the following temporary, emergency order consistent with the recently passed House Bill (HB) 197 designed to protect the health, safety and welfare of all Avon citizens, elected officials, administrative personnel and anyone with business before this City Council during this crisis.

TEMPORARY EMERGENCY ORDER

a. The public will continue to be admitted to Council meetings but only in compliance with Orders issued by either the President of the United States, the Governor's Office and/or the Ohio Director of Health, the most recent of which is the Director's Order of March 23, 2020 . This means attendees are to maintain proper social distancing at all times (6 feet) and no more than 10 individuals, exclusive of the Mayor, Council and Administrators, shall be permitted in Council Chambers. The Press shall be given priority. Council will also comply with all future governmental orders which may require the wearing of a protective face shields (a type of mask) by anyone in attendance. The Council President shall be permitted to make reasonable and necessary orders during the course of any meeting to further protect the health, safety and welfare of all in attendance should the need arise.

b. Work Sessions shall begin at 7:00 p.m. on the Second (2nd) and Fourth (4th) Mondays of each month. Regular meetings of Council shall continue to be held on the Second (2nd) and Fourth (4th) Monday of each month at 7:30 p.m. or immediately after the Work Session. All meetings shall continue to be held in Council Chambers.

c. In the event the virus (COVID-19) intensifies and additional, more restrictive orders are issued by either Federal, State or County authorities, and the Council President determines it is not in the public interest to proceed with any of Council's regularly scheduled meetings, the Council President may, with the consent of a majority of the members of City Council, postpone said meeting(s) to a later date. The Council President may circulate the Order to all of Council by email. Each Council member can register their consent with an email response.

d. The Council President shall have the authority to permit any Councilor to attend any Work Session, Regular or Special Meeting or Executive Session by way of a live streaming platform so long as that live streaming platform is capable of being observed and heard by the general public. Any Councilor attending remotely is considered in attendance at said meeting for purposes of constituting a quorum and has the right to vote on any matter presented and have that vote counted. When in Executive Session, the Council President may permit others to attend remotely or in person should their attendance be required. Any and all provisions of HB 197, Section 12, apply (Incorporated herein as attached).

e. Members of the public, whether in attendance at the meeting or not, and who desire to comment or ask a question regarding an agenda item or a matter of general concern to the community are asked to submit their comments to the Clerk of Council in writing (contactcouncil@cityofavon.com), preferably by email, prior to the meeting. They may also submit questions or comments to the Mayor or any member of Council. At some point during the course of the meeting and at an appropriate time, the question or comment may be taken up by the Council.

f. Some legislation being considered by Council requires a Public Hearing prior to passage. Council and the Clerk of Council will follow their normal procedure for announcing and advertising the public hearing. At any time up to the completion of the public hearing on that item, anyone wishing to be heard on the legislation must notify the Clerk of Council (by phone or email) and make arrangements to attend the meeting in person or, if unable to attend in person, submit their question or comment by email to the Clerk. For those not present, the Clerk will read the email into the record and any member of Council and/or the Administration may elect to respond. Emailed comments will receive email replies. All emails will become part of the record of the meeting. Anyone wishing to comment or ask a question must provide their name and address for the record.

g. In the event that the President of Council and the President Pro Tem should be unable to fulfill their duties of the office, Council will follow ACO §220.04(b).

h. The Council President has the authority to implement other reasonable rules and procedures to effectuate the spirit and purpose of these emergency rules.

i. Any section of Chapter 220 of the Codified Ordinances of the City of Avon in conflict with this Temporary Emergency Order are hereby suspended until further notice.

Section 2 - That 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 deliberations of this Council and of any of its committees that resulted in such

formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend Sections 836.04(a) and 836.04(b) of the Avon Codified Ordinances to increase protections to the citizens of Avon by proscribing certain activities of peddlers, solicitors, and canvassers; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____

In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director

SECTION 12.

(A) As used in this section: "Hearing" means an administrative hearing, hearing as defined in section 119.01 of the Revised Code, or other hearing at which a person may present written or oral testimony on a matter before the public body. "Public body" and "meeting" have the meanings defined in section 121.22 of the Revised Code.

(B) During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date, members of a public body may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology and all of the following apply:

(1) Any resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open meeting or hearing of the public body.

(2) Notwithstanding division (C) of section 121.22 of the Revised Code, members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other Am. Sub. H. B. No. 197 133rd G.A. 329 similar electronic technology, shall be considered present as if in person at the meeting or hearing, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the meeting or hearing.

(3) Public bodies shall provide notification of meetings and hearings held under this section to the public, to the media that have requested notification of a meeting, and to the parties required to be notified of a hearing, at least twenty-four hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the public body shall immediately notify the news media that have requested notification or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing.

(4) The public body shall provide the public access to a meeting held under this section, and to any hearing held under this section that the public would otherwise be entitled to attend, commensurate with the method in which the meeting or hearing is being conducted, including, but not limited to, examples such as live-streaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. 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 the member is participating in person or electronically.

(C) When members of a public body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the public body must establish a means, through the use of electronic equipment that is widely available to the general public, to converse with witnesses, and to receive documentary testimony and physical evidence.

(D) The authority granted in this section applies notwithstanding any conflicting provision of the Revised Code. Nothing in this section shall be construed to negate any provision of section 121.22 of the Revised Code, Chapter 119. of the Revised Code, or other section of the Revised Code that is not in conflict with this section.

(E) This section is effective during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, or until December 1, 2020, if the period of the emergency continues beyond that date.