ORDINANCE NO. 06-2020

BY:

Bullock, Kepple, Litten, Neff, O'Malley, Rader, Shachner

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Section 121.03, Council Officers, and Section 109.02 Notice to Public and Media of the Codified Ordinances of the City of Lakewood to articulate Council’s authority to cancel, postpone, or change access or assembly method of a General Meeting for emergency and non-emergency reasons.

WHEREAS, the current threat of the COVID-19 pandemic has caused the Governor of the State of Ohio to declare a state of emergency and the Cuyahoga County Executive to declare a state of emergency in the County; and

WHEREAS, the above-mentioned states of emergency compel the cancellation of public events and mass gatherings; and

WHEREAS, amending the Code will provide guidance during future emergencies and other circumstances where Council may choose not to meet; 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 holding public meetings during a pandemic may threaten public health; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 121.03, Council Officers, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

121.03 COUNCIL OFFICERS.

(a) At the first meeting in January following a regular municipal election, or as soon thereafter as may be, Council shall elect, in addition to a President, one of its members as Vice President. In the absence of the President, the Vice President shall have his powers and perform his duties. In the absence of both the President and Vice President, the member of Council present who has the longest consecutive tenure of office shall preside. The presiding officer shall have the right to participate in the proceedings and shall have the same voting rights as all other members of Council.

(b) Except as otherwise provided by Charter, regular meetings of Council shall be held on the first and third Mondays of each month at 7:30 p.m., official time, except that when such meeting date falls on a holiday such meeting shall instead be held on the following day.

is hereby repealed:
Section 2. New Section 121.03, Council Officers, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

121.03 COUNCIL OFFICERS.

(a) ...

(b) Except as otherwise provided by Charter, regular meetings of Council shall be held on the first and third Mondays of each month at 7:30 p.m., official time, except that when such meeting date falls on a holiday such meeting shall instead be held on the following day.

(c) After providing advance notice to Council on the docket, the President of Council, may propose to postpone or cancel meetings. The proposal must be approved by at least two thirds of the members of Council.

(d) The President of Council, or in the President’s absence the Vice President of Council, may postpone or cancel council meetings, limit public attendance to online streaming and allow interaction by the public, or hold the meeting virtually through remote technology in the event of a state of emergency being declared by the State of Ohio, Cuyahoga County, or the City of Lakewood or upon recommendation of community health and safety officials.

Section 3. Section 109.02, Notice to Public and Media, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

109.02 NOTICE TO PUBLIC AND MEDIA.

(a) Regular Meetings. The time and place of all regular meetings of public bodies designated in Section 109.01 shall be noted in a calendar of annual meetings. This calendar shall be posted in the office of the Clerk of Council at City Hall and those posting places established in Section 107.01 not later than the second day preceding the day of the first regular meeting of the calendar year of that public body. (Ord. 66-75. Passed 12-1-1975.)

(b) Special Meetings. Notification of any special meeting of the public bodies designated in Section 109.01 shall be given to any news media requesting such notification twenty- four hours prior to the time of such meeting. This notification shall include the time, place and purpose of the special meeting. Such notice shall also be posted in the office of the Clerk of Council at City Hall and those posting places established in Section 107.01 as soon as practicable after the scheduling of such special meeting. (Ord. 67-75. Passed 12-15-1975.)

(c) Emergency Meetings. In the event of an emergency meeting the persons calling such meeting, or any one or more of such persons, or the Clerk or Secretary on their behalf, shall immediately give notice of such emergency meeting to the news media which have requested notification of the time, place and purpose of the emergency meeting.

Is hereby repealed.
Section 4. New Section 109.02, Notice to Public and Media, is hereby enacted to read as follows:

109.02 NOTICE TO PUBLIC AND MEDIA

(a) ...

(b) ...

c) Emergency Meetings. In the event of an emergency meeting the persons calling such meeting, or any one or more of such persons, or the Clerk or Secretary on their behalf, shall immediately give notice of such emergency meeting to the news media which have requested notification of the time, place and purpose of the emergency meeting.

d) Cancellation, Postponement or Change of Access. In the event of an emergency leading to the cancellation, postponement or change of public access as set forth in 121.03(c) and 121.03(d), the persons making the change or the Clerk or Secretary on their behalf shall immediately give notice of the change to news media who have requested notification and shall submit the change for publication on the City's digital communication channels.

Section 5. 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 deliberation of the 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 6. 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 ordinance, 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 its 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: 3/16/2020

President

Approved: 3/18/2020

Clerk
Mayor