

ORDINANCE NO.: 83 -2018
INTRODUCED BY: Mayor and All of Council

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT SECTIONS IV-5 AND XV-7 TO PROVIDE THAT TECHNICAL DIFFICULTIES WHICH CAUSE AN INABILITY TO BROADCAST REGULAR COUNCIL MEETINGS TO THE PUBLIC SHALL NOT PROHIBIT THE MEETING FROM BEING HELD OR AFFECT THE VALIDITY OF ANY ACTIONS TAKEN AT THE MEETING; AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee has recommended to place the issue of amending the Charter before the electorate in order to provide that any technical difficulties which cause the inability to broadcast regular Council meetings to the public will not prohibit the meeting from being held or affect the validity of any actions taken at the meeting;

WHEREAS, pursuant to Charter, Article XIV, Council shall submit this proposed amendment to the electorate by ordinance; and

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendments to the electors at the next regular municipal election that occurs not less than 60 nor more than 120 days from the passage of such ordinance.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 6th day of November, 2018, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law and by other means as provided by the general laws of Ohio, the question of the amendment of the Charter of the City of Richmond Heights at Sections IV-5 and XV-7 (the "Amendments"), so that, as amended, they shall read as follows:

ARTICLE IV

THE COUNCIL

SECTION IV-5. MEETINGS.

The Council shall meet at such times as may be prescribed by its rules, regulations, ordinances and bylaws, but it shall hold regular meetings at least twice in each calendar month. All regular meetings shall be accessible and unedited to residents and the public through media outlets and by other electronic means, as the technology becomes available. The inability to have a regular meeting accessible and unedited to residents and the public through media outlets and by other electronic means due to technological difficulties at any particular meeting shall not require the meeting to be suspended, continues or to not go forward and there shall be no effect upon the validity of any action taken at such a meeting. ***

SECTION XV-7. BROADCASTS OF COUNCIL MEETINGS.

All regular meetings of Council shall be accessible and unedited to residents and the public unedited through media outlets and other electronic means, as the technology becomes available. The inability to have a regular meeting accessible and unedited to residents and the public through media outlets and by other electronic means due to technological difficulties at any particular meeting shall not require the meeting to be suspended, continued or to otherwise not go forward and there shall be no effect upon the validity of any action taken at such a meeting. Council is authorized to complete contracts for these services using the normal bidding and budgeting processes.

Section 2: The Board of Elections of Cuyahoga County is directed to provide for the voting upon said Amendments and it is suggested the ballot for said election be substantially in the following words:

Proposed Charter Amendment

City or Richmond Heights, Ohio

A majority affirmative vote is necessary for passage.

“Shall Section IV-5 and XV-7 of the City Charter be amended to provide that any technical difficulties which cause the inability to broadcast regular Council meetings to the public shall not prohibit the meeting from being held or affect the validity of any actions taken at the meeting ?”

	For the Amendment
	Against the Amendment

Section 3: A majority affirmative vote of those electors voting upon the ballot question set forth in Sections 1 and 2 of this Ordinance shall be sufficient for its passage.

Section 4: The Clerk of Council is directed to give notice of the above proposed Charter Amendments to the electors of the City in accordance with general law, and to deliver a certified copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, no later than the Board's close of business on September 7, 2018.

Section 5: This Council requests that the Cuyahoga County Board of Elections give notice of the election and prepare the necessary ballots and supplies for the election in accordance with law.

Section 6: The Director of Finance is authorized and directed to appropriate from the General Fund a sum sufficient to pay the cost of publishing said notice referred to in Section 4.

Section 7: It is found and determined that all formal actions of this Council concerning and relating to the adoption 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 action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City of Richmond Heights for the reason that it is necessary to timely submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the general election to be held on November 6, 2018, in compliance with the Ohio Constitution and the City Charter, and, therefore, shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: August 14, 2018



David H. Roche, Mayor

APPROVED: Aug. 14, 2018

ATTEST: Betsy Traben
Betsy Traben
Clerk of Council



Eloise Cotton-Henry
President of Council