

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0013

Sponsored by: Councilmembers Miller, Greenspan, Brady and Conwell	An Ordinance providing for adoption of an Open Meetings Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, a process that is open, transparent, and accessible to the public will facilitate the development of county government that is efficient, effective, and creative in improving social and economic conditions in Cuyahoga County; and

WHEREAS, Ohio Revised Code Section 121.22 requires public officials to take official actions and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law; and

WHEREAS, Article 12, Section 5 of the Cuyahoga County Charter states that all meetings of the County Council and any committee, board, commission, agency, or authority of the County, as well as any similar body created by the Charter or by the County Council shall be open to the public as provided by general law;

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1: Public Meetings Policy. The Public Meetings Policy of Cuyahoga County is established as follows:

PUBLIC MEETINGS POLICY OF CUYAHOGA COUNTY, OHIO

ARTICLE 1: Definition of Public Body

As used in this Ordinance, "public body" shall include only those entities of Cuyahoga County government listed in Article 12, Section 5 of the Cuyahoga County Charter.

ARTICLE 2: State Law to Control Public Meetings Policy in Cuyahoga County Government

As provided in Article 12, Section 5 of the Cuyahoga County Charter, all meetings of the Council and any committee, board, commission, agency, or authority of the County, as well as any similar body created by the Charter or by the County Council, shall be open to the public as provided by general law.

ARTICLE 3: Public Participation

Section 3.1: In addition to the requirements provided for in Article 2 of this Ordinance, any meeting of a public body, as defined in Article 1, that must be open to the public under the Open Meetings Act or other general law pursuant to Article 2 of this Ordinance shall include time at the beginning of the meeting for public comment related to the agenda for that day's meeting. Every such meeting shall also include time for public comment related to that meeting's purposes but not related to that day's agenda. Such comments may be heard either at the same time as comment related to that day's agenda or at a later time during the meeting.

Section 3.2: Procedure for Public Comment

Any public body conducting a public meeting covered under Article 1 of this Ordinance may establish rules to regulate its public comment process, including completion of a brief registration form and a reasonable time limit on presentations, provided that such rules provide fair and equal treatment for all presenters and are no more restrictive than what is required to promote the orderly conduct of official business.

Section 3.3: Decorum at Public Meetings

Any public body may adopt rules to insure decorum at its meetings, provided that such rules also protect the free and appropriate expression of ideas.

Section 3.4: Wireless Communication Devices

Any public body may prohibit the use of audible wireless communication devices at its meetings.

Section 3.5: Filming, Taping, and Recording of Meetings

Any person may film, tape, or record any public meeting in ways that do not significantly disrupt the conduct of official business. Any public body may request persons wishing to film, tape, or record any of their meetings to register with their clerk or secretary but shall also clearly state that such registration is not required.

Section 3.6: The requirements of this Ordinance do not apply to any gatherings of public officials that do not constitute a meeting under the Ohio Open Meetings Act, such as quasi-judicial hearings, staff meetings, collective bargaining negotiations, or conducting employee interviews.

ARTICLE 4: Preparation of Pamphlet Describing Public Meeting Process

Not more than 90 days after the effective date of this Ordinance, the Clerk of County Council shall post on the County Council's website a copy, or a link if possible, of the Ohio Open Meetings Act section of the most up-to-date version of the Ohio Attorney

General and Ohio Auditor's Sunshine Law Manual accompanied with the additional requirements imposed under this Ordinance. The Clerk of County Council shall also provide a printed copy of the combined summary and the Open Meetings Act section of the Sunshine Law Manual at no charge to any person upon request.

SECTION 2: It is found and determined that all formal actions of this County Council meeting relating to the adoption of this Ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: Effective Date. It is hereby found and determined necessary for this Ordinance to become immediately effective, for the reason that this Ordinance provides for the usual daily and necessary operations of Cuyahoga County government in accordance with the requirements of the Cuyahoga County Charter; therefore, this Ordinance, provided it received the affirmative vote of at least eight members of County Council, shall become effective immediately; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

On a motion by Mr. Miller, seconded by Mr. Greenspan, the foregoing Ordinance was duly enacted.

Yeas: Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers and Connally

Nays: None

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: February 22, 2011

Committee Assigned: Rules, Charter Review, Ethics & Council Operations

Second Reading: August 23, 2011

Additional Sponsorship Requested on the Floor: September 13, 2011

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