

CITY OF STRUTHERS
Resolution

NO. 20-011

**A RESOLUTION DECLARING CERTAIN EMERGENCY
PROCEDURES NECESSARY FOR THE CONTINUED
GOVERNANCE OF THE CITY OF STRUTHERS, OHIO DURING
THE CURRENT NATIONAL STATE OF EMERGENCY.**

WHEREAS, Article XVIII, Section 3, of the Constitution of the State of Ohio grants municipalities the authority to exercise all powers of local self-government and to enforce local police, sanitary, and other similar regulations that are not in conflict with the general laws;

WHEREAS, in Executive Order 2020-01D, Ohio Governor Mike DeWine declared a state of emergency for the entire the State to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19 and to assist in protecting the lives, safety, and health of the citizens of Ohio;

WHEREAS, the President of the United States has declared a national state of emergency due to the COVID-19 pandemic;

WHEREAS, this Council has substantial, legitimate interests in continuing governmental services to the fullest extent necessary throughout the current national and state emergency;

WHEREAS, holding council meetings and obtaining City Council approvals may be needed for the furtherance of governmental services and functions;

WHEREAS, the Ohio Attorney General, in Opinion No. 2009-034, indicated that, with respect to townships, the open meetings laws, including allowing public access and council members to be physically present, apply even during a state of emergency;

WHEREAS, in a letter dated March 13, 2020, the Ohio Attorney General informally indicated:

The Ohio Attorney General’s Office has received numerous questions regarding the applicability of Ohio’s Open Meetings Act (OMA) during this time of a COVID-19 declared emergency. Under this very limited fact pattern, there may be a basis for local public bodies to use electronic means to meet and comply with the law. You should discuss this matter with your legal counsel before making any decisions.

WHEREAS, the Director of Law has agreed that, under this very limited fact pattern, there is a basis for this Council to use electronic means to meet and comply with the OMA based on the reasoning of the Ohio Attorney General as set forth in the March 13, 2020 letter, which provides:

In this limited circumstance, where the Governor has declared a state of emergency and the Director of the Ohio Department of Health is limiting gatherings so as to prevent the spread of COVID-19, but the business of government must continue, it is reasonable to read the OMA’s “in person” requirement as permitting a member of a public body to appear at a public meeting via teleconference. This interpretation gives effect to both R.C. 121.22 and R.C. 3701.13. It is also consistent with the United States Centers for Disease Control’s recent guidance, issued in response to the national COVID-19 epidemic, to use videoconferencing for meetings when possible.

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WHEREAS, this Council believes that it is in the best interest of the residents of Struthers to make available and utilize electronic and/or telephonic means to meet and comply with the OMA and to transact necessary business of the City during the course of the state of emergency.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Struthers, Ohio that:

SECTION 1: For as long as the state of emergency within the State of Ohio exists under Executive Order 2020-01D, this Council may conduct its public meetings without the physical presence of all council members through the use of “GoToMeeting”, provided (i) proper notice is provided as required under Ohio law for a public meeting; (ii) a quorum is present, whether in person or through the use of “GoToMeeting”; (iii) in the event that a member appearing through the use of “GoToMeeting” is disconnected, Council shall cease all discussions and deliberations until the member is reconnected; (iv) the public is able to hear the discussion and deliberations of all of the members; and (v) all other requirements of the OMA will apply, including those that govern executive sessions, and the taking of meeting minutes.

SECTION 2: At the first meeting in which a quorum of council may be physically present, Council shall ratify the past action taking while using “GoToMeeting”.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed 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 § 121.22 of the Ohio Revised Code.

SECTION 3: A delay in the effective date of this Resolution will result in detriment to the health, safety and welfare of the Struthers community at large. Accordingly, this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare of the City and shall therefore be in full force and effect from and immediately upon its passage and approval by the Mayor.

PASSED IN COUNCIL THIS 17th DAY OF March, 2020.

7 Yeas 0 Nays

Megan R. Shorthouse
CLERK OF COUNCIL

Joseph N. Rudzik
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 17th DAY OF March, 2020.

Megan R. Shorthouse
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 17th DAY OF March, 2020.

Catherine Cercone Miller
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 03/26/2020-04/02/2020

Megan R. Shorthouse
CLERK OF COUNCIL