

**VILLAGE OF YELLOW SPRINGS
ORDINANCE 2021-19**

**AMENDING CHAPTER 220 OF THE YELLOW SPRINGS CODE OF ORDINANCES
TO PERMIT CONTINUATION OF REMOTE MEETING ATTENDANCE FOR
MEMBERS OF MUNICIPAL BODIES AND DECLARING AN EMERGENCY**

WHEREAS, the Village of Yellow Springs Charter Section 3 specifies it reserves all powers, expressed and implied, of local self-government and benefits of municipal home rule; and

WHEREAS, the Village of Yellow Springs has set forth rules and procedures for meetings and notices in Yellow Springs Code of Ordinances Section 220.01; and

WHEREAS, the Village no longer is under a state of emergency due to the COVID-19 pandemic, as set forth in Resolution 2020-36 addressing continuation of remote meetings regardless of any pandemic provision in R.C. 121.22 which expired July 1, 2021 under House Bill 404 as the final version of Substitute House Bill 110, the state's biennial budget bill, passed by the General Assembly June 28, 2021, did not contain the language added by the Ohio House of Representatives which would have extended the temporary authorization for all public bodies in Ohio to meet via electronic technology until December 31, 2021; and

WHEREAS, Village Council, after input from the public, staff and members of "municipal bodies" as defined in Section 220.01 of the Village Code, desires to permit continuation of remote meeting attendance using a "hybrid-in-person" model as technology permits, and to allow the public to give input remotely under its home rule powers; and

WHEREAS, the Village Council has set forth a more detailed statement of Village Values underpinning legislative action, which includes "active citizen participation and effective representative governance," achieving "diversity in hiring and employee retention," creating "a welcoming community of opportunity for all persons regardless of race, age, sexual orientation, gender identity, ethnicity, economic status, mental/physical ability or religious affiliation," while also encouraging "sound ecological practices" and intentionally promoting "anti-racism, inclusion, equity and accessibility through all policies, procedures and processes," and

WHEREAS, Village Council, acknowledging that remote meeting technology has promoted Village Values by encouraging active public engagement and also serves as a disability accommodation, while allowing more flexibility for appointed and elected officials as well as staff to attend meetings when not able to be in the Village, due to travel and other constraints, and has also helped the Village's carbon footprint by reducing vehicular traffic to the Bryan Center,

WHEREAS, such action is immediately necessary as an emergency to address the health, safety and welfare of the Village by adapting to ever-changing societal needs,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:

Section 1. The following Section of Chapter 220 of the Village Codified Ordinances shall be amended to read as set forth below, with new language **underlined and bolded** and deleted language in ~~strikethrough~~:

220.02: REMOTE MEETINGS

(A) Members of municipal bodies may hold and attend meetings, and conduct public hearings by means of teleconference, video conference, or any other reliable remote technology and shall be counted as “present in person” for purposes of R.C. 121.22(C) for quorum and voting. **The Clerk or Staff shall confer with the Chair of each municipal body in advance of the notice date for each meeting to confirm remote resources are available to conduct meetings to permit hybrid attendance with some members physically present while others attend remotely as well as public accessibility, and the Clerk shall provide notice accordingly. dDuring any local, state or federal declared emergency, particularly any which restricts the size of public gatherings, meetings may be fully remote if noticed accordingly.**

(B) Any motion, ordinance, recommendation, resolution or other formal action of the body taken or adopted by the municipal body during a remote session has the same effect as if done during a regular meeting without the use of remote technology.

(C) All notice requirements of Section 220.01 remain in effect. The Clerk shall encourage public access to the discussions and deliberations of the body to the extent that the public would have been able to attend a regular meeting or hearing without the use of remote technology, and commensurate with the method which the body is utilizing. Examples include but are not limited to live-streaming and broadcasting on the local public access channel, call-in information incident to a teleconference, and any other similar remote methods.

(D) Any use of remote meeting technology shall ensure that the public is able to hear the discussions of each member of the body and also permits the public to converse with witnesses, and to receive documentary testimony and physical evidence in the event of public hearings.

(E) By specifying such remote meeting procedures at the discretion of each municipal body, the presiding officer of each body are encouraged to start meetings on time but also exercise patience while technological challenges may arise. The presiding officer shall remind everyone that minutes will be taken, and that the meeting or hearing complies with the Ohio Sunshine laws, and review remote etiquette such as asking participants to limit background noise by muting their device until called on to speak, asking people to state their full names and affiliation to the village prior to speaking, and reviewing time limits on public comments.

(F) With the exception of emergencies, if all elected officials attend a Council meeting remotely but the meeting place cannot be opened for public hybrid access, the meeting must be cancelled. Likewise, except in emergencies, public hearings before the Planning Commission and Board of Zoning Appeals also require at least one member, preferably the Chair, to be physically present at the meeting place along with public hybrid access allowing public participation in a manner as closely consistent with applicable procedures as possible. All other municipal bodies which do not hold public hearings but provide opportunity for public comment may recommend remote attendance as a preferred option to avoid exceeding in-person capacity limits on indoor spaces set by applicable health and safety codes.

