

Proposed: 04/04/2022

ORDINANCE NO. 42-2022 (AS), *First Reading*

By Mayor Seren and Council Member Cobb

An Ordinance amending Chapter 107, “Public Meetings,” of the Codified Ordinances of Cleveland Heights by providing that the City may enter into executive session for the purposes identified in Section 107.01 or for any purpose allowed under the Ohio Revised Code.

WHEREAS, the proposed changes to Chapter 107 would align Cleveland Heights’ public meetings policies more closely with state law; and

WHEREAS, the Council has determined that proposed amendments to Chapter 107 are in the best interest of the City and its residents.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Current Section 107.01 of the Codified Ordinance of the City of Cleveland Heights shall be and is hereby amended to read as set forth in Exhibit A hereto.

SECTION 2. Current Section 107.01 of the Codified Ordinances of the City of Cleveland Heights as it existed prior to the effective date of this Ordinance shall be, and is hereby, repealed in its entirety.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Presented to Mayor:

Approved: _____

KAHLIL SEREN
Mayor

Exhibit A

107.01 PUBLIC MEETINGS; EXECUTIVE SESSIONS.

(a) All meetings of Council, Council committees, commissions, boards, citizen advisory committees of Council, and other public bodies of the City shall be open to the public unless an executive session is authorized under the applicable provisions of this chapter. Nothing herein contained shall mandate that any public body of this City permit public participation in such open meetings unless specifically required by the provisions of the City Charter or these Codified Ordinances.

(b) Unless otherwise provided in the Codified Ordinances, all meetings of Council, boards and commissions, and other public bodies of the City shall be held at the Cleveland Heights City Hall, or at other public buildings or properties within the City. Meetings held in executive session may be held at locations other than the City or school properties so long as proper notice of such meeting is given in the manner provided by Section 107.02.

(c) The Council, Council committees, commissions, boards, citizen advisory committees of Council, and other public bodies of the City may meet in executive session for all or a portion of any meeting for the consideration of any of the matters outlined immediately below:

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of any public employee or public official, the investigation of charges or complaints against a public employee, official, licensee or contractee of the City or one who seeks to be an employee, licensee or contractee of the City.

(2) To consider the terms of purchase or lease of real or personal property for public purposes, or the terms of sale or lease of City owned real or personal property.

(3) To discuss with an attorney for the public body, claims or disputes involving the public body that are the subject of pending court action, or in the judgment of such attorney, appear likely to be the subject of a future court action or claim.

(4) Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees or their representatives concerning such employees compensation or other terms and conditions of their employment.

- (5) Meetings required to be kept confidential by applicable Federal, State or local law or regulations.
- (6) Discussions of security arrangements in existence, or plans for future security arrangements, dealing with the public safety, where such discussions might reveal information that could be used for the purpose of committing crimes or avoiding detection or prosecution for violations of the law.
- (7) To consider the proposed terms of a contract between the City and a contractee or proposed contractee of the City, where the discussions of the terms or proposed terms of such contract in the judgment of an attorney for the City, might give an unfair competition advantage to such contractee, or be a detriment to the position of the City in securing contract terms.
- (8) Where Council or a board or commission of the public body, is sitting to decide an issue or matter in a quasi-judicial proceeding, but only after all of the evidence to come before such body has been heard.
- (9) Any matter for which an executive session may be held pursuant to the Ohio Revised Code.
- (d) No vote of any kind may be taken of the members of a public body during an executive session of such body.