

CITY OF FRANKLIN, OHIO
RESOLUTION 2020-23

**ORDERING TEMPORARY SUSPENSION OF CHARTER, CODIFIED ORDINANCE AND
RULES OF COUNCIL PROVISIONS INCONSISTENT WITH AMENDED SUBSTITUTE
HOUSE BILL 197 IMPLIMENTING PROCEDURE CONSISTENT WITH COVID-19 OPEN
MEETING ACT DURING DECLARED STATE OF EMERGENCY FROM MARCH 9, 2020
UNTIL DECEMBER 1, 2020 IF THE PERIOD OF EMERGENCY CONTINUES BEYOND THAT
DATE**

WHEREAS, on March 17, 2020, the Mayor and City Manager of the City of Franklin, Ohio issued an Emergency Proclamation and declared a State of Emergency in the City of Franklin, Ohio related to the COVID-19 pandemic;

WHEREAS, the Ohio General Assembly in amended Substitute House Bill 197 enacted special temporary provisions to govern Open Meetings during Ohio's declared State of Emergency to allow local government to continue to function but in a safe and timely manner which will remain in effect from March 9, 2020 but not beyond December 1, 2020, if the period of the emergency continues beyond that date;

WHEREAS, amended Substitute House Bill 197 allows public bodies to conduct virtual meetings by video or telephone and it relaxes notice provisions to allow for prompt action to provide for the health, safety and welfare of local residents;

WHEREAS, the City of Franklin, through its Rules of Council and Codified Ordinances have mandated policy relative to notice, attendance and other related protocols, some of which are not possible in light of the COVID-19 declared emergency and some of which are not temporarily required under Substitute House Bill 197;

WHEREAS, Rules of Council Section 3(c)(3) and Chapter 109.02(d) of the City Codified Ordinances, govern meeting notices and service or posting of same that are not possible under the COVID-19 conditions (special meetings and emergency meetings require notice to be served upon Councilmembers by personal delivery or delivery left at each Councilmember's usual place of residence; change in date, time or location of regular meetings shall be posted at the Franklin Municipal Building which is closed in addition to on the City of Franklin's website);

WHEREAS, Chapter 107.03(f)(3) prohibits the members of the City's public bodies from attending public meetings via teleconference and mandates members of the public body must be present in person;

WHEREAS, the City of Franklin's Rules of Council, Section 13 Record of Proceedings states, in part, that "[o]nly the Clerk or Deputy Clerk shall operate the audio recorder" at meetings of the Council (Section 13(c));

WHEREAS, the technology required to be operated in order to conduct and record Virtual Meetings in accordance with COVID-19 Open Meetings Act is controlled and operated by Chief Jonathan Westendorf or his designee should he become incapacitated.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of the members present concurring, that:

Section 1. All provisions contained in City of Franklin Charter, Codified Ordinance and Rules of Council that are inconsistent with Ohio General Assembly in amended Substitute House Bill 197 are hereby suspended from March 9, 2020 but not beyond December 1, 2020 if the period of the emergency continues beyond that date, are hereby suspended;

Section 2. Notices to be personally served on members of public bodies shall be done by email.

Section 3. Change in date, time and location of regularly scheduled meetings shall only be posted on the City's website and a notice will be provided by email to the press.


Section 4. Chapter 107.03(f)(3) prohibiting the members of the City's public bodies from attending public meetings via teleconference and mandates members of the public body must be present in person is suspended.

Section 5. The City of Franklin's Rules of Council, Section 13 Record of Proceedings stating that "[o]nly the Clerk or Deputy Clerk shall operate the audio recorder" at meetings of the Council (Section 13(c)) is suspended as Chief Westendorf or his designee in the event he becomes incapacitated shall operate the audio recording of the virtual meetings conducted by the City's public bodies.

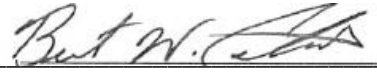
Section 6. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 7. This Resolution shall become effective immediately upon its passage and retroactively takes effect beginning on March 9, 2020 and will remain in effect until December 1, 2020 if the period of the emergency continues beyond that date.

ADOPTED: April 20, 2020

ATTEST: 

Lynnette Dinkler
Acting Clerk of Council

APPROVED: 

Brent W. Centers
Mayor