

ORDINANCE NO. 23-91

By: John T. Loehnert

An Ordinance to enact Chapter 223 of the Codified Ordinances regarding public meetings and executive sessions of Council and other public bodies and to declare an emergency.

WHEREAS, Section 22 of the City Charter as amended by the voters on November 6, 1990, authorizes Council to provide by ordinance for executive sessions; and

WHEREAS, Council has determined that the discussion of certain matters by Council, committees of Council and other public bodies requires confidentiality; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Codified Ordinances be amended by the addition of Chapter 223 as follows:

CHAPTER 223

MEETINGS OF COUNCIL AND OTHER PUBLIC BODIES

223.01. DEFINITIONS.

AS USED IN THIS CHAPTER:

(A) "PUBLIC BODY" MEANS COUNCIL, ANY COMMITTEE OF COUNCIL OR ANY BOARD OR COMMISSION OF THE CITY ESTABLISHED BY THE CHARTER OR BY COUNCIL.

(B) "MEETING" MEANS ANY PREARRANGED DISCUSSION OF THE PUBLIC BUSINESS OF THE PUBLIC BODY BY A MAJORITY OF ITS MEMBERS.

223.02. PUBLIC MEETINGS.

(A) EXCEPT AS PROVIDED IN SECTION 233.03, ALL MEETINGS OF ANY PUBLIC BODY ARE DECLARED TO BE PUBLIC MEETINGS OPEN TO THE PUBLIC AT ALL TIMES. A MEMBER OF A PUBLIC BODY MUST BE PRESENT IN PERSON AT A MEETING OPEN TO THE PUBLIC IN ORDER TO BE CONSIDERED PRESENT OR TO VOTE AT THE MEETING AND FOR PURPOSES OF DETERMINING WHETHER A QUORUM IS PRESENT AT THE MEETING.

(B) THE MINUTES OF A REGULAR OR SPECIAL MEETING OF ANY SUCH PUBLIC BODY SHALL BE PROMPTLY RECORDED AND OPEN TO PUBLIC INSPECTION. THE MINUTES NEED ONLY REFLECT THE GENERAL SUBJECT MATTER OF DISCUSSIONS IN EXECUTIVE SESSIONS AUTHORIZED UNDER SECTION 223.03.

223.03. EXECUTIVE SESSIONS.

(A) THE MEMBERS OF A PUBLIC BODY MAY HOLD AN EXECUTIVE SESSION AT ANY REGULAR OR SPECIAL MEETING ONLY FOR ONE OR MORE OF THE FOLLOWING PURPOSES:

(1) TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL, OR THE INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A PUBLIC EMPLOYEE OR OFFICIAL;

(2) TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, OR FOR THE SALE OF PROPERTY AT COMPETITIVE BIDDING, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON

WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST;

(3) TO CONFER WITH AN ATTORNEY FOR THE PUBLIC BODY CONCERNING MATTERS INVOLVING THE PUBLIC BODY WHICH ARE OR MAY BECOME THE SUBJECT OF LITIGATION;

(4) TO PREPARE FOR, CONDUCT OR REVIEW NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT;

(5) TO CONSIDER MATTERS REQUIRED TO BE KEPT CONFIDENTIAL BY FEDERAL OR STATE LAW; OR

(6) TO CONSIDER SECURITY ARRANGEMENTS WHERE DISCLOSURE OF THE MATTERS DISCUSSED MIGHT REVEAL INFORMATION THAT COULD BE USED FOR THE PURPOSE OF COMMITTING, OR AVOIDING PROSECUTION FOR, A VIOLATION OF THE LAW.

223.04 ACTIONS TO BE TAKEN IN OPEN MEETING.

AN ORDINANCE, RESOLUTION, RULE, OR FORMAL ACTION OF ANY KIND IS INVALID UNLESS ADOPTED IN AN OPEN MEETING OF THE PUBLIC BODY.

223.05 NOTIFICATION OF MEETINGS.

EVERY PUBLIC BODY SHALL ESTABLISH A METHOD WHEREBY ANY PERSON MAY OBTAIN FROM SUCH PUBLIC BODY REASONABLE ADVANCE NOTIFICATION OF THE TIME AND PLACE OF AND, IF KNOWN, THE BUSINESS TO BE CONDUCTED AT ANY REGULARLY SCHEDULED OR SPECIAL MEETING.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to provide for the proper and uninterrupted conduct of meetings of Council and other public bodies, and shall be in force immediately upon its passage and approval by the Mayor.

Passed: May 28, 1991

[Signature]
President of Council

Attest: [Signature]
Clerk of Council

Approved: May 28, 1991

[Signature]
David H. Madison, Mayor

April 23, 1991 - 1st reading
May 14, 1991 - 2nd reading
May 28, 1991 - 3rd reading
Adopted