

open meetings

g_133_0351-2

. B. No.

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert ", to establish a public body open meetings policy and policy regarding hearings for use during only the period of emergency declared by Executive Order 2020-01D, but not beyond December 1, 2020, and to declare an emergency"

After line _____, insert:

"Section 1. (A) As used in this section:

"Hearing" means an administrative hearing, hearing as defined in section 119.01 of the Revised Code, or other hearing at which a person may present written or oral testimony on a matter before the public body.

"Public body" and "meeting" have the meanings defined in section 121.22 of the Revised Code.

(B) During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date, members of a public body may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology and all of the following apply:

(1) Any resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open

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meeting or hearing of the public body. 22

(2) Notwithstanding division (C) of section 121.22 of the 23
Revised Code, members of a public body who attend meetings or 24
hearings by means of teleconference, video conference, or any 25
other similar electronic technology, shall be considered present 26
as if in person at the meeting or hearing, shall be permitted to 27
vote, and shall be counted for purposes of determining whether a 28
quorum is present at the meeting or hearing. 29

(3) Public bodies shall provide notification of meetings 30
and hearings held under this section to the public, to the media 31
that have requested notification of a meeting, and to the 32
parties required to be notified of a hearing, at least twenty- 33
four hours in advance of the meeting or hearing by reasonable 34
methods by which any person may determine the time, location, 35
and the manner by which the meeting or hearing will be 36
conducted, except in the event of an emergency requiring 37
immediate official action. In the event of an emergency, the 38
public body shall immediately notify the news media that have 39
requested notification or the parties required to be notified of 40
a hearing of the time, place, and purpose of the meeting or 41
hearing. 42

(4) The public body shall provide the public access to a 43
meeting held under this section, and to any hearing held under 44
this section that the public would otherwise be entitled to 45
attend, commensurate with the method in which the meeting or 46
hearing is being conducted, including, but not limited to, 47
examples such as live-streaming by means of the internet, local 48
radio, television, cable, or public access channels, call in 49
information for a teleconference, or by means of any other 50
similar electronic technology. The public body shall ensure that 51

the public can observe and hear the discussions and 52
deliberations of all the members of the public body, whether the 53
member is participating in person or electronically. 54

(C) When members of a public body conduct a hearing by 55
means of teleconference, video conference, or any other similar 56
electronic technology, the public body must establish a means, 57
through the use of electronic equipment that is widely available 58
to the general public, to converse with witnesses, and to 59
receive documentary testimony and physical evidence. 60

(D) The authority granted in this section applies 61
notwithstanding any conflicting provision of the Revised Code. 62
Nothing in this section shall be construed to negate any 63
provision of section 121.22 of the Revised Code, Chapter 119. of 64
the Revised Code, or other section of the Revised Code that is 65
not in conflict with this section. 66

(E) This section is effective during the period of the 67
emergency declared by Executive Order 2020-01D, issued on March 68
9, 2020, or until December 1, 2020, if the period of the 69
emergency continues beyond that date." 70

After line _____, insert: 71

"Section 2. This act is hereby declared to be an emergency 72
measure necessary for the immediate preservation of the public 73
peace, health, and safety. The reason for such necessity is to 74
minimize the impact to Ohio citizens from the COVID-19 outbreak, 75
and to establish a public body open meetings policy for use only 76
during this public health emergency. Therefore, this act shall 77
go into immediate effect." 78

The motion was _____ agreed to.

SYNOPSIS

	79
Public body open meetings and hearing policy during emergency	80 81
Sections 1 and 2	82
Establishes a public body open meetings policy and a policy regarding hearings, which utilize the use of electronic communication in lieu of in person meetings and hearings, for use only during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date.	83 84 85 86 87 88 89
Declares an emergency.	90