

ORDINANCE NO. 2013-18

**ORDINANCE AMENDING SECTION 31.33 OF THE VILLAGE CODE
PERTAINING TO PUBLIC REQUESTS TO SPEAK AT PUBLIC MEETINGS**

WHEREAS, under the Ohio Open Meetings Law and the Village Charter, all public meetings are open to the public in order to attend and observe the Village government and to ensure a fair, open, and democratic process;

WHEREAS, while the public is allowed to attend and observe public meetings, there is no law that expressly permits members of the public to participate in such meetings;

WHEREAS, the Village has historically allowed members of the public to address the Council and its Committees in order to permit and encourage public participation at such meetings;

WHEREAS, the Council has determined that an amendment of rules regarding a request by a member of the public to address Village Council or its committees would help clarify the process and encourage the public to participate in Village business;

NOW, THEREFORE, BE IT ORDAINED BY THE Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

SECTION 1: That Section 31.33 of the Municipal Code of Ordinances, which is to be added to and amends the Municipal Code of Ordinances, reads as follows:

31.33 PERMISSION TO ADDRESS COUNCIL OR COMMITTEE.

(A) The public is invited to attend and observe all public meetings of the Council and its Committees. No person other than a member of Council or its Committees may be heard at any public meeting except as provided herein.

(B) In order to address Council at a regularly scheduled public meeting, a member of the public must first make a request by notifying the Village Manager or Clerk, either orally or in writing, no later than 12:00p.m. on the day of the meeting of the person's request to address Council. For special Council meetings or Committee meetings, a member of the public must notify Village Staff of a request to address Council before the commencement of the meeting. Requests to address Council or its Committees must include the person's name, address, and a general statement of the subject matter on which the person desires to speak.

(C) At any public meeting for which a member of the public has properly requested to address Council or its Committees, such person may address the Council as to the purpose set forth in the request to speak. After acknowledgment from the Mayor or Chairperson, each person to address Council or its Committees must state his or her name and residence or business address. Members of the public are limited to a three minute

time limit to address Council or its Committees. The time limit does not apply (1) to persons invited by the Council or its Committees to address the respective governing body, or (2) to the extent said person is responding to a question posed by a Council or Committee member. The Mayor may restrict or limit the time allotted to a person whose remarks are repetitive or not germane to the matter under consideration by Council. At meetings with unusually large attendance, the Mayor or Chairperson may impose such additional rules or time limitations as are deemed appropriate from time to time based on business before the Council or its Committees and the number of persons wishing to speak.

(D) If a person makes a proper request to address Council or its Committees on a particular matter being considered by the Council or Committee at that meeting, said person shall be allowed to speak before Council or its Committees take a final vote or other dispositive action on the matter.

(E) Members of the public are not permitted to ask questions of, or debate with, Council or its Committees unless permitted to do so by the Mayor or Chairperson. All remarks shall be addressed to the Council or its Committees as a body and not to any member thereof.

(F) No member of the public, or any other person in attendance at a meeting of Council or its Committees, shall engage in any personally offensive or abusive remarks or conduct. No person shall behave in any manner that is unruly, disruptive, or may endanger the health, safety, or welfare of said person or other members of the public, or otherwise act in a manner not in compliance with these rules. Any person violating the rules herein is subject to removal from the meeting.

(G) No unauthorized recording devices, cell phones, computers, or other devices which cause a distraction or annoyance at a public meeting are permitted.

SECTION 2: If any section, paragraph, subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part hereof.

SECTION 3: That this Ordinance shall take effect and be in force at the earliest date allowed by law.

Passed this 15th day of October, 2013.

Mayor J.K. Byar

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Bardach Second: Hattenbach

Byar	Aye
Wolf	Aye
Hattenbach	Aye
Muething	Aye
Bardach	Aye
Warren	Aye
Doering	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of October, 2013 the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council