ORDINANCE NO. 19-2014

Amending Section 109.10 of the Codified Ordinances of the City of Worthington to Revise the Procedures by which to Conduct Executive Sessions.

WHEREAS, the Ohio General Assembly, from time-to-time, has amended Ohio Revised Code Section 121.22, which provides that public officials take action and conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law; and,

WHEREAS, the Ohio General Assembly passed Amended Substitute House Bill 59 in December 2013 that amended said specific exceptions to the law governing open meetings to include a provision for using executive sessions to discuss economic development assistance applications and negotiations; and,

WHEREAS, Section 2.13 of the Worthington Charter requires meetings of City Council to be open to the public, subject to the right of Council to meet, but not take action, in an executive session under such circumstances as are prescribed by ordinance; and,

WHEREAS, Section 109.10 of the Codified Ordinances of the City of Worthington, was last amended by City Council under Ordinance No. 35-88, passed in May 1988; and,

WHEREAS, the addition of an exception to meet in executive session for the purpose of discussing information related to economic development assistance would benefit the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 109.10 of the Codified Ordinances of the City of Worthington, Ohio be and the same is hereby amended to read as follows:

109.10 EXECUTIVE SESSION.

Members of the municipal body may hold an executive session only after a majority of a quorum of the municipal body determines, by a roll call vote, to hold such a session and only at a regular or special meeting for the sole purpose of the consideration of the following matters:

(a) 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, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as

otherwise provided by law, the municipal body shall not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's duties or for the elected official's removal from office.

(b) 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. No member of a public body shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or the buyer of the public property has received covert information from a member of the municipal body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

(c) Conferences with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action.

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

(e) Matters required to be kept confidential by Federal law or regulations or State statutes.

(f) Details relative to the security arrangements and emergency response protocols for the City, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the City or of any City office.

(g) To consider negotiations for economic development assistance, which may include information such as marketing plans, specific business strategies, production techniques, trade secrets, or personal financial statements, or related to negotiations with other political subdivisions as to requests for economic development assistance. The information considered in executive session must be directly related to economic development assistance which may be provided by the City, or involving public infrastructure improvements or the extension of utility services directly related to an economic development project.

If a municipal body holds an executive session pursuant to subsection (a) hereof, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in subsection (a) hereof are the purposes for which the executive session is be held, but need not include the name of any person to be considered at the executive session.

If a municipal body holds an executive session to consider any of the matters listed in subsections (b) to (g) hereof, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those subsections are to be considered at the executive session.

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SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Adopted _____

_____
President of Council

Attest:

_____
Clerk of Council