MEMORANDUM

TO: Matt Greeson, City Manager

FROM: Pam Fox, Law Director
Robyn Stewart, Assistant City Manager

DATE: May 1, 2014

SUBJECT: Allowing for Executive Session discussions related to economic development assistance

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This is intended to provide you with information and our recommendation to amend the City's Codified Ordinances setting forth the circumstances under which City Council may hold discussion in non-public executive session.

Recommended Action:

Amend the City's Codified Ordinances, setting forth the topics for executive session, to include information discussed for economic development purposes.

City's Executive Session Provisions:

The City's Charter sets forth the requirement that Council conduct its business at open, public meetings, with limited exceptions for non-public discussions of sensitive matters. Specifically, Section 2.13 of the Charter states that "[r]egular and special meetings of Council shall be open to the public, subject to the right of Council to meet, but not take action, in a *non-public executive session* held during a regular or special meeting and *under such circumstances as are prescribed by ordinance*" [emphasis added].

The circumstances under which Council may have non-public discussions – in executive session – are set forth in the City's Codified Ordinances at Section 109.10. The language in this section largely follows the grounds for executive session stated in Ohio law for non-charter political subdivisions; the City of Worthington last updated this list of circumstances in 1988, under Ordinance 35-88.

Given the length of time that has passed, and in light of recent legislative changes made by the Ohio General Assembly, it may be appropriate to amend the circumstances under which executive session may occur. In particular, the City would benefit from allowing its Council to discuss matters related to economic development assistance in non-public executive sessions. As is often the case, when the City has been approached for assistance in economic development projects, or when City staff is considering such assistance proactively, it is helpful to discuss levels and types of assistance that may be appropriate for a given project. The private entity or entities involved in the economic development project often want to keep their intentions confidential in the early stages. Typically, the entity doesn't want to share preliminary ideas regarding relocation, expansion, or contraction with competitors, employees or others when they are still in the exploratory phase. Sometimes, information like personal financial statements is shared by applicants seeking assistance. In such cases, it is wise to conduct discussions with Council and staff in non-public executive sessions prior to taking action in a public setting.

Under the Home Rule provision in the Ohio Constitution (Article XVIII, Section 3), cities have their own authority to exercise powers of local self-government. In the case of Worthington, the Charter states that executive session topics may be provided by ordinance. The proposed ordinance adds negotiations for economic development assistance to the list of eligible topics to be discussed in executive session. As with all executive sessions, Council action related to the executive session discussion must be taken in open meeting.