

PETITION FOR SUBMISSION OF PROPOSED AMENDMENT TO CHARTER

Constitution of Ohio Art. XVIII, Section 9 and 14; Revised Code 731.28 - .41,3503.06

To be signed by ten percent of the electors, based upon the total vote cast at the last preceding general municipal election.

Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter, is liable to prosecution.

To the Council, the legislative authority of the _____ CITY _____, of _____ MADEIRA _____ Ohio:

We, the undersigned, qualified electors of the _____ CITY _____, of _____ MADEIRA _____ Ohio respectfully petition the legislative authority to forthwith provide by Ordinance, for the submission to the electors of said city or village, the following proposed amendment to the Charter of said City or village to-wit:

The CHARTER OF THE CITY OF MADEIRA, OHIO, is hereby amended so as to add the following new Section 3a of Article III:

Section 3a. To provide and promote the transparency and openness to the general public of all proceedings of the City government, whether Council or any committees thereof, Planning Commission or any committees thereof, and Board of Zoning Appeals or any committees thereof (all referred to hereinafter collectively and individually as "Body Politic of the City") the following provision shall be complied with by all officials of the City:

- (A) As used in this section, "Meeting" shall mean any assemblage, congregation or other gathering, formal or informal, of a majority of any Body Politic of the City for the consideration or discussion the public business of the City or any public office of the City, including, without limitation, receiving or making reports, presentations, advice, recommendations or comments concerning the business of the City or any public office of the City.
- (B) All Meetings of a Body Politic of the City shall be open to the public, except that executive sessions during the course of any such Meeting may be held only in conformity with division (F) herein.
- (C) A member of the Body Politic of the City shall be present, in person, during the entire Meeting, to be considered present or to be permitted to vote at the Meeting and for purposes of determining whether a quorum is present at the Meeting.
- (D) The minutes of all Meetings of a Body Politic of the City shall be promptly prepared, filed, and maintained and shall be open to public inspection by the Clerk of Council. In addition to any requirements imposed by state law, court decision or by division (F) of this section, the following requirements shall govern said minutes:
 - (1) The Body Politic of the City shall maintain a full and accurate record of their Meetings through minutes.
 - (2) All minutes of any Meeting of a Body Politic of the City must contain sufficient facts and information to permit the public to understand and appreciate all matters or issues considered or discussed during the course of any Meeting, including the substance of any matter or issue raised or addressed by any member of the public during the course of a Meeting.
 - (3) All Meetings of a Body Politic of the City shall be digitally recorded and shall be maintained as a public record for a period of at least five years from the Meeting date.
 - (4) The minutes need only reflect the general subject matter of all matters considered or discussed in executive sessions authorized under division (F), but shall specifically include (i) the time that the Body Politic of the City convened and adjourned from the executive session; and (ii) the identity of all individuals who were in attendance during any executive session and what portion of the executive session each such individual was present therein.

- (E) The Body Politic of the City shall establish a reasonable method whereby any person may determine the time and place of all Meetings thereof. The Body Politic of the City shall not hold a special Meeting unless it gives at least twenty-four hours' advance notice to all individuals that have requested notification, except in the event of an emergency requiring immediate official action.
- (F) The Body Politic of the City may hold an executive session only after a majority of a quorum of the Body Politic of the City determines, by a roll call vote, to hold an executive session and only at a regular or special Meeting for the sole purpose of the consideration of any of the following matters:
- (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, unless the public employee requests a public hearing. Except as otherwise provided by general law, the Body Politic of the City shall not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office.

If the Body Politic of the City holds an executive session pursuant to divisions (F)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (F)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the Meeting.

- (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. No member of a Body Politic of the City shall use division (F)(2) of this section 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 buyer of the public property has received covert information from a member of the Council or a committee thereof that has not been disclosed to the general public in sufficient time for other prospective buyers and seller to prepare and submit offers. If the minutes of the Body Politic of the City show that all Meetings and deliberations of have been conducted in compliance with this section, any instrument executed by or on behalf of the City purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

If the Body Politic of the City holds an executive session pursuant to division (F)(2) of this section, the motion and vote to hold that executive session shall specifically state whether the executive session concerns the purchase of property for the public purposes or whether the executive sessions concerns the sale of property at competitive bidding.

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

If the Body Politic of the City holds an executive session pursuant to division (F)(3) of this section, the motion and vote to hold that executive session shall specifically identify the individual who, during the executive session, is serving as the said attorney. Such attorney must have previously been engaged and authorized to serve as the attorney by City Council. No member of the Body Politic of the City may serve as the attorney thereof whether during an executive session of for one year prior or after service thereon pursuant to division (F)(3) of this section.

If the Body Politic of the City holds an executive session pursuant to division (F)(3) of this section, the motion and vote to hold that executive session shall specifically state whether the executive session concerns pending court action or whether the executive session concerns imminent court action. If the executive session concerns pending court action, then the motion and vote to hold that executive session shall specifically identify the pending court action that is the subject of the executive session. If the executive session concerns imminent court action, then the motion and vote to hold that executive session shall specifically identify or describe the imminent court action that is the subject of the executive session if disclosure of the imminent court action would not, in the opinion of the Body Politic of the City, create or cause a material disadvantage to the City relative to that imminent court action. If the executive session concerns imminent court action and the motion and vote to hold that executive session does not specifically identify or describe the imminent court action that is the subject of the executive session, then the Body Politic of the City shall, no later than six months after holding such executive

session, publicly disclose at a Meeting thereof the specific imminent court action that was the subject of the earlier executive session.

- (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- (5) Matters required to be kept confidential by federal law or regulations or state statutes;

If the Body Politic of the City holds an executive session pursuant to division (F)(5) of this section, the motion and vote to hold that executive session shall specifically identify the federal law or regulation or state statute which mandates that the matter being considered or discussed in the executive session is to be kept confidential.

- (6) Details relative to the security arrangements and emergency response protocols for the Body Politic of the City or the City, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the Body Politic of the City, the City or any employee or official thereof.

(G) A resolution, rule, or formal action of any kind is invalid unless adopted in an open Meeting of the Body Politic of the City. A resolution, rule, or formal action adopted in an open Meeting that results from deliberations in a Meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (F) of this section and conducted at an executive session held in compliance with this section.

(H) Any person may bring a civil action for injunction or mandamus to enforce the provision of this section. Any such action shall be brought within two years after the date of the alleged violation or threatened violation. Any person bringing such an action shall be entitled to all remedies and relief provided for under Section 121.22 of the Ohio Revised Code that are not inconsistent with the provision herein.

hereby designate the following persons as a committee to represent the petitioners in all matters relating to this petition
ation:

| NAME | RESIDENCE |
|----------------------------|--|
| Douglas Oppenheimer | 7431 Mar Del Drive, Madeira, Ohio 45243 |
| rothy "Dottie" Borcharding | 7826 Buckeye Crescent, Madeira, Ohio 45243 |
| hleen Tartaron | 7815 Greenbriar Ln. Madeira OH 45243 |
| bert M. Bartlett | 7816 Buckeye Crescent, Madeira, Ohio 45243 |

Signatures on this petition must be from only one county and must be written in ink.

| SIGNATURE | VOTING RESIDENCE ADDRESS STREET AND NUMBER | CITY, VILLAGE OR TOWNSHIP | COUNTY | DATE OF SIGNING |
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