

**VILLAGE OF YELLOW SPRINGS
ORDINANCE 2025-08**

**REPEALING AND REPLACING CHAPTER 220 OF THE YELLOW SPRINGS CODE
OF ORDINANCES TO PERMIT REMOTE MEETING FORMAT FOR COUNCIL
MEETINGS UNDER SPECIFIC CIRCUMSTANCES**

WHEREAS, the Village of Yellow Springs Charter Section 3 specifies it reserves all powers, expressed and implied, of local self-government and benefits of municipal home rule; and

WHEREAS, the Village of Yellow Springs has set forth rules and procedures for meetings and notices in Yellow Springs Code of Ordinances Section 220.01; and

WHEREAS, Village Council, acknowledging that remote meeting technology contains inherent limitations, and should be used only when necessary to preserve the health of the community,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:

Section 1. The following Section of Chapter 220 of the Village Codified Ordinances shall be amended to read as set forth below, with new language **underlined and bolded** and deleted language in ~~strikethrough~~:

220.02: REMOTE MEETINGS

(A) Members of municipal bodies may hold and attend meetings, and conduct public hearings by means of teleconference, video conference, or any other reliable remote technology and shall be counted as “present in person” for purposes of R.C. 121.22(C) for quorum and voting. The Clerk or Staff shall confer with the Chair of each municipal body in advance of the notice date for each meeting to confirm remote resources are available to conduct meetings to permit hybrid attendance with some members physically present while others attend remotely as well as public accessibility, and the Clerk shall provide notice accordingly. During any local, state or federal declared emergency, **or upon determination of necessity by the President of Council in conjunction with Village Manager**, ~~particularly any which restricts the size of public gatherings,~~ meetings may be fully-remote if noticed accordingly.

(B) Any motion, ordinance, recommendation, resolution or other formal action of the body taken or adopted by the municipal body during a remote session has the same effect as if done during a regular meeting without the use of remote technology.

(C) All notice requirements of Section 220.01 remain in effect. The Clerk shall encourage public access to the discussions and deliberations of the body to the extent that the public would have been able to **attend during an regular in-person meeting**, ~~or hearing without the use of remote technology, and commensurate with the method which the body is utilizing. Examples include but are not limited to live-streaming and broadcasting on the local public access channel, call in information incident to a teleconference, and any other similar remote methods.~~

(D) Any use of remote meeting technology shall ensure that the public is able to hear the discussions of each member of the body **and be heard as would be permitted at an in-person meeting. Quasi-judicial hearings shall not be held remotely except during a local, state or federal declared emergency.** ~~and also permits the public to converse with witnesses, and to receive documentary testimony and physical evidence in the event of public hearings.~~

~~(E) By specifying such remote meeting procedures at the discretion of each municipal body, the presiding officer of each body are encouraged to start meetings on time but also exercise patience while technological challenges may arise. The presiding officer shall remind everyone that minutes will be taken, and that the meeting or hearing complies with the Ohio Sunshine laws, and review remote etiquette such as asking participants to limit background noise by muting their device until called on to speak, asking people to state their full names and affiliation to the village prior to speaking, and reviewing time limits on public comments.~~

~~(F) (E) With the exception of emergencies, if all elected officials attend a Council meeting remotely but the meeting place cannot be opened for public hybrid access, the meeting must be cancelled. Likewise, except in emergencies, public hearings before the Planning Commission and Board of Zoning Appeals also require at least one member, preferably the Chair, to be physically present at the meeting place along with public hybrid access allowing public participation in a manner as closely consistent with applicable procedures as possible. All other municipal bodies which do not hold public hearings but provide opportunity for public comment may recommend remote attendance as a preferred option to avoid exceeding in-person capacity limits on indoor spaces set by applicable health and safety codes.~~

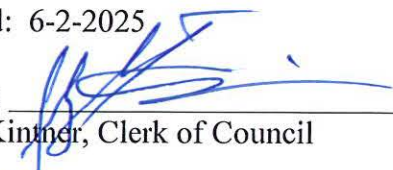
~~(G) Any technology issues which interfere with public participation in a public hearing may require the Chair of the municipal body to table discussion and deliberation until resolved upon adequate notice. Members of the public affected shall immediately notify the Clerk, Chair, or appropriate Village staff in the event of a technology issue which prevents remote participation in a public hearing. In no event will notice received after a meeting has adjourned be the basis for re-opening a public hearing. Any such notice made after conclusion of a meeting will be deemed a communication to the municipal body in the same manner as written communications.~~



Signed: Kevin Stokes, Council President

Passed: 6-2-2025

Attest:



Judy Kinney, Clerk of Council

ROLL CALL

Kevin Stokes_Y__

Brian Housh_Y__

Gavin DeVore Leonard_Y__

Carmen Brown_Y__

Trish Gustafson_ABSENT____