

OFFERED BY: MAYOR HORRIGAN AND PRESIDENT SOMMERVILLE

ORDINANCE NO. 225-2020 authorizing and directing the submission to the electors of the City of Akron of a proposal to adopt Section 141a of the Charter of the City of Akron, to be voted upon at the next general citywide election on November 3, 2020; and declaring an emergency.

WHEREAS, the 2020 City of Akron Charter Review Commission met in open meetings as required by Charter Section 142 and made recommendations for amendments to the Charter as agreed upon by a majority of Commission members, and has presented those recommendations to Akron City Council; and

WHEREAS, transparency and public accountability help build and maintain public trust in institutions, and are essential to open and effective public service; and

WHEREAS, in order to provide for transparency and public accountability, a new Charter section should be adopted directing Akron City Council to pass legislation requiring the release of body worn or dashboard camera recordings that depict use of force by police officers resulting in death or seriously bodily injury, so long as the release is permissible under state and federal law.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron, Ohio:

Section 1. That this Council hereby authorizes and directs the submission to the electors of the City of Akron at the next regular citywide election to be held at the usual places of voting in said City on November 3, 2020, between the hours of 6:30 a.m. and 7:30 p.m. Eastern Standard Time of said day, of a proposal to amend the Charter of the City of Akron.

Section 2. That the ballots for said election shall, at the top thereof, be entitled "City of Akron Proposed Charter Amendment," and the question to be separately submitted on said ballot shall be as follows:

Charter Issue No. _____ - Shall the proposed amendment to the Charter of the City of Akron adopting Sections 141a thereof be adopted so that, as amended, and supplemented, the said section shall provide as follows:

SECTION 141a. – DISCLOSURE OF USE-OF-FORCE RECORDINGS.

Council shall enact legislation requiring, with such exceptions as Council may make, prompt public disclosure, within a reasonable period of time, of recordings made by video cameras worn by police officers or mounted on dashboards of police vehicles if the following conditions are met:

1. The recording documents
 - a. the use of deadly force by a police officer against a person; or
 - b. the use of force by a police officer that causes serious bodily injury to a person; and
2. The disclosure of the recording is permissible under state and federal law.

The legislation shall provide for enforcement in accordance with the procedures set forth in the Public Records Act. Council shall enact the legislation no later than June 30, 2021.

Section 3. That it is the desire and request of this Council that the ballot for said question shall be substantially in the following form:

PROPOSED CHARTER AMENDMENT

CITY OF AKRON

A Majority Affirmative Vote Is
Necessary For Passage

Shall Section 141a of the Charter of the City of Akron be adopted to mandate legislation requiring the release of body worn or dashboard camera recordings that document uses of force by police officers resulting in death or seriously bodily injury, so long as the release is permissible under state and federal law?

YES

NO

Section 4. That the Clerk of Council is hereby directed to certify a copy of this ordinance to the Board of Elections of Summit County, Ohio forthwith upon the passage of this ordinance.

Section 5. That the Clerk of Council is hereby directed and authorized to have the full text of the above proposed Charter amendments published once a week for not less than two (2) consecutive weeks in a newspaper published and of general circulation in said City with the first publication being at least fifteen (15) days prior to the election at which said amendment is to be submitted to the electors of this City.

Section 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that its immediate effectiveness is necessary to place the amendment to the Charter on the November ballot, and provided this ordinance receives the vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, as may be required by law; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed July 27, 2020

Wanda R. Biviano, Deputy
Clerk of Council

Cheryl Somers
President of Council

Approved: 7/30, 2020

Don Hy
MAYOR

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AKRON CITY COUNCIL