

PROPOSED: 10/16/2023

RESOLUTION NO. 166-2023(COTW),  
*First Reading*

By President Hart

A Resolution expressing the City's opposition to House Bill 245, which intentionally seeks to suppress freedom of expression among the LGBTQIA+ community and performance artists; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, House Bill 245 ("HB 245") as recently introduced in the Ohio General Assembly and co-sponsored by a majority of House Republicans; and

WHEREAS, HB 245 seeks to provoke unnecessary fear and suspicion regarding LGBTQIA+ performance artists, inappropriately suggesting that their performances are characterized by nudity and obscenity, a claim for which there is no evidence; and

WHEREAS, by proposing HB 245, lawmakers are shamelessly and intentionally misleading the public to believe that LGBTQIA+ performance artists are performing in a nude and/or obscene manner before audiences of juveniles in our communities, potentially inciting backlash, and recrimination toward the LGBTQIA+ community; and

WHEREAS, the overly broad nature of HB 245 violates First Amendment freedoms of speech and expression, a view supported by a federal judge who recently struck down a Tennessee law on those grounds; and

WHEREAS, interpreted in the strictest sense, HB 245 criminalizes the very existence of transgender individuals and performance artists who present a perceived gender identity in public that differs from the gender identity assigned to them at birth, rolling back several decades of progress for the LGBTQIA+ community; and

WHEREAS, as the City of Cleveland Heights welcomes all, this Bill violates our core values.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio that:

SECTION 1. This Council and the Mayor strongly condemn HB 245 and similar legislative attacks on the LGBTQIA+ community and freedom of expression by the Ohio General Assembly, and strongly encourage members of the public to contact their representatives in the Ohio General Assembly to express opposition to HB 245.

SECTION 2. The Clerk of Council is hereby directed to forward a copy of this Resolution to State Representative Juanita O. Brent, Governor Mike DeWine, the

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Speaker of the Ohio House, Minority Leader of the Ohio House, and the sponsors of HB 245.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such an emergency being the need to express timely opposition of HB 245. Wherefore, provided it receives the affirmative vote of five or more members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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MELODY JOY HART  
President of Council

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ADDIE BALESTER  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_ Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor