

Proposed: 5/6/2019

RESOLUTION NO. 30-2019 (RCER), *Second Reading*

By Council Member Seren

A Resolution in support of the right to bodily autonomy and the right to an abortion; ~~and~~ instructing the Law Department to act in support of those rights; and declaring an emergency.

WHEREAS, the Ohio Legislature passed, and the Ohio Governor signed, Senate Bill 23, effectively banning abortion in Ohio; and

WHEREAS, Senate Bill 23 would prevent patients from seeking an abortion once a fetal heartbeat can be detected, which may be as soon as five weeks after conception, and threatens doctors with prison time and fines for performing abortions in their capacity as medical professionals; and

WHEREAS, as one of the most extreme abortion bans in the country, Senate Bill 23 negatively impacts efforts by the City of Cleveland Heights and other regional entities to attract businesses, young professionals, and entrepreneurs who help drive local economic activity and growth; and

WHEREAS, Senate Bill 23 will have profound negative impacts on the health of Cleveland Heights residents who are able to become pregnant by effectively eliminating access to all legal abortion services; and

WHEREAS, rather than implementing regressive and extreme policies like Senate Bill 23, policy makers should instead focus on supportive services to reduce unintended pregnancies and promote the success of all families by investing in comprehensive sex education, access to contraceptives, and quality affordable childcare; and

WHEREAS, ~~the Cleveland Heights City~~this Council recognizes that Senate Bill 23 likely violates the rights of Ohio residents and will likely be challenged in court.

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

SECTION 1. This Council unequivocally condemns any attempt by a state, federal, or local government to restrict, prohibit, or otherwise impede access to abortion care. ~~We~~This Council recognizes that access to abortion care is vital to the health of our communities and remain committed to ensuring the residents of our city have access to affordable, compassionate abortion care they can trust, regardless of age, race, gender identity or expression, or income. ~~We also~~This Council remains committed to eliminating abortion stigma, so that everyone in our ~~e~~City who has had an abortion, might have an abortion, or provides abortion care will feel supported, welcome, and safe.

SECTION 2. The City Manager and the Law Department is hereby instructed to prepare and file an amicus curiae brief with State or Federal Courts alongside any challenge to the constitutionality of Ohio Senate Bill 23.

RESOLUTION NO. 30-2019 (AS)

[Law Dept. suggested alternative Section 2] SECTION 2. The City Manager and the Law Department or outside legal counsel designated for this purpose are hereby authorized to support this Resolution with legally supportable argument through participation in State or Federal Court proceedings including but not limited to the preparation of or joinder with an amicus curiae brief.

SECTION 3. The Clerk of Council is hereby instructed to deliver copies of this Resolution, upon passage, to the Speaker of the Ohio House of Representatives and the President of the Ohio Senate.

SECTION 4. Notice of the passage of this Ordinance 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 5. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely voice objection to Senate Bill 23. Wherefore, provided it receives the affirmative vote of five (5) or more of the 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.

CAROL ANN ROE, Mayor
President of the Council

SUSANNA NIERMANN O'NEIL
Acting Clerk of Council

PASSED: