

To:  
All of Council  
Law Director: Kim Rohr  
Mayor: Sam Keller  
SSD: Tom Braun

11/29/23

A meeting of LRO was held Tues. Nov. 21, at 9:48 PM in City Hall, Council Meeting Room, immediately following the Finance Committee Meeting.

**TOPIC:**

Councilman Smyth request for legislation, restricting what Flags may be flown on City of Cheviot Flag Poles.

**IN ATTENDANCE:**

Committee Members: Brian Smyth, John Hardig, and Chair: Kitty Zech.

Councilwoman Jones was excused and not in attendance.

Council Members: Stefanie Hawk, Amy Richter, Dave Voss, and Pres. of Council, Kerry Smyth

Citing concerns re: 1<sup>st</sup> Amendments Rights, Constitutionality and Federal Law, drain of City Resources and Taxpayer Dollars, the Chair, shared research furnished by Cheviot Law Director, Kim Rohr, American Legal Publishing, our City Codifier, and other reliable, informed Legal Sources. Neither the Chair, nor American Legal were successful in locating any similar Legislation in our local system. (Tri-State Area)

American Legal also furnished three samples of similar legislation found in other States they service. All were challenged in Court. Two of the three went all the way to the Supreme Court with disappointing outcomes. American Legal also provided a Legal Alerts Publication that referred to this type of Legislation as "Land Mine Legislation".

The Chair questioned the need for legislation for a problem we don't have, with a solution that could and historically has created legal and financial problems in Cities that have instituted them?

Councilman Smyth shared that he did have sample legislation from a city in Michigan that went to Court and was ultimately successful. (No info as to level of court it reached or other details). He stated he would provide the Chair and the Law Director with a copy.

There was much discussion.

Despite the controversiality, vulnerability to challenges and other risks and expenses associated with legislation of this type, the consensus of the Committee Members present - by a 2 to 1 margin- recommend that we move forward and ask the Law Director to draft legislation to give Council the opportunity to vote on it.

Meeting adjourned: 10:10 PM

Respectfully submitted:

Chair: Kitty Zech: Chair  
Brian Smyth  
John Harding  
Lindsey Jones

