

RULES OF THE COUNCIL OF THE VILLAGE OF FAIRFAX

Pursuant to R.C. 731.45, the Council of the Village of Fairfax, Ohio ("Council") hereby adopts the following Rules:

1. MEETINGS – REGULAR AND SPECIAL

Council shall hold regular meetings on the third Monday of every month beginning at 7:00 p.m., except that any regular meeting that would take place on a federal holiday such as Martin Luther King Day or Presidents' Day shall take place on the following Tuesday at 7:00 p.m.

Council may hold special meetings by providing notice as specified in R.C. 731.46. Public notice of any special meeting shall be provided as required by law, but the Fiscal Officer shall make a reasonable effort to post public notice of the special meeting in an area of the Municipal Building accessible to the public during normal business hours and on Village posting boards as soon as practicable.

1(A) DIGITAL COMMUNICATION

R.C. 121.22 requires Council and its committees to conduct business in meetings that are open to the public. A meeting is any prearranged gathering of Council or a committee of Council by a majority of its members to discuss public business. Council does not intend to hold public meetings via digital communication, whether by email, text messages, social media, or otherwise.

Council will follow Ohio law with respect to the use of digital communication. Although the law is not always clear or settled as to how digital communication may be used, Council will adhere to the following guidelines in an abundance of caution to ensure compliance with the law:

- (i) Digital communications that do not constitute public meetings might still constitute public records. Generally, a public record is a record (in any form, including digital) used to document the organization, functions, policies, decisions, procedures, operations, or other activities of an office. Any digital communication constituting a public record under R.C. Chapter 149 shall be preserved and produced as required by law and according to the Village's public records policy.
- (ii) Neither members of Council nor Village officials and employees may use digital communication that includes a majority of the applicable body (Council or one of its committees) to discuss that body's public business. Even where communication includes less than a majority of the applicable body, digital communication is not

the preferred method for discussing public business, and should be used sparingly.

- (iii) Members of Council or Village officials and employees may use email for the administrative convenience of transmitting agendas, Council packets, notices, or similar materials to a majority of Council or a committee. Such persons may also use email or text messages for the purpose of communicating non-substantive messages such as scheduling or RSVPs. No such communication shall contain deliberations, votes, or decisions on public business. For document preservation purposes, texting is not the preferred method for communicating, and should be used sparingly.
- (iv) Members of Council will not discuss public business on social media such as Facebook, Twitter, Instagram, or Snapchat unless part of a planned communication cleared in advance with the Solicitor for compliance with law.

2. PRESIDING OFFICER

The Mayor shall be the presiding officer of Council. Pursuant to R.C. 733.24, the Mayor shall be the President of Council, preside over Council meetings, and not cast a vote except in case of a tie vote of Council.

Council shall elect a Vice Mayor by majority vote at its first regular meeting of each calendar year. The Vice Mayor shall be a member of Council. The Vice Mayor shall be the presiding officer of Council in the Mayor's absence.

3. AGENDA ITEMS

Except as discussed below, all proposed agenda items shall be submitted to the Fiscal Officer or his/her designee for placement on the Council agenda within a reasonable time prior to the meeting at which the item will be considered, preferably no later than seventy two (72) hours prior to the meeting.

All proposed ordinances or resolutions should, if practicable, be submitted to the Fiscal Officer or his/her designee in time for consideration at the meeting of the Executive Committee of Council ("ECC") immediately preceding the regular meeting at which the ordinance or resolution will be considered.

All agenda items for a special meeting shall be submitted to the Fiscal Officer or his/her designee as soon as possible if notice for the special meeting issues less than seventy two (72) hours prior to the meeting.

All submitting parties should attempt to meet these guidelines. Council may, but need not, reject consideration of any agenda item that is not submitted in a timely

manner. Emergencies or other exigent circumstances, and other practical realities of preparing agenda items, will sometimes prevent timely submission.

The Fiscal Officer shall forward all ordinances or resolutions to Council, the Mayor, and the Village Administrator in time for consideration at the applicable ECC meeting. In the case of a special meeting, the Fiscal Officer shall forward all agenda items as soon as possible. The Fiscal Officer shall forward all other agenda items at least forty eight (48) hours prior to the applicable regular meeting.

4. MINUTES OF COUNCIL MEETINGS

Pursuant to R.C. 121.22(C), the Fiscal Officer shall promptly prepare, file, maintain, and make open to public inspection all Council meeting minutes. The Fiscal Officer shall attempt to do so within ten (10) days of the meeting unless a shorter period is required by law.

5. SPEAKING AT MEETINGS

Council intends regular and special meetings to provide Council members with an orderly and fair opportunity to discuss and conduct Village business. Council further intends its meetings to provide the public with an opportunity to observe and, where appropriate, participate in such discussions. Accordingly, Council does not intend to be overly restrictive as to the conduct of its meetings, but does wish to make sure that the meetings are conducted with appropriate order, efficiency, decorum, and fairness. Consistent with this intent, the Mayor, as presiding officer, shall ensure that all Council members and, as appropriate, Village residents, have a reasonable opportunity to be heard as to any agenda item while maintaining good order and efficiency.

a. Council Members

All Council members may speak at any Council meeting as to any agenda item, regardless of their position on the matter. Before Council takes a vote on any matter, all Council members may speak in support or opposition, or may otherwise ask questions or provide comments. All such discussion shall be delivered in a reasonable time and restricted to the specific matter properly before Council for discussion.

b. Village Residents

Prior to the start of a Council meeting, any Village resident may notify the Fiscal Officer that he or she wishes to address Council about an ordinance or resolution on the agenda. After the Fiscal Officer reads an ordinance or resolution, and before Council takes any vote to adopt the ordinance or resolution, the requesting resident may address Council for a reasonable time solely about the ordinance or resolution at issue.

Additionally, Council will usually allot a total of five minutes at the end of its regular meetings during which any Village resident may address Council on any matter of public importance to the Village. Pre-registration is not required to speak during this time period. Council may, at its discretion, allow more or less than five minutes to speak, or no time at all. The Mayor may also limit the amount of time any one resident speaks so other residents also have an opportunity to speak.

Before speaking at any point during a meeting, a resident must be recognized by the Mayor and identify that resident's name and address in the Village.

All speakers must use publicly appropriate language and refrain from personal insult, offense, threat, or overly loud or disruptive behavior.

The Mayor shall determine compliance with and enforce this rule. The Mayor may, at any time, declare a speaker out of order and require the speaker to stop speaking. Additionally, the Mayor may determine that a speaker's point has been made and require the speaker to stop speaking to avoid unnecessary repetition.

6. COMMITTEES

Council shall have two standing committees, the ECC and the Finance Committee. Council shall designate a time and place to organize additional committees, in its discretion, every two (2) years following Council elections and before the first January meeting following the election.

Council may also create *ad hoc* committees at any time as needed.

The ECC shall consist of all Council members. Unless good cause exists for fewer members, all other committees shall consist of at least three (3) Council members. The Mayor and Village Administrator shall be *ex officio* members of all committees. The Fiscal Officer shall be a non-voting member of the Finance Committee.

The Mayor shall appoint the members of all committees except the ECC. The Mayor shall appoint a chair of each committee who shall organize its work and preside over its meetings.

All committee meetings are open to the public to the extent required by law. Only committee members may speak at a committee meeting unless other persons are recognized by the chair.

All committees shall record meeting minutes and make them available to the public as required by law. To expedite that process, committee chairs shall make

minutes available to the Fiscal Officer promptly after the meeting or within seven (7) days thereafter. The committee chair or her designee shall report any committee business at the next regular meeting of Council.

7. ABSENCES

If, for any reason other than serious illness or hospitalization, a Council member is absent for at least five (5) regular or special Council meetings and/or ECC meetings in a calendar year, such Council member shall forfeit his or her pay for each successive month during that year in which he or she is absent from another such meeting.

8. PUNISHMENT OR EXPULSION

R.C. 731.45 allows Council to punish or expel any member for disorderly conduct or violation of its rules. In the event that a Council member is punished or expelled by a vote of at least two-thirds of the members of Council, such Council member shall forfeit his or her pay for the month during which the punishment or expulsion is adopted.

9. EFFECT OF RULES

These Rules supersede all prior Rules adopted by Council and shall remain in full force and effect until amended or repealed. Council may amend or repeal these Rules at any time. All votes to adopt, amend, or repeal Council Rules shall be recorded in the minutes of the meeting at which the vote takes place. These Rules are effective with a simple majority vote of Council.

These Rules are administrative in nature, and adopted pursuant to law for the convenience of Council, Village administration, and the public. The failure to follow any of these Rules shall not constitute grounds to invalidate any otherwise lawful act of Council, including but not limited to any ordinance, resolution, or vote of any kind.

Adopted January 21, 2019.