

§ 32.13 RULES OF COUNCIL.

The following rules shall apply in connection with the organization and administration of the meetings of the Council of the municipality.

(A) *Rule 1.* Regular meetings of the Council shall be held in the Council chambers the evenings of the second and fourth week of each month, commencing at 6:30 p.m.

(B) *Rule 2.* Discussions at Council meetings shall be confined to members thereof except at designated public hearings, when the public shall be permitted to address Council. Any person or designated representative of a group of persons or organization shall be permitted to address Council, but first must be recognized by the Mayor or presiding officer, then rise and give full name, residence address, and the subject on which he or she proposes to direct Council's attention. Any person or designated representative of a group of persons or organization shall be limited to three minutes at the podium unless a majority of Council would otherwise agree.

(C) *Rule 3.* The Mayor shall take the Chair at the hour appointed for the Council to meet, and shall immediately call the members to order. The roll shall be called and the Village Fiscal Officer shall enter the names of the members present in the minutes at each meeting.

(D) *Rule 4.* In the absence of the Mayor, the President Pro Tem of Council shall preside and perform the duties of the Mayor.

(E) *Rule 5.* The Mayor or any three members of Council may call a special meeting of Council upon at least 12 hours' notice to each member of Council, served personally in writing or left at his usual place of residence.

(F) *Rule 6.* The Mayor shall preserve decorum and decide all questions of order, subject to an appeal to the Council. In case of an appeal being taken the question is: "Shall the decision of the Chair stand as the decision of the Council"? If any member transgresses the rules of Council, the Mayor or any member may call the member to order, in which case the member called to order shall take his or her seat, unless permitted to explain.

(G) *Rule 7.* All questions are to be stated and put by the Chair, who shall decide all votes. In doubtful cases the Chair may direct, or any member may call for, a division, which shall be taken by calling the roll and the Village Fiscal Officer recording the yeas and nays.

(H) *Rule 8.* The Mayor may, at any time, call the President Pro Tem to the Chair, in his or her absence, or any other member of Council to the Chair, such substitution not to be continued beyond adjournment.

(I) *Rule 9.* The Mayor shall have the right, at any regular or special meeting, to call a recess or recesses, any of which shall not exceed 30 minutes in length.

(J) *Rule 10.* Council shall be seated in alphabetical order, commencing at the right of the Mayor.

(K) *Rule 11.* Every member of Council, when about to speak on a question or make a motion, shall respectfully address the Mayor or presiding officer, who shall pronounce the name of the member entitled to the floor. The member shall confine himself or herself to the question under debate and avoid personalities.

(L) *Rule 12.* No member shall be allowed to speak except from his or her own desk, more than once until every member choosing to speak has spoken, nor shall the member speak more than twice on the same subject without consent of the Council.

(M) *Rule 13.* Every member present when a question is put shall vote unless the Council, for special reasons, excuses the member. Application to be so excused must be made before Council is divided or the call of the yeas and nays commenced. When the reasons for the request have been briefly stated, the question shall be immediately put by the Mayor.

(N) *Rule 14.* Any member may demand the division of an ordinance, resolution, or motion, by paragraph, when the same will admit thereof.

(O) *Rule 15.* Any member shall have the liberty to dissent from or protest against any Council ordinance or resolution, and have the reason or reasons thereof entered on the journal. Such dissent must be in writing, in respectful language, and shall be presented to Council not later than the next regular meetings following that of the passage of that ordinance or resolution.

(P) *Rule 16.* No member is to leave the Council without the consent of the majority of those present.

(Q) *Rule 17.* At the regular meetings of the Council the following shall be the order of business:

- (1) Call to order by Mayor or President Pro Tem;
- (2) Roll call by the Village Fiscal Officer;
- (3) Reading minutes of preceding meeting;
- (4) Communications:
 - (a) Private parties;
 - (b) Mayor; and
 - (c) Other officers.
- (5) Permission to address Council by citizens;
- (6) Report of standing committees:
 - (a) Rules and Laws;
 - (b) Health and Recreation;
 - (c) Finance;

- (d) Public Safety;
 - (e) Public Works and Services; and
 - (f) Planning, Zoning, and Economic Development Committee.
- (7) Presentation of notices;
 - (8) Miscellaneous resolutions (three readings);
 - (9) Resolutions directing officers of village (three readings);
 - (10) Resolution of finance or legal resolutions (three readings);
 - (11) Introduction of ordinance (three readings), second reading;
 - (12) Second reading:
 - (a) Ordinances; and
 - (b) Resolutions.
 - (13) Third reading:
 - (a) Ordinances;
 - (b) Resolutions; and
 - (c) Indefinite postponement.
 - (14) Adjournment.

(R) *Rule 18.* When the petitions have been presented, the business of all meetings will commence at the point where the order of business at the preceding meeting was interrupted by the adjournment. This section not to apply to meetings called for purposes specifically named. At such meetings no other business except that specifically named in the call shall be in order.

(S) *Rule 19.* There shall be six standing committees appointed of three members each. Each member of Council shall be Chairperson of one committee and serve on two other committees. The standing committees are as following with functions:

- (1) *Rules and Laws.* General assembly, law, contracts, and claims;
- (2) *Health and Recreation.* Health, sanitation, parks, playgrounds, waste, and garbage collection;
- (3) *Finance.* Appropriation of property, sale of property, assessments for improvement, finance, ways and means;
- (4) *Public Safety.* Fire, police, and traffic;
- (5) *Public Works and Services.* Light, telephone, telegraph, gas, water, conduits, sewers, heat, streets, roads, and transportation; and

(6) *Planning, Zoning, and Economic Development.* Building code, zoning, and dedication of property.

(7) Items shall be assigned to the committees by the Mayor with the consent of Council. Items can also be moved from one committee to another by the Mayor again with the consent of Council.

(8) Any special committees or commissions created by the village shall be voted on and approved by Council. A charter shall also be created, laying out clear responsibilities, deliverables, and any desired timelines. Any committees or commissions that are temporary should be called out as such.

(T) *Rule 20.* All committees shall be appointed by the Mayor or presiding officer, unless otherwise ordered by Council.

(U) *Rule 21.* The members of a committee shall meet on the call of the Chairperson, who shall be the first named person on the committee. In case of absence of the Chairperson, the person named second on the committee shall be recognized as the Chairperson. A majority shall constitute a quorum to do business.

(V) *Rule 22.* The report of all committees (except committees of the whole), shall be in writing, agreed to in committee assembled and shall not be presented unless signed by a majority of the committee. The papers referred shall be returned with the report. Nothing in this section shall prevent the introduction of a minority report.

(W) *Rule 22A.* When any matter is referred to a committee, instructions when to report thereon may be included in the order of reference.

(1) If no instructions are included, the committee chair shall provide an estimate of the expected completion date by the following meeting. This date may be adjusted as the matter is researched.

(2) If no written report of the matter is tendered by the committee, and no further time is asked for and/or granted by the estimated completion date, the matter will be added to the agenda to be discussed at the next meeting.

(3) The Council may, by a majority vote of its members, summarily recall any matter and all documents pertaining thereto from any committee to which it theretofore has been referred.

(X) *Rule 23.* In forming the Committee of the Whole, the Mayor shall leave the Chair, and the President Pro Tem shall preside, and the rules of Council shall govern the committee, except that no limit shall be placed on the time or frequency of speaking so that the previous question cannot be moved and the yeas and nays cannot be demanded.

(Y) *Rule 24.* All resolutions and ordinances shall be introduced by a member of Council in writing and filed with Council and the Clerk of Council at least 24 hours prior to a regular meeting of Council, and read by the Clerk, or by a member in his place. The contents shall be briefly stated and referred to a committee, unless otherwise agreed to

by Council. Per the Ohio Auditor, resolutions are to be used for short term policies or decisions, such as contracts, major expenditures or sales, adopting policies, or for administrative purposes. Ordinances are typically used for permanent laws or regulations.

(Z) *Rule 25.* When a motion is made and seconded, before debate, it shall be stated by the Mayor or presiding officer. A motion shall be reduced to writing, if the Mayor or any member requires it. The writing of such motion can occur during the meeting or be presented at a following meeting, at the discretion of the person making the motion.

(AA) *Rule 26.*

(1) When a question is before Council, no motion shall be entertained unless:

- (a) To adjourn;
- (b) To recess;
- (c) To postpone indefinitely;
- (d) To lay on the table;
- (e) For the previous question;
- (f) To postpone to a certain time;
- (g) To refer; or
- (h) To amend.

(2) Such motions shall have precedence in the order in which they are here inserted.

(BB) *Rule 27.* A motion to adjourn shall always be in order except on immediate repetition or when a member has the floor, when the previous question has been ordered, or when the Council is engaged in voting. When any business is pending, the motion must be made in its simplest form, and is not subject to amendment or debate, but if made when no other business is pending, it can be amended the same as other questions.

(1) When the consideration of a question is interrupted by an adjournment, it is removed from before Council and must be brought forward in the usual way.

(2) A motion to recess shall stipulate the time, which is not to exceed 24 hours nor for more than one hour if meeting is to continue after recess.

(3) An indefinite postponement is equivalent to a rejection.

(4) A motion to lay on the table shall preclude all debate or amendments. If the motion prevails, consideration of the subject cannot be resumed, except as unfinished business, without consent of a majority of members present.

(5) The previous question shall be put in these words: "Shall the main question be now put"? It shall be admitted on the demand of two members and, until decided, shall preclude all further debate or amendment, but pending amendments, shall be put before the main question.

(6) All motions to postpone may be amended as to time, but preclude debate on the main question.

(7) A motion to refer shall preclude debate or amendment of the main question.

(8) A motion to refer it to a standing committee shall have preference.

(9) A motion to amend is susceptible to but one pending amendment. An amendment, once rejected, cannot be moved again in the same form.

(CC) *Rule 29.* A vote of a majority of members present shall be required to make any subject a special order.

(DD) *Rule 30.* A motion to suspend the rules shall require concurrence of three-fourths of all the members elected, and shall be decided without debate.

(EE) *Rule 31.*

(1) Any member who voted with the prevailing side of a question may move a reconsideration at any time, and a motion to reconsider once put and lost, shall not be renewed. This is a privileged motion and takes precedence over all other questions and may be considered at any time after pending business is disposed of.

(2) A majority of those present may reconsider any vote except that by which an ordinance or resolution was passed, which shall require no fewer than four votes. No resolution or ordinance shall be reconsidered after one regular meeting has intervened after its passage.

(FF) *Rule 32.* The first reading of an ordinance or resolution proposed shall be for information, the second for the purpose of amendments. If at the third reading an ordinance shall be ordered laid on the table, it shall not be taken up again except by a majority vote of all the members elected.

(GG) *Rule 33.*

(1) The following procedures shall apply to the passage of ordinances and resolutions.

(a) Each ordinance and resolution may be read by title only, provided, the legislative authority may require any reading to be in full by a majority vote of its members.

(b) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

(c) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered on the journal.

(d) An ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority, excluding blanks or abstentions.

(2) Action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

(HH) *Rule 34.*

(1) Each member of Council shall be furnished a copy of any ordinance or resolution at least 48 hours prior to any meeting which he or she is expected to vote thereon.

(2) This copy or copies shall be delivered to the residence of the Council member, by such means as may be expedient to comply with (HH)(1) above.

(II) *Rule 35.* On each ordinance containing an emergency clause, there may first be had the usual vote necessary for the passage of the particular ordinance. That vote, however, may be on the ordinance exclusive of the emergency section, and shall be announced as the vote on the ordinance. Immediately on the passage of that ordinance, a vote may be taken by separate roll call on the emergency section. The emergency section may be passed on the affirmative vote of two-thirds of all members elected to Council.

(JJ) *Rule 37. Robert's Rules of Order*, revised edition, shall be used to cover all points of parliamentary procedure not covered by the foregoing rules of procedure.

(KK) *Rule 38.*

(1) Bulletin boards shall be located at the following places: at the Concourse, Miami Bluff, and Flintpoint Way; the tennis court property; on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building, Wooster Pike, and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Roads inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets. These are declared to be the five most conspicuous places in the village for the publication of ordinances, resolutions, statements, orders, proclamations, notices, and reports.

(2) All ordinances, resolutions, statements, orders, proclamations, notices, and reports now hereafter requiring publication shall be published by posting copies thereof at the five places, unless otherwise required by law or directed by Council or as set forth in division (KK)(3) below.

(3) The Col. Donald L. Shanks Municipal Building shall create an e-mail distribution list data base comprised of residents who wish to submit their names and e-mail addresses for the purpose of receiving notifications from the Col. Donald L. Shanks

Municipal Building. For such residents and media only, all notices shall be sent via this e-mail distribution list data base

(4) (a) Any village employee who copies or disseminates this e-mail distribution list data base to any person or entity which would use it for purposes other than that intended by this ordinance, which is to notify residents and media of important information about the village, shall be subject to disciplinary action, which could include termination from employment.

(b) Any elected official who would use it for purposes other than that intended by this section, as previously described, or uses the list to contact village residents for their own personal gain, may be subject to expulsion under § [32.08](#).

(c) Further, any such violation of this section shall be deemed to be a misdemeanor of the fourth degree, punishable as set forth in the Ohio Revised Code.

(LL) *Rule 39.* The Mayor and Clerk, with consent of Council, shall contract with a depository for the village funds, the contract to run for a period not exceeding two years. The depository selected shall conform with R.C. Ch. 135. Thereafter the Village Treasurer shall deposit all the village funds in the depository so named.

(MM) *Rule 40.* In the case of a tie vote by Council, the Mayor may cast the deciding vote on any matter, including, but not limited to, ordinances, resolutions, and committee reports.

(NN) *Rule 41.* In the absence of the Mayor, when the President Pro Tem of Council or any other Council member is presiding and performing the duties of Mayor, they shall retain their Council member right to vote on all matters coming before Council during that meeting.

(1967 Code, Ch. 31) (Ord. O-6-76, passed 4-12-1976; Ord. O-15-77, passed 7-22-1977; Ord. O-19-78, passed 10-9-1978; Ord. O-43-83, passed 11-28-1983; Ord. O-24-84, passed 11-12-1984; Ord. O-12-89, passed 5-22-1989; Ord. O-5-96, passed 5-13-1996; Ord. O-35-98, passed 12-28-1998; Ord. O-3-07, passed 2-26-2007; Ord. O-28-10, passed 12-13-2010; Ord. O-9-14, passed 3-24-2014; Ord. O-10-14, passed 3-24-2010; Ord. O-15-15, passed 5-26-2015; Ord. O-9-17, passed 4-24-2017; Ord. O-15-19, passed 5-13-2019; Ord. O-18-20, passed 7-13-2020; Ord. O-23-20, passed 11-23-2020; Ord. O-24-20, passed 11-23-2020; Ord. O-27-20, passed 11-23-2020; Ord. O-10-21, passed 2-8-2021)