

# Rules of Council

**WHEREAS**, the Village of Bradner in Wood County, Ohio (“Village”) is duly incorporated under the Ohio Revised Code as a incorporated village, and

**WHEREAS**, the Village is governed by the legislative authority entitled Village Council of Bradner, Ohio (“Council”) as a representative body to conduct the business of the Village, and

**WHEREAS**, the Ohio Revised Code requires the Council’s approval of clearly defined rules of conduct at the beginning of each organizational year for the orderly conduct of its public business meetings, and

**WHEREAS**, by direction of the Ohio Revised Code, the Council adopts corporate and standing committees for the purpose of detailed deliberation and public participation in the legislative process, and

**WHEREAS**, the Council recognizes that its rules may supplement but not be in conflict with the Ohio Revised Code as appropriate.

**NOW**, the duly elected/appointed members of Council do hereby adopt the hereinafter defined Rules of Council for the year beginning as of January 1, 2018 to be in force hereafter for the conduct of all of its public meetings. These rules shall wholly replace any and all previous Rules of Council.

## **Rule 1 - Legislative Authority**

The legislative power of the Village shall be vested in, and exercised by, the legislative authority “Council”, composed of six members, who shall be elected by the electors of the Village at large, for terms of four years (R.C. § 731.09- effective date 1-23-1963, amended 3-22-2013)

Each member of the Village Council shall have resided in the Village one year immediately preceding the member's election, and shall be an elector of the Village. No member of Council shall hold any other public office, be interested in any contract with the Village, or hold employment with the Village, except that such member may be a notary public, a member of the state militia, or a volunteer firefighter of the Village, provided that such member shall not receive any compensation for his services as a volunteer firefighter of the Village. Any member who ceases to possess any of such qualifications or who removes from the Village shall forfeit the member's office. (R.C. § 731.12- effective date 8-22-1995)

Council may provide such employees for the Village as it determines, and such employees may be removed at any regular Council meeting by a majority of the members elected to such legislative authority. (R.C. § 731.10- effective date 10-01-1953)

Whenever any person or organization contacts a member of Council with a reasonable complaint against a Village employee, said member will encourage the complainant to notify the Mayor and/or Village Administration in writing about the nature of the complaint. Notwithstanding the foregoing, complaints regarding Police personnel shall first be referred to the Chief of Police, pursuant to RC § 737.19.

## **Rule 2 -President Pro Tempore**

At the first regular meeting in January of each year, the Council shall immediately proceed to elect a President Pro Tempore from its own number, who shall serve until the first meeting in January next after his/her election. When the Mayor is absent from the Village or is unable, for

any cause, to perform his/her duties, the President Pro Tempore shall be the acting Mayor, and shall have the same powers and perform the same duties as the Mayor. (R.C. § 731.10- effective date 10-1-1953)

When the President Pro Tempore becomes the Mayor, the Council vacancy thus created shall be filled as provided in section 731.43 of the Revised Code, and the legislative authority shall elect another President Pro Tempore from its own number, who shall serve only for the period the prior President Pro Tempore of the legislative authority holds the office of mayor and have the same rights, powers, and duties as his/her predecessor. (R.C. § 731.11- effective date 10-01-1953)

Nominations from the floor do not require a second. (RRO 182).

The President Pro Tempore is usually referred to as the Vice Mayor or President Pro Tem.

### **Rule 3 - Mayor**

The Mayor of the Village shall be elected for a term of four years, commencing on the first day of January next after his/her election. The Mayor shall be an elector of the Village and shall have resided in the Village for at least one year immediately preceding his/her election. The Mayor shall be the chief conservator of the peace therein and shall have the powers and duties provided by laws. The Mayor shall be the president of the legislative authority. The Mayor shall preside at all regular and special council meetings thereof, but shall have no vote except in cases of a tie vote. (R.C. § 733.24- effective date 10-17-1985)

The Mayor shall be sworn into office by the Village Solicitor on, or prior to the beginning of his/her term.

When the Mayor is absent from the Village, or is unable for any cause to perform his/her duties, the President Pro Tempore of the legislative authority shall be acting Mayor. In the case of the death, resignation or removal of the Mayor, the President Pro Tempore shall become the Mayor and shall hold the office until his/her successor is elected and qualified. Such successor shall be elected to the office for the unexpired term, at the first regular municipal election that occurs more than forty days after the vacancy has occurred; except that when the unexpired term ends within one year immediately following the date of such election, an election to fill such unexpired term shall not be held, and the President Pro Tempore of the Council shall hold the office for such unexpired term. (R.C. § 733.25- effective date 2-17-1972)

When the President Pro Tempore becomes the Mayor, a successor shall be appointed to Council to hold office only for the period the President Pro Tempore of the legislative authority holds the office of Mayor. (R.C. § 731.43- effective date 3-17-1998)

### **Rule 4 - Presiding Officer**

The Mayor shall be the president of the legislative authority and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie. (R.C. § 733.24- effective date 10-17-1985)

When the Mayor is absent from the Village or is unable, for any cause, to perform his duties, the President Pro Tempore shall be the presiding officer. (R.C. § 733.25- effective date 2-17-1972)

The Mayor or presiding officer may, during the Council meeting, call any member of the Council to the Chair to serve as Presiding Officer, but this substitution shall not continue beyond adjournment.

In the absence of both the Mayor and President Pro Tempore, the Council shall appoint a temporary presiding officer by a majority of the members present not to continue beyond adjournment.

The Presiding Officer shall take the chair at the hour appointed for the Council meeting to start, and shall immediately call the Council members to order following the Pledge to the Flag of the United States of America. The Presiding Officer shall then determine if a quorum is present and the Fiscal Officer shall enter on the minutes the names of the members present.

#### **Rule 5 – Fiscal Officer**

The Fiscal Officer shall attend all meetings of the legislative authority of the Village, and keep a record of its proceedings and of all rules, bylaws, resolutions, and ordinances passed or adopted, which shall be subject to the inspection of all persons interested. In case of the absence of the Fiscal Officer, the Mayor shall appoint an individual to perform the Fiscal Officer's duties. (R.C. § 733.262- effective date 2-1-2002, amended 7/2/2010 and RC§733.31- effective date 12-22-1992, amended 9-16-2016)

#### **Rule 6 - Council Resignation**

Any member of Council who desires to resign their term of office shall submit their resignation in writing to the Mayor and Council and such resignation shall be granted when the same has been accepted by a vote of the majority of the members present, exclusive of the person tendering their resignation.

The effective date of the resignation is either the date the resignation is accepted by the Council or the date the member indicates in writing that their resignation is effective, whichever is later.

#### **Rule 7 - Council Vacancies**

When the office of a member of Council becomes vacant, the vacancy shall be filled by election by Council for the unexpired term. If Council fails to act within thirty days to fill such vacancy, the Mayor shall fill the vacancy by appointment. (R.C. § 731.43- effective date 3-17-1998)

The thirty day period commences either on the effective date of the member's resignation, the date of the member's expulsion, or the member's date of death.

Whenever a vacancy exists in the membership of Council, the Fiscal Officer shall notify the local newspaper within five (5) days that such vacancy exists and that the Mayor and Council will accept applications from qualified citizens who desire to fill the vacancy. Such notification shall also be posted on all public bulletin boards in the Village.

#### **Rule 8 - Standing and Special Committees**

There shall be standing committees appointed, each comprised of three members of Council. All standing and special committee chairpersons and members shall be appointed by the Mayor, with the approval of the majority of Council, no later than the first regular meeting of Council after its organization. Whenever possible, the Mayor shall ensure that the previous committee chairperson remains on the committee for at least one year after being replaced as chairperson.

The standing Council Committees and responsibilities are as follows:

**Finance Committee:** To which shall be referred all ordinances, resolutions, and other matters pertaining to finances, indebtedness, appropriations, payment of monies not provided by previous legislation, taxation, and all matters pertaining to the audit and

finances, standardization of salaries and wages, and the pensioning of employees. This committee will work closely with the Fiscal Officer and the Tax Commissioner.

**Public Safety:** To which shall be referred all ordinances, resolutions, and other matters pertaining to Police, Fire, emergency preparedness, shelters, traffic regulations, nuisances, inspection of buildings, and other matters pertaining to Safety.

**Public Utilities:** To which shall be referred all ordinances, resolutions, and other matters pertaining to the construction, maintenance, improvements, production, inspection, and distribution of drinking water, storm, and sanitary sewer systems; the collection, and contracts relating to refuse (including recycling, brush and leaf collection); the construction, maintenance, improvements, and inspection of streets, alleys, boulevards, and sidewalks; and matters pertaining to Electric, Gas, Cable TV, permits therefor, and the like.)

**Public Services:** To which shall be referred all ordinances, resolutions, and other matters pertaining to playgrounds, public parks, and public recreation. (Buildings, Parks, Grounds)

**Economic Development:** To which shall be referred all ordinances, resolutions, and other matters pertaining to Private Sector, Village, Township, County, State, or Federal projects, legislative proposals, cooperation, problems, or problem areas which may effect the Village; or any other projects, problems or areas of cooperation relating to economic development within the Village.

**Environmental:** To which shall be referred all ordinances, resolutions, and other matters pertaining to water quality, waste water discharge, waste management, storage facilities (to include Haz-Mat), EPA regulations, Department of Health, Local, County, State, and Federal health issues.

**Administrative Committee:** To which shall be referred all ordinances, resolutions, and other matters pertaining to employee position descriptions, policy, and manuals.

**Laws and Rules Committee:** To which shall be submitted all legislation, after having first been approved by the appropriate committee charged with devising such legislation and by the Village Solicitor, for the sole purpose of assigning appropriate numbers to such legislation. The Committee shall also be charged with reviewing the current codified ordinances and resolutions for errors and submitting revisions of the same to the Solicitor for review.

The Mayor (subject to approval by a majority of Council) may at any time remove any member or members of any committee appointed by him/her and appoint a new member or members of such committee to serve in place of such member or members so removed.

Special committees shall be formed whenever deemed appropriate by the Mayor or Council.

#### **Rule 9 - Committee Responsibilities**

The committee chairperson and members shall:

- Follow Council direction in matters referred to it.
- Normally be expected to investigate or study a given problem or need, taking no decisive action itself but to submit a report and recommendations to Council.
- Within its area of responsibility assume both short and long range study plans and needs, work to establish desirable economic, budgetary, and work standards.

- Act in an advisory capacity, reporting to Council for action. The committee shall assume no direction in conflict with the duties of the executive officers of the Village or the law.
- The members of a committee shall meet on the call of the chairperson, who shall be the first named person on the committee assignment listing appointed by the Mayor. In the case of the absence of the chairperson, the person named second on the committee listing shall be recognized as the chairperson. A committee may not do any business unless a quorum is present. A majority shall constitute a quorum to do business.
- Its members at the next committee meeting shall approve minutes of the previous committee meeting.
- A Special Committee shall be given direction by Council when appointed, and will be discharged on receipt of its report or completion of its assigned task.

### **Rule 10 - Council Meetings**

Council meetings may be held at such time and place as is prescribed by ordinance and shall, at all times, be open to the public. (R.C. § 731.46- effective date 10-17-1955)

The first meeting of Council each year shall be held on the first Thursday of January, or first Thursday that's not a holiday whichever shall come first.

Regular meetings of the Council shall be held in the Council Chambers of the Village Hall at 7:00 p.m. official time, on the first and third Thursday of each month. When any regular meeting of the Council falls on a legal holiday, the Council shall meet in regular session on a pre-determined date, place and time. The Mayor shall provide a schedule of regular meetings for the year at the first Council meeting of each year.

Special meetings may be called by the Mayor or any three members of Council providing at least twelve hours notice is given to each member, served personally or left at their usual place of residence. (R.C. § 731.46- effective date 10-17-1955)

At the first Regular Council meeting in January of each year, and at such other times as the Mayor deems expedient, the Mayor shall report to Council concerning the affairs of the Village and recommend such measures as seem proper to him. (R.C. § 733.41- effective date 10-1-1953)

Council shall adjourn its meetings no later than 11:00 p.m. official time, and in the event that business has not been completed, Council shall adjourn on a day to day basis until the same is completed.

Any member of the public desiring to be heard before Council or to introduce any business before Council, must notify the Fiscal Officer in writing by the Monday prior to the Regular or Special Council meeting, no later than Twelve o'clock noon, in order to be placed on the agenda for the meeting. The Presiding Officer may at their discretion recognize members of the public without prior notification. Discussion by any individual shall be limited to five minutes, or longer at the discretion of the Presiding Officer or Council by vote of a majority of those present.

The Fiscal Officer shall keep a record of the proceedings, and of all motions, rules, bylaws, ordinances and resolutions passed or adopted. The Fiscal Officer shall provide public documents for inspection by interested members of the public. In the case of the absence of the Fiscal Officer during a Council meeting, a member of the legislative authority shall be appointed to record minutes of the meeting.

The Fiscal Officer or Village Administrator shall be notified by committee chairpersons of matters to be presented, including ordinances and resolutions, in order that they may be listed on the meeting agendas, and placed in Council packets prior to the Council meeting. It is the intent of Council that it will consider only those items included in the agenda on the Monday prior to the Regular Council meetings, which agenda shall be available to all Council members no later than 5:00 p.m. on the Monday preceding a regular Council meeting. Items received later than the Monday deadline may be added to the agenda by verbal resolution of Council.

The Fiscal Officer or Village Administrator shall prepare an agenda for every meeting, attend to all correspondence resulting from Council meetings, and perform such other duties as may be assigned by a majority vote of Council present or as required by law.

#### **Rule 11 - Attendance at Council Meetings**

In addition to Council members and the Mayor, attendance at regular Council meetings shall ordinarily include the Village Solicitor, Village Fiscal Officer and Village Administrator. It is encouraged that any person not able to attend a Council meeting notify the Fiscal Officer or Village Administrator as soon as practicable prior to the meeting.

#### **Rule 12 - Order of Business**

The business of regular council meetings shall be transacted in the following order unless agreed to by a majority of Council members:

- Establishment that a quorum is present
- Call to Order
- Pledge of Allegiance
- Roll Call
- Appointments by the Mayor
- Approval of the minutes of prior meetings of the Council
- Approval of expenditures since the last Council meeting
- Visitor presentations/Special Reports
- Correspondence
- Old business -legislative items carried over from the prior meeting (readings, tabled items, second or third read of ordinances, etc.)
- New business - new ordinances and resolutions
- Reports from: Mayor, Village Administrator, Fiscal Officer, Standing Committees (Finance, Law & Rules, Public Safety, Public Utilities, Public Services, Economic Development, Environmental, Administrative), Special Committees (Planning, Comprehensive Plan, Zoning Board of Appeals, Tax Board of Review, Audit & Records, Tree, Veterans Memorial & Museum), Individual Council Members, Solicitor, Police Chief, Fire Chief.
- Open Forum
- Adjournment

The Presiding Officer may at any time permit a member to introduce an ordinance, motion or resolution, if otherwise proper and in compliance with these rules, out of the regular order for the same unless it is objected to by a majority of the Council members present.

When visitors are present who want to address the Council, the Fiscal Officer will circulate a register sheet to show the name, address, and reference to the subject matter to be presented, for deposit with the Presiding Officer, or the Fiscal Officer, early in the order of business.

Petitions having been presented, the business of all meetings will commence at the point where the order of business at the preceding meeting was interrupted by its prior adjournment.

This section does not apply to meetings called for purposes specially named. At those meetings, no other business except that specifically named in the call will be in order.

All questions are to be stated and put by the chair, who shall decide all votes. In doubtful cases he/she may direct, or any member may call for, a division, which shall be taken by a roll call.

The presiding officer shall avoid appearance of partisanship on any question. His/her function is solely to see that the business properly brought before Council is conducted in an orderly manner, and that the members of Council observe the Rules of Council.

### **Rule 13 - Council Quorum**

A majority of all the members elected shall be a quorum, but a less number may adjourn from day to day and compel attendance of absent members in such manner and under such penalties as are prescribed by ordinance. (R.C. § 731.44- effective date 10-1-1953)

### **Rule 14 - Majority Defined; Three-Fourths Defined**

Each 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 Council. Actions by the Council, 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. (R.C. § 731.17- effective date 11-19-1975)

Thus, by way of example, in a council of six members, a majority shall be four, two-thirds shall always be four, and three-fourths shall always be five.

### **Rule 15 - Order and Decorum at Council Meetings**

The Presiding Officer shall preserve order and decorum and confine members in debate to the question, 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 Presiding Officer shall, or any Council member may, call him or her to order, in which case the member called to order shall take their seat, unless permitted to explain.

In the case of an appeal, the member called to order and the Presiding Officer shall have the same right to make a statement. A majority vote of Council members present shall decide the appeal.

### **Rule 16 - Discipline of Council Members**

The Council may punish or expel any member for disorderly conduct or intentional violation of its rules, and declare his/her seat vacant for absence without valid excuse, where such absence has continued for two months. No expulsion shall take place without the concurrence of two thirds of the members elected and until the delinquent member has been notified of the charge against him/her and has had an opportunity to be heard. (R.C. § 731.45- effective date 10-1-1953)

### **Rule 17 - Rules of Council**

The legislative authority of the Village shall determine its own rules and keep a journal of its proceedings. (R.C. § 731.45- effective date 10-1-1953)

At the January organizational meeting of Council each year, the Council shall adopt by motion Rules of Council for the calendar year. The Rules of Council must be in compliance with applicable Ohio Revised Code, Ohio Attorney General Opinions, and Village Ordinances.

**Rule 18 - Precedence**

The order of precedence is as follows: Ohio Revised Code, Village Ordinance, Rules of Council, and Robert's Rules of Order.

**Rule 19 - Robert's Rules of Order**

When Robert's Rules of Order are mentioned in this document they refer to the current version at the time of the adoption of these rules of Webster's New World Robert's Rules of Order Simplified and Applied, by Robert McConnell Productions.

The Council may suspend Robert's Rules of Order by a three-quarters vote of the members present.

The Village Solicitor shall act as the parliamentarian and decide all issues or debates regarding the application or interpretation of the rules of order and/or parliamentary procedure.

**Rule 20 - Suspension of Rules of Council**

Council shall have the authority to suspend Rules of Council at anytime they feel it is necessary by a vote of three-fourths of the members which shall be considered without debate. Rules adopted from the Ohio Revised Code may not be suspended unless authorized to do so in the Ohio Revised Code itself.

**Rule 21 - Hearings before Council**

When the Council is about to decide on any issue, it may invite the public to appear and offer their views on the subject being discussed. They can also invite non-residents who have expertise in the subject. This is usually referred to as a hearing or town meeting.

While under the main obligation of conducting its scheduled business within normal time limits, Council customarily accommodates visitors by providing a time of five minutes to each individual to hear their concerns or requests. When electors or any other persons desire to address Council and the time required may exceed the time usually available, Council may schedule a public hearing for such by arranging for a special time and place therefore.

**Rule 22 - Referral to Committee**

Any new business brought before Council shall be referred to the proper committee, if such referral is deemed by Council to be necessary or proper. If such referral is not needed, and the matter can be disposed of quickly, then such action should be taken at once. When communications are read, they may if necessary be referred to committee immediately after being read by the Fiscal Officer. Prolonged argument, discussion and debate shall be avoided in the Council meeting. If the matter under consideration requires investigation and study or is of such a nature that long discussion may be required, the Presiding Officer may recommend that the matter be referred to committee.

If any matters referred by the Council to any committee or officer are to be reported upon at the next regularly scheduled meeting as old business, such matters shall be brought by the Fiscal Officer to the attention of the Council by inclusion in the next meeting's agenda.

Any matter referred to a committee may by a two-thirds vote of Council at any time prior to the report of such committee, be taken from the hands of such committee for consideration.

Council may accept or reject any committee recommendation, either in whole or in part.



**Rule 23 - Referral to Committee of the Whole**

There are times when a matter brought before Council will be referred to the Committee of the Whole.

The Committee of the Whole is a meeting of the entire Council as a committee, but instead of the usual presiding officer in charge, a chairperson of the Council, chosen by Council, will preside. The designated chairperson shall inform the public in advance of the time and place of the meeting. Referral to this committee may take place when a major situation or problem arises on which it is felt that every member of the Council should have an opportunity to express themselves and debate the issue; discussion in the Regular Council meeting would consume too much time and interfere with the regular order of business; and the Council wants to ensure the participation of all Council members.

The Committee of the Whole shall be governed by the rules of Council in deliberations, except that no limit is placed on time or frequency of speaking, that the previous question cannot be moved, and that the yeas and nays cannot be demanded.

The Committee of the Whole will report its recommendations or findings to Council. If the committee believes that further study or investigation is indicated, it may recommend to Council that the matter be referred to a standing or special committee. Any report of this committee shall be presented to Council, just as in the case of any other committee report.

**Rule 24 - Legislation Presented to Council**

The legislative authority may amend or change the number, shape, area, or regulations of any zoning ordinance, but no such amendment or change shall become effective unless the ordinance proposing it is first submitted to the planning commission and the commission is allowed a reasonable time, not less than thirty days, for consideration and report. (R.C. § 713.10- effective date 10-1-1953)

Before any zoning ordinance, measure, regulation, or amendments thereto, authorized by the Revised Code, may be passed, the legislative authority of the municipal corporation shall hold a public hearing thereon, and shall give at least thirty days notice of the time and place thereof in a newspaper of general circulation in the municipal corporation. If the ordinance, measure, or regulation intends to re-zone or re-district ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the clerk of the legislative authority, by first class mail, at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the legislative authority. (R.C. § 713.12- effective date 6-1-1970)

The appropriate committee, as defined in Rule 8, above, has the primary responsibility of preparing legislation for Council consideration in the manner prescribed by law. After such preparation, such committee shall refer the draft legislation to the Village Solicitor for review and approval; after such approval, they shall be referred to the Laws and Rules Committee for the purpose of having a number assigned to them.

Ordinances and resolutions may be introduced during a Council meeting by the Mayor, Members of Council, or the Village Solicitor, and shall be promptly referred to the appropriate committee for action as prescribed above. In addition, ordinances and resolutions may be presented to the Council upon written recommendation of a committee of the Council.

In the event legislation is proffered directly to Council and referred to the appropriate committee, that committee will then report on the ordinance or resolution at the next Regular Council meeting as Old Business. The committee will also furnish a copy of the ordinance or resolution to the Fiscal Officer for review and inclusion of the agenda for the next meeting.

### **Rule 25 - Passage of Ordinances and Resolutions**

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

Each ordinance or resolution shall be read at three different Regular Council Meetings, provided the Council may dispense with the rule by a vote of at least three-fourths of its members.

The vote on the passage of each ordinance or resolution shall be taken by a roll call of yeas and nays and entered upon the journal.

Each ordinance or resolution shall be passed, except as otherwise provided by laws, by a vote of at least a majority of all the members of the Council.

Actions by the Council, 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. (R.C. § 731.17- effective date 11-19-1975)

No ordinance, resolution, or bylaw shall contain more than one subject, which shall be clearly expressed in its title. No bylaw or ordinance, or section thereof, shall be revived or amended, unless the bylaw, ordinance, or section so amended shall be repealed. Each such bylaw, resolution and ordinance shall be adopted or passed by a separate vote of the legislative authority of the Village and the yeas and nays shall be entered upon the journal. (R.C. § 731.19- effective date 10-1-1953)

Ordinances, resolutions, and bylaws passed by Council shall be authenticated by the signature of the presiding officer and Fiscal Officer of the legislative authority of the Council. Ordinances of a general nature or providing for improvements shall be published as provided by sections 731.21 and 731.22, or 731.25 of the Revised Code, as applicable, before going into operation. No ordinance shall take effect until the requirements of R.C. §731.21 and §731.22 or §731.25 have been met. As soon as a bylaw, resolution or ordinance is passed and signed, it shall be recorded by the Fiscal Officer in a book furnished by the legislative authority for that purpose.

In the event publication is required pursuant to R.C. §731.25, each Village ordinance or resolution or a succinct summary of each ordinance and resolution and all statements, orders, proclamations, notices, and reports required by law or ordinance to be published shall be accomplished in either of the following methods: (RC § 731.25- effective date 5-22-1986, amended 9-29-2011)

- By posting on the designated bulletin boards identified in Section 37 for not less than fifteen days prior to the effective date thereof
- By publication in any newspaper printed in this state and of general circulation in such municipal corporation

Where such publication is by posting, the Fiscal Officer shall make a certificate as to posting, and as to the times when and the places where such posting is done, in the manner provided in section 731.24 of the Revised Code, and such certificate shall be prima-facie evidence that the copies were posted as required. (R.C. §731.25- effective date 5-22-1986, amended 9-29-2011)

In the event publication is required pursuant to R.C. §731.21 and §731.22, immediately after the expiration of the period of publication for ordinances or summaries of ordinances required by R.C. § 731.22 of the Ohio Revised Code, the Fiscal Officer of the legislative authority of the Village shall enter on the record of ordinances, in a blank to be left for such purpose under the recorded ordinance, a certificate stating in which newspapers and on what dates such publication was made, and shall sign this name thereto officially. Such certificates shall be prima-facie evidence that legal publication of the ordinance or summary of the ordinance was made. (R.C. §731.24- effective date 5-22-1986, amended 9-29-2011)

Every member present when a question is put shall vote, unless the member notifies the Council of their intention and reason for abstaining before the Council is divided or the call of yeas and nays commenced.

Any member may demand the division of a question when the sense will admit thereof.

Any member shall have the liberty to dissent from and protest against any ordinance, resolution, or order of the Council, and have the reason for their dissent entered upon the minutes.

Each motion shall be seconded before discussion or further action thereon. (RRO 255)

#### **Rule 26 - Reading of Ordinances and Resolutions**

When ordinances and resolutions are properly presented by members of the Council present or by written recommendation of a committee, they shall be given a first reading at the Regular Council meeting or a special meeting called for such purpose. Resolutions shall be voted and acted upon in the same manner as ordinances.

When an ordinance or resolution is presented, it shall be read by title by the Presiding Officer, Village Solicitor, Fiscal Officer, or a Council member responsible for introducing it.

The first, second and third readings of ordinances and resolutions shall be for purposes of debate, amendment, passage, or rejection. If, after the first or second reading, objection is made to the proposed legislation, the question shall be: "Shall the proposition be rejected?" Rejection shall require a majority vote. If, after any reading, an ordinance or resolution is voted by a majority of the members present to be laid on the table, it shall not again be taken up, except by a two-thirds vote of all the members elected.

Any ordinance or resolution, tabled pursuant to these rules and that is not again taken up by the Council before the year's last meeting of the members shall be considered rejected.

After a member moves for passage in accordance with these rules, a vote shall be taken. If a majority approves the passage of the ordinance, it shall be signed by the Fiscal Officer and the Presiding Officer.

#### **Rule 27 -Emergency Ordinances or Resolutions**

Ordinances or other measures providing for appropriations for the current expenses of the Village, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be especially assessed for the cost thereof, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health, or safety in such municipal corporation, shall go into immediate effect. Such emergency ordinances or measures must, upon a roll call of yea and nay votes, receive a two-thirds vote of all the members elected to the legislative authority, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure. (R.C. § 731.30- effective date 10-1-1953)

**Rule 28 - Amending Resolutions or Ordinances**

It shall be in Order to amend a resolution or ordinance at any time before passage, but if such ordinance or resolution is of a general or permanent nature and such material amendment is made after the second reading it shall again be read as amended as the second reading and laid over to the next meeting for final action.

**Rule 29- Limitations on debate**

No member of the Council, while Council is in session, shall engage in debate or discussion with anyone save another member of the Council or the Mayor or a person who has either been granted by the Council or Presiding Officer the privilege to address the Council or is present at a Council meeting on invitation of the Council. It is the intent that all such debate or discussion shall be limited to a maximum of 10 minutes and guided by Roberts Rules of Order.

Every member when about to speak on a question, or make a motion, shall respectfully address the Presiding Officer, who shall pronounce the name of the member entitled to the floor. The member shall confine himself to the question under debate and shall avoid personalities.

No member shall be allowed to speak, except from his/her own chair, nor more than once until every member choosing to speak shall have spoken, nor more than twice on the same subject without consent from the Council.

**Rule 30- Adjourned Meetings**

When the business of council is not completed within the available time at a given meeting, the meeting, by motion, may be adjourned to a definite time. When the council reconvenes at the appointed time, if a quorum is present, it takes up the business where it left off at its former meeting. An adjourned meeting is merely a continuation of the meeting from which it was adjourned and not for the introduction of new business.

**Rule 31 - Motions; when Debatable; Withdrawal**

When a motion is made and seconded, it shall, before debate, be stated by the Presiding Officer. Every motion shall be reduced to writing, if the Mayor or any members require it, and cannot be withdrawn after acknowledgement by the Presiding officer without the consent of the Council.

**Rule 32 - To refer; Precedence**

When there is a question of referring a given subject to a standing committee or to a special committee, the question of reference to a standing committee shall be first.

A motion to refer shall preclude debate or amendment of the main question. A motion to refer it to a standing committee shall have preference.

All petitions shall be presented and read by the Presiding Officer or Fiscal Officer, or by a member in his place, and the contents being briefly stated, shall, if appropriate, be referred to a committee.

**Rule 33 - Adjournment-Unqualified-Qualified**

A motion to adjourn shall always be in order except upon immediate repetition or when a member has the floor, or 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.

When the consideration of a question is interrupted by an adjournment it is removed from before the Council and must be brought forward in the usual way. A motion to lay on the table shall

preclude all debate or amendments. If the motion prevails, the consideration of the subject cannot be resumed, except as unfinished business, without the consent of a majority of the members present.

#### **Rule 34 - Acceptable Motions; Order of Precedence**

When a question or motion is before council or under debate, no motion shall be received except the following:

- To adjourn (unqualified)
- To lay, matter of business on the table
- For the previous question (request that discussion end and vote taken)
- To postpone definitely to a certain time or day
- To commit (to refer back to standing or special committee)
- To amend the motion on the floor
- To postpone indefinitely
- To recess

The several motions shall have precedence in the order in which they are herein arranged.

#### **Rule 35 - Excusal from Attendance**

No Council member shall be excused from attendance at more than two (2) council meetings per calendar year except upon request and permission of roll call and by a vote of the majority of the Council members present. No member is to leave the Council Meeting without the consent of the majority of those present.

#### **Rule 36 - Executive Sessions**

The Council may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a Regular or Special Council meeting for the sole purpose of the consideration of any of the following matters:

**A.** To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

**B.** To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to the other side.

**C.** Conferences with an attorney for the public body concerning disputes involving the public body that is the subject of pending or imminent court action;

**D. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;**

**E. Matters required to be kept confidential by federal law or regulations or state statutes;**

**F. Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;**

The Ohio open meetings law itself indicates that a motion for executive session must specifically identify which one or more of the approved matters listed are to be considered at the executive session. To merely specify personnel, as an example, is not sufficient.

If a public body holds an executive session to consider any of the matters listed in this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated this section. (R.C. § 121.22- effective date 2-12-2008, amended 10-12-2016)

The topic must be clearly stated in the meeting minutes. Prior to commencing the executive session, a motion will be made and seconded to adjourn the Regular Council meeting, all in attendance, including audience members, Village Administrator, Fiscal Officer, and Village Solicitor will be excused from the meeting unless authorized to stay by a majority of Council members. At the conclusion of the executive session, a motion will be made and seconded to resume the Regular Council meeting.

There will be no tape recordings or minutes of the executive session's proceedings. All matters discussed are to remain confidential including statements made by participants.

#### **Rule 37 - Sunshine Law; Open Meetings**

Public officials are required to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically accepted by law. Meetings mean any prearranged discussion of the public business of the public body by a majority of its members.

This section does not apply to an audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit.

Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification,

except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person. (R.C. § 121.22- effective date 2-12-2008, amended 10-12-2016)

The Fiscal Officer or Village Administrator shall post a statement of the time and place of Regular and Special meetings of Council, or any other public meetings being held not later than the second day proceeding the day of the meeting in the designated posting places in the Village for the public to be notified.

The Fiscal Officer or Village Administrator shall post a statement of the time and place of any organizational meeting of the Council at least twenty-four hours before the time of such organizational meeting.

Upon qualified adjournment of any regular or special meeting to another day, the Fiscal Officer shall promptly post notice of the time and place of such adjourned meeting.

Except in the case of emergency special meetings, the Fiscal Officer or Village Administrator shall, no later than twenty-four hours before the time of a special meeting, post a statement of the time, place and purpose of such special meeting in the designated posting places for the public to read.

Any news medium organization that desires to be given advance notification of special meetings of any municipal body shall file with the Fiscal Officer a written request thereof. Except in event of an emergency requiring immediate action, a special meeting shall not be held unless at least twenty-four hours advance notice of the time, place and purpose of such meeting is given to the news media requesting advance notification.

News media requests for such advance notification of special meetings shall specify; the municipal body that is subject of such request; the name of the medium; the name and address of person to whom notification may be sent or delivered; the names, addresses and telephone numbers (both during and after business hours) of at least two persons, to either of whom oral notifications to the media may be given and at least one telephone number which the request identifies as being manned and which can be called at any hour for the purpose of giving oral notification to such medium. Such request shall be effective for one year from date of filing with the Fiscal Officer. Each news medium shall be informed of such period of effectiveness at the time it files its request. Any notification provided herein to be given by the Fiscal Officer or other official may be given by or under authority of the Fiscal Officer and a reasonable attempt at notification shall constitute notification in compliance with these rules.

The designated bulletin boards are located at: Village Hall, Bradner Post Office, Bradner Fire Department, K&D Laundromat, and Amos Motor & RV. In addition to physical posting, when technologically practical, posting shall also be made electronically on the Village website and Village Facebook page.

All ordinances, resolutions, statements, orders, proclamations, notices, and reports now and hereafter requiring publication shall be published by posting copies thereof at the designated bulletin boards, unless otherwise required by law or directed by Council.

**Rule 38 - Council Confirmation of Appointments**

Whenever the Council is required to confirm any appointment for Village Council, Village Administrator, Village Solicitor, Village Fiscal Officer, Village Clerk, Village Police Chief, or Village Fire Chief, the Council may at its discretion, conduct an interview with the selected appointee prior to confirmation of the appointment.

**Rule 39 – Conflicts of Interest**

Provisions of the Ohio Revised Code address circumstances in which a public official or employee is prohibited from using the authority or influence of his office or employment to secure anything of value that substantially and improperly influences the official or employee in the exercise of his duties, and from having an interest in a public contract.

Council members must put aside all personal interests in matters pertaining to Council business. If a conflict of interest is present, the said Council member must make said conflict known to all members of Council, abstain from any further discussion on the issue, and abstain from voting on that particular issue.

Vote on Resolution: Yes 6 No \_\_\_\_\_ Abstain \_\_\_\_\_

Passed: 2/1/18

Mayor: Virgil Shull

President Pro Tempore: Mike Gudakunst

Councilperson: Shawn Hall

Councilperson: Lori Johnston

Councilperson: Ray Zaker

Councilperson: Josh Leber

Councilperson: Tammy Krais

Fiscal Officer: Kerstan Kaminski



### Definitions of Parliamentary Terms

- **Accept, Adopt, Approve:** applied to reports and motions agreed upon -not to be confused with "received."
- **Adjourn:** To bring the meeting to a close.
- **Agenda:** The order of business to be brought up at a meeting.
- **Amend:** To change or modify a motion by striking out, or by adding or by substituting.
- **Business:** Motions, resolutions, subject, the proceedings; the agenda.
- **Chair:** The presiding officer of a meeting.
- **Commit:** To refer to a committee.
- **Debate:** To discuss the pros and cons of a motion.
- **Division:** Calling for a recount of the vote.
- **Division:** Separating a motion and voting on each part.
- **Ex-officio:** By virtue of official position, usually of boards and committees. It does not mean a non-voting member.
- **Floor, Obtain the:** When a member is recognized by the Chair, he has the "floor."
- **Floor, On the:** A motion is on the floor when it is being considered by the assembly.
- **General Consent:** Unanimous, silent, used in routine matters, if there is no objection, avoid a formal vote.
- **Good of the Order: Good and Welfare,** after the business, if there is time, general discussion, constructive criticism, informal suggestions.
- **Main Motion:** The motion that introduces the business or a proposal to the body for action.
- **Minutes:** The official record of proceedings at the meeting.
- **Order of Business:** Same as agenda - the schedule of business to be considered.
- **Orders of the Day:** Program or order of business adopted that should be followed.
- **Vice Mayor:** Another term for President Pro Tempore of the Council.

