

ORDINANCE 639-06-16

AN ORDINANCE AMENDING CHAPTER 110 OF THE VILLAGE CODIFIED ORDINANCES GOVERNING COUNCIL RULES AND NOT DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio:

SECTION 1. Chapter 111 is hereby amended to read as follows:

111.01 RULES, REGULATIONS AND PROCEDURES.

Whereas statutory laws provide for and grant authority for such Council Rules under Ohio R.C. 731.45, therefore be it ordained that the following rules shall be established for the Council of the Village of Roaming Shores.

- (a) President. The Mayor shall be President of Council and shall preside at all regular and special meetings thereof but shall have no vote except in case of a tie.
(ORC 733.24)
- (b) President Pro Tem. At the first regular meeting in January of each year, Council shall immediately proceed to elect a President Pro Tem from its own number, who shall serve until the first meeting in January next after his election. When the Mayor is absent from the Village or is unable, for any cause to perform his duties, the President Pro Tem shall be the Acting Mayor, and shall have the same powers and perform the same duties as the Mayor.
(ORC 731.10)
In the absence of both the President and President Pro Tem, the Council shall appoint a temporary chairman.
- (c) Succession. In the case of death, resignation or removal of the Mayor, the President Pro Tem shall become Mayor and serve for the unexpired term. When the President Pro Tem becomes Mayor, the vacancy thus created shall be filled by election of another President Pro Tem.
(ORC 733.25 - 731.11 - 731.43)
- (d) 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 within thirty days to fill such vacancy, the Mayor shall fill it by appointment.
(ORC 731.43)
- ~~(e) Resignation. The resignation of a member of Council shall not take effect until the same has been accepted by a vote of the majority of the members of the person tendering the resignation.~~
- ~~(f) Administrative Responsibility. Under the general laws of Ohio applicable to noncharter villages, both legislative and administrative authority is vested in Council. This apparent over-lapping of authority warrants clarification as it applies to the Mayor as the executive head, and to the conduct of administrative work. Council is made responsible for general policies, plan approvals, financial control, and organization strength. In turn, the Mayor is responsible for execution of policy, plan accomplishment, financial integrity, and personnel management. When Council considers and approves/disapproves payment of~~

~~bills, appointments to positions, zoning standards of a Planning Commission, budget, budget requests, and other forms of administration by the Mayor, staff, commissions and committees, it is acting in an administrative capacity in conformity with constituted Village government, and with specific laws. This relationship is basic to noncharter villages, and is not to be confused with the powers and distinctions of charter or city government.~~

~~Council uses standing and special committees to assist in expediting its work, see subsections (g) and (h) hereof. These committees are concerned with both legislative and administrative matters. It must be borne in mind by committees, individuals and the Mayor that any decision involving the exercise of judgment or discretion must be made by Council as a body. To foster this relationship by all concerned is to observe the spirit of the law.~~

(e) Standing, Special Committees. At the first regular meeting of Council after its organization, or at such later time as established by Council, Council shall appoint standing committees each consisting of two members of Council for the following named programs:

- (1) Finance.
- (2) Personnel.
- (3) Safety.
- (4) Civic/Community Development.
- (5) Personnel.

~~The Council members on the various committees may select ad hoc members at their discretion. Ad Hoc members shall be voting members. Each committee shall elect a chairman at the first meeting of the committee.~~

Temporary special committees may be appointed by Council to undertake some special task. Council may at any time remove any member(s) of any committee and appoint a new member(s) of such committee to serve in place of such member so removed.

~~Members of committees may be removed only for due cause. The Mayor, President Pro Tem, or any Council member may request that a committee member be removed. The matter shall be referred to the Personnel Committee for review and recommendation. Council may remove committee member(s) by majority vote.~~

(f) Committee Responsibilities.

(1) Committee(s) shall:

- A. Follow Council direction in matters referred to it.
- B. Normally be expected to investigate or study a given problem or need, taking no decision action itself but to submit a report and recommendations.
- C. Within its area of responsibility assume both short and long range study of plans and needs, work to establish desirable economic, budgetary and work standards, and to train others, and inspect for accomplishment.
- D. Issue no orders in conflict with the executive officers of the Village, or the law; thereby acting in an advisory capacity, reporting to Council for action.

(2) A special committee shall be given direction by Council when appointed and will be discharged on receipt of its report.

- (g) Meetings. As prescribed by ordinance, regular meetings shall be held in the location agreed to by Council at ~~7:30~~7:00 pm EST or EDT as applicable, the 3rd Tuesday of each month.

When any regular meeting of Council falls on a legal holiday, or an election day, Council shall meet in regular session on the day following at the stated place and hour or as arranged at the regular meeting preceding the meeting in question.

Special meetings may be called by the President (mayor) or any three members of Council, providing at least forty-eight hours notice to each member, served personally or left at their usual place of residence. Any member may waive, in writing, notice of any special meeting.

At the first regular meeting in January of each year, and at such other times as the Mayor deems expedient, he shall report to Council concerning the affairs of the Village and recommend such measures as seem proper to him. All meetings shall be held in conformity with Ohio R.C. 121.22 ~~and specifically as to subsection (f).~~ Those persons requesting advance notice shall receive an agenda of all meetings as requested, both regular and special, by mailing a copy thereof in a self-addressed, properly stamped envelope provided by the person requesting such advance notice or by email.

- (h) Attendance. Attendance at Council meetings shall ordinarily include the Clerk-Treasurer and such other staff and department heads as may be requested. Meetings of Council are open to the public.

(ORC 731.46)

- (i) Record of Proceedings; Meeting Agenda. The Clerk-Treasurer shall keep the only record of the proceedings, and of all the rules, by-laws, resolutions and ordinances passed or adopted, which shall be subject to inspection of all person(s) interested. The Clerk Treasurer shall tape record work session, special meetings and regular council meetings and shall retain such taped records for a period not less than four (4) years. In case of the absence of the Clerk-Treasurer, Council shall appoint one of its members to perform the duties as Clerk-Treasurer of Council.

The Clerk-Treasurer shall prepare an agenda for every meeting, attend to all correspondence incidental to the office, and perform such other duties as may be assigned by a majority vote of Council, or as required by law. The Clerk shall deliver an agenda and ordinances for the meeting, by personal service or email, to the residence of each member of council at least 72 hours prior to a regular meeting of council; except as waived by a ¾ majority of Council.

The Clerk-Treasurer shall be notified by officers and committee chairmen of matters to be presented, including ordinances and resolutions in order that they may be listed on the meeting agenda.

Any Council member with the approval of two-thirds vote of Council members may add subjects to the agenda at a regularly scheduled Council meeting.

~~The agenda should be in a member's hands a minimum of three days prior to the scheduled meeting.~~

- (j) Order of Business.
Prayer/Moment of Silence
Pledge of Allegiance

*Roll Call

Minutes of last meeting
Visitor's Comments (two-minute limit)
Mayor's Report
Standing Committee Reports
Special Committee Reports
Old Business
New Business
Introduction of Resolutions and Ordinances
Miscellaneous Business
Solicitor's Report
Visitor's Comments (two-minute limit)

Adjournment

* Roll call is to determine if a quorum is present. A quorum shall be four members of Council present to conduct business

(k) At Order and Decorum. The President of Council (Mayor) shall preserve order and decorum, and confine ~~members in~~ debate to the question or issue on the floor. He or she may in common with any other member call any member to order who shall violate any of the rules, and shall, when in the chair, decide all questions or order, subject to an appeal to Council on the demand of two members. On such appeal, there shall be no debate, but the member making the appeal may briefly state their reasons for the same, and the presiding officer shall have the same right to a similar statement.

~~The presiding officer~~ President of Council (Mayor) may actively participate in debate before Council.

(l) Delinquency. Council may punish or expel any member for disorderly conduct or a violation of its rules, and declare their seat vacant for absence without a valid excuse where such absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds of all members elected, and until the delinquent member has been notified of the charge against him and has had an opportunity to be heard.

(ORC 731.45)

(m) Voting. Every member shall vote by a yea, nay or abstain. Every member has the right to explain his vote and such reason shall be so recorded by the Clerk-Treasurer in the regular minutes. At the end of voting, any abstention shall be counted with the prevailing vote on the ordinance or motion.

(n) Reference to Committee. Any new business brought before Council may be referred to the proper committee, if such referral is deemed 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 Clerk-Treasurer.

~~Prolonged argument, discussion and debate shall be avoided.~~ If the matter under consideration requires investigation and study or if such nature that long discussion may be provoked, it shall be referred to committee promptly by the presiding officer.

If any matters referred by Council to any committee, or officer, are not reported upon by the next regular scheduled meeting, such matter shall be brought up by the Village Clerk-Treasurer to the attention of Council, which shall take such further action in the premises as it may deem best.

The report of any committees of Council, or a municipal officer, upon matters referred to by Council, shall be made in writing and shall be accompanied by the original papers upon which such report is based, unless otherwise ordered by Council.

Council may accept or reject any committee report in whole or part.

- (o) Introductions. The Mayor or Council members may introduce ordinances and resolutions. Ordinances and resolutions as may be presented to Council upon written recommendation of some committee of Council.
- (p) Legislation Referred to Committee or Solicitor. When ordinances and resolutions are to be prepared, Council shall by majority vote, request their preparation by the Solicitor. If the ordinance or resolution is referred to a committee, the committee will then report on the ordinance or resolution at the next Council meeting. The committee will also furnish a copy of the ordinance or resolution to the Clerk-Treasurer as well as Council for information and review in advance of the next Council meeting.
The Solicitor has the responsibility of preparing legislation in the manner prescribed by law. The committee will only determine whether the subject matter has been fully covered; the Solicitor will be responsible for the fulfillment of legal requirements.
It shall be the duty of the committee to which legislation has been referred to make comparisons with all existing ordinances, reporting thereon, and recommending any changes necessary.
- (q) Voting on Legislation. Ordinances and resolutions shall be voted upon separately, even though the committee report urging approval of such legislation may be adopted unanimously. The voting of such legislation shall be entered in the minutes as “in favor of” and “opposed to” together with the name of the members of Council voting “in favor of” by words commonly used to express favor such as “yes”, “aye” or “yea” or voting in opposition hereof by words of negation such as “no” or “nay” or abstaining from voting. (ORC 731.17)
- (r) Majority Defined; Three-Fourths Defined. Whenever “majority” is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to Council, likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected to Council. Thus, in a Council of six members, a majority shall be four, and three fourths shall be five.
Council shall pass no ordinance without the concurrence of a majority vote of the members.
- (s) Second Reading of Ordinances; Emergency Ordinances. When an ordinance is presented, it shall be read and if it is not an emergency ordinance, it should be set aside for second reading at the next meeting. If it is an emergency ordinance, requiring immediate action, the presiding officer should, after it is read, entertain a motion to suspend the rules and read the ordinance by its title only for the second and third readings. An emergency ordinance shall include the specifics for the reason for the emergency. If three-fourths of the members approve the motion, the ordinance shall be ready by its title only for the second and third readings. The ordinance is then ready for passage.
(ORC 731.30)
Upon passage of the ordinance, it shall be signed by the Clerk-Treasurer and the Mayor.
- (t) Amending Resolution or Ordinance. It shall be in order to amend a resolution or ordinance at any time prior to passage, but if such ordinance or resolution is of a general or permanent nature, it shall be noted as amended upon subsequent readings.

(u) Limitations on Debate. No member of Council while Council is in session shall engage in debate or discussion with anyone save another member of Council or the President of Council or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting on invitation of Council.

No member shall speak more than once upon any subject, until every member choosing to speak shall have had an opportunity to be heard.

(v) Acceptable Motions; Order of Precedence. When a question or proposition is before Council, or under debate, no motion shall be received except the following:

- a. To adjourn (non-debatable). ~~???~~
- b. To lay on the table (non-debatable). ~~?????~~
- c. For the previous question (request that discussion end and the vote be taken) (non-debatable).
- d. To postpone to a certain day.
- e. To commit (to refer to standing or special committee).
- f. To amend the motion.
- g. To postpone indefinitely.

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

(w) Amendments. These rules may be amended or altered or new rules adopted by a vote of the majority of all the members elected at any meeting of Council.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. This ordinance is not an emergency ordinance and shall take effect thirty (30) days after passage. ~~for the health, safety and welfare of the Village for the reason that~~
~~_____~~; ~~and this ordinance will take effect immediately upon passage.~~

PASSED this _____ day of _____, 2016.

John Ball, Mayor

ATTEST:

Leeann Moses, Fiscal Officer

Kyle B. Smith, Solicitor

I hereby certify that a summary of the foregoing ordinance was published by the Shore News on the ____ day of _____ 2016.

Village Clerk