

**VILLAGE OF McDONALD, OHIO**

**ORDINANCE NO. 3142-13**

**AN ORDINANCE FOR THE PURPOSE OF AMENDING PREVIOUS ORDINANCE NO. 3002-06, RULES OF COUNCIL FOR THE VILLAGE OF MCDONALD, OHIO.**

WHEREAS, the Rules of Council were last studied, reviewed and addressed in 2006, and Council deemed it prudent to study and review the Rules of Council to determine if it was necessary to amend the Rules of Council;

WHEREAS, the President Pro Tem referred the matter to a four (4) person Committee, which Committee studied and reviewed the Rules of Council and recommends to Council to amend to Rules of Council to address various provisions therein.

WHEREAS, Council deems it prudent to amend the Rules of Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF McDONALD, TRUMBULL COUNTY, STATE OF OHIO, TWO-THIRDS OF THE MEMBERS ELECTED THERERO CONCURRING, that:

Clause I. Ordinance No. 3002-06 which presently reads as follows:

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Section I.

1. MAYOR

The mayor of the village shall be the presiding officer at all regular and special council meetings. It shall be his/her duty to conduct an orderly, dignified and organized meeting. He/she shall follow and abide by the rules of council when presiding at council meetings.

The mayor shall, in common with any member, or members, of village council, call to order any member, or members, who should violate any rule or rules, of council. The mayor shall, when in the chair and presiding, decide all questions of order, subject to an appeal of council, on demand of any member, on which appeal there shall be no debate. The member making the appeal may state briefly his/her reasons for the appeal. The appeal then shall be submitted for councilmatic vote, and it shall take a two-thirds (2/3) majority of council to reverse the chair's decision.

The mayor shall be careful to avoid any appearance of partisanship or prejudice on any question, motion, legislative action or issue brought before council. His/her function shall solely be to see that the orders of the day or business is properly brought before council, is conducted in a professional manner, and adhere to and abide by the rules of council adopted by council.

The mayor shall attend all regular meetings of council, planning commission, and all special meetings when specifically requested and properly notified by council. He/she shall have the right to attend any and all meetings of council when acting as a legislative body.

The mayor shall have the right to attend all committee meetings, but the chairman of the particular committee shall preside at committee meetings. He/she can enter into discussions at these meetings with recognition and permission of the committee chairman. The rules of council can be applied at committee meetings at the discretion of the committee chairman. When attending any committee meeting, the mayor shall act and be subject to the same rules as any other member of the committee and act only as a member of the committee.

The mayor shall have no vote at council meetings except in the case of a tie. The mayor's vote shall not be construed to represent a vote of the duly elected members of the village council. The mayor can break a tie anytime the vote requires a majority vote of village council.

To cast his/her tie-breaking vote, the mayor shall and must cast his/her vote audibly by aye, or no, and announce the result of his/her vote on the balloting as whether or not the action has been carried or defeated. No other action by the mayor shall be construed to mean a tie-breaking vote. If a tie vote is not cast by the mayor, the question of issue shall die at that particular meeting for the lack of a majority subject to all other rules and procedure of council

The mayor should from time to time make recommendation to council for the welfare of the village as he/she sees fitting and wise. At the first regular meeting of council in January of each year, he/she shall report to council concerning the affairs of the village. The mayor at anytime may submit his recommendations to any standing or special committee, subject to all rules of council. The chairman of that particular committee shall call committee meetings and shall report to the mayor as to the committee's findings and opinions within thirty (30) days. The mayor then may accept or reject the committee's report. The mayor may dismiss or continue a special committee. The mayor can expect a committee report from all committees each thirty (30) days that council is in regular session.

The mayor shall on or before the first regular meeting each January, organize and announce all of his/her standing committees, appoint a chairman of each committee, and submit his/her appointments to council for confirmation. In case an appointment is not confirmed, he/she shall have until the first regular meeting in February to resubmit his/her appointment. If the mayor cannot receive a confirmation on his/her particular appointment on or before the first regular meeting in February, he/she shall then be compelled to continue to submit as many names to the particular-appointed position as necessary to receive council's confirmation of such appointment. During the interim, until the appointment is confirmed, the mayor may assume the responsibility of the appointed position himself/herself, continue the former appointee holding the position, or make other satisfactory arrangements with the approval of the majority of council.

2. ORGANIZATION OF COUNCIL

All newly elected members of council shall take the oath of office and be sworn into office on or before January 1 following the general election in which they were elected. The members of council shall on or before the first regular meeting, each January, organize by electing a president pro-tem.

3. PRESIDENT PRO TEM

The president pro-tem shall assume all duties and responsibilities in the mayor's absence and shall have all the duties and rights of the mayor when acting as mayor. He/she shall orientate all newly elected members of council to the legislative process, proceedings, and responsibilities within the Village of McDonald within the first thirty (30) days of office.

When presiding at council meetings, the rules of council governing the mayor also pertain to the president pro-tem when covering for and assuming the responsibilities of the mayor. The president pro-tem shall be the chairman of any and all committees when council is acting as a committee as a whole body including but not limited to caucus meetings, work sessions, and executive sessions.

4. CLERK

In the absence of both the mayor and president pro-tem, the clerk shall call the meeting of council to order. The clerk will then request an appointment from council for a temporary presiding officer.

The clerk of the village or designee shall be responsible for attending and recording all proceedings of all regular and special meetings of council of the legislative authority of the village, The clerk shall attend to all correspondence incidental to his/her office, shall keep the books of the village, shall exhibit accurate statements of all money received and expended, shall exhibit accurate statement of property and the income derived from, shall exhibit accurate statements of taxes and assessments, and perform such other duties as may be assigned to him/her by the mayor or a majority vote of council.

5. TREASURER

The treasurer collects and disburses revenues due the village. He/she shall acquire from the county treasurer those village taxes and assessments placed on the auditor's tax list for collection, moneys collected by the mayor's court, and debts due to the village to be disbursed upon proper authorization, plus all funds from any village department. He/she must keep accurate accounts of all moneys received or disbursed by him, showing amount, date, payor and payee, and what account. His/her books must provide separate accounts for each fund and appropriation. The treasurer and clerk should maintain the same accounts, since they must be reconciled. The treasurer shall settle and account with the council quarterly, and as council directs. At the first January meeting of council each year the treasurer shall report on the village financial condition, including amounts and courses or receipts, disbursements and accounts. The

balance due on each fund shall be reported. The treasurer shall also keep a treasury investment account documenting the investments of treasury funds.

The treasurer shall attend all council meetings and will assist in matters as requested by council members.

## 6. SOLICITOR

The members of council shall by majority vote appoint a solicitor to take office on or before the first of June each year. The solicitor shall be an attorney who has passed the bar in Ohio and is eligible to practice law in Ohio.

The solicitor shall be employed on an annual basis, renewable by council selection and appointment. The village solicitor shall, when requested by any member of council, give a verbal opinion on any question of law concerning village affairs, but if the solicitor so chooses, may take a reasonable time to submit his request in writing. Three (3) business days will be considered a reasonable time. The solicitor shall not give any opinion on any question or issue while there is a main motion on the floor of council, or while there is any question or issue under discussion for debate without the presiding officer requesting the permission of council. If any member of council objects, the mayor shall submit the question of such permission to councilmatic audible roll call vote. The majority vote of council shall govern.

Under no circumstances shall the solicitor enter into any discussion, debate, or make any statement except to give a legal opinion, with permission of the presiding officer, while any motion, issue or question is on the floor before council without it being submitted to council vote. It shall take a three-fourths (3/4) majority vote of council members present to grant such permission.

The solicitor shall not be required to draw any ordinance or resolutions except when such request is submitted to him in writing or requested by councilmatic action. All ordinances, resolutions, and contract documents shall, before presentation to the council, have been approved as to form and legality by the solicitor.

Any member of council or the mayor may request a written opinion on any question of law concerning village affairs. Such request must be in writing, signed by the council member or mayor with a copy of the request sent to mayor and president pro-tem and must be presented to the solicitor in person, or mailed to his/her office or residence. The solicitor shall give such written opinion when properly requested within a reasonable time. Ten (10) days shall be considered reasonable time. The solicitor may request additional time for good reason. Council shall decide by majority vote if there is any controversy on additional time or good reason. The solicitor's opinion, either verbal or written, shall not be ambiguous, but shall be clear and manifest in every way and every respect. It shall include and name the General Code sections, resolutions, ordinances, and court decisions that the opinion is based on and evidenced by.

The solicitor shall be given reasonable time to draw up any ordinance, resolution, or any other instrument of law requested by council, Ten (10) days is to be considered reasonable time.

The solicitor may request additional time for good reason. Council shall decide by majority vote if there is any controversy on additional time or good reason.

#### 7. COUNCIL AS A LEGISLATIVE BODY

Council is the legislative authority of the Village of McDonald and its actions are recorded through its council meeting minutes, passed resolutions, and ordinances. Since there is a presumption as to the validity of all proceedings of council, and, therefore, in the absence of absolute and concrete evidence to the contrary, the proceedings of council will be presumed valid. The village council therefore shall determine and enforce its own rules.

It shall be the responsibility of council to make and enforce its own rules and see that a detailed, orderly, and precise record of its proceedings are maintained. Council as a whole and each individual member shall have the right to meet in an orderly manner. Council as a whole and as individual members and the mayor, as presiding officer, shall be charged with protecting and preventing any member of the legislative body from being subjected to abuse, coercion, or intimidation from any member of council, any official, employee or citizen of the village or anyone else, while council is in session. Should anyone insist or persist in violation of this rule, that person, after being called to order and warned once, shall be subject to rejection from council chambers by the special police present and/or the McDonald Police Department. Council may punish or expel any member of council for disorderly or unprofessional conduct or for continually or constantly violating the rules of council after being warned.

Council shall declare a member's seat vacant for absence without leave or without a valid excuse when absent from three (3) council meetings within the calendar year. No expulsion or disciplinary action shall take place until the particular member has been notified in writing, and such writing is signed by at least two-thirds (2/3) of the members of council. Such notification is sent to him/her by registered mail, at his/her residence, and such writing gives the member a thirty-day (30) notice of said expulsion or disciplinary action. The member then shall have the right to be heard before council when such request is made in writing and delivered in person or by mail to the president pro-tem or any other two (2) members of council within ten (10) days. When such written request for a hearing is made, the member shall be heard within ten (10) days from the time the request is postmarked or received. No expulsion or disciplinary action shall take place without the concurrence of three-fourths (3/4) of all duly elected or eligible members of council. The member that the action is against is not to be considered eligible.

#### 8. LEAVE OF ABSENCE

It will undoubtedly occur from time to time that some member or members of council, mayor or other village official or employee, whose duty it is to attend council meetings may be unable to attend meetings by reason of illness, other business, vacation, absence from the village for legitimate reason, or other just cause or reason. Whenever this occurs, if the absent member or members or official or employee, are absent for just cause, the mayor shall state their absence and the reason first and it shall be entered on the official minutes excusing such person for a particular meeting or for a specific period of time. This shall be the duty of any and all members of council to see that this is enacted to prevent controversy in the future.

9. WHO SHALL ATTEND COUNCIL MEETINGS

All duly elected and appointed members of council, the mayor, clerk, treasurer, solicitor, village administrator, chief of police, fire chief, and office manager or their designees shall attend all regular council meetings, and any special council meeting when requested by council or mayor. They may be granted leave of absence as set forth in Section 8 of the rules of council for good cause and by the proper procedure as required. Any other official or employee of the village shall attend a council meeting or meetings when requested by council or the mayor. But the request by council for an officer or employee to attend a meeting or meetings must be by majority vote of council. If an employee or official is given permission of absence from attending council meeting, it shall be by motion and a majority vote of council and entered on the official minutes of council.

10. COUNCIL MEETING - TIME AND LOCATION

All regular and special meetings of council, and committee meetings of council shall be conducted in council chambers of the McDonald Municipal Building, except in an emergency, then every effort should be made to notify the public of such meeting place. When a disabled resident requests to be in attendance, as required by the American Disabilities Act, the council meeting may be held at the Woodland Park Retirement Complex or the Fire Bays. The regular council meetings shall be held the first and third Wednesday of each month at 6:30 P.M. Council caucus meeting shall be held at 6:00 P.M. on the first and third Wednesday of each month preceding the council meeting. Council shall not be required to hold more than one council meeting per week.

All official regular and special council meetings, and committee, meetings, and work sessions shall be open to the public. The council shall have the right to hold executive meeting in privacy to discuss matters in accordance with Ohio's Sunshine Laws. Legislation and official business can only be passed at official regular or special council meetings open to the public.

The mayor or any three (3) members of council may call special meetings upon at least thirty (30) hours notice, in writing, to each member of council and the mayor, served personally, mailed, or left at his usual place of residence.

11. OFFICE MANAGER RESPONSIBLE FOR PREPARING AGENDA AND MINUTES

The office manager, or designee, shall prepare an agenda for all regular and special meetings. The agenda shall set out the orders of the day or schedule of business matters to be brought before council. The mayor or any member of council shall have the right to request any matter or business they wish to discuss or legislative action they wish to introduce, to be entered on the agenda. All such requests should be in writing and given to the office manager or designee prior to 12:00 P.M. on the Friday before the scheduled meeting. The office manager shall have the right to enforce this rule. The agenda shall be given to members of council prior to the time the meeting is called to order. The final agenda for a regular and special meeting shall contain a listing of each and every ordinance, resolution, and business to be considered. Additions may be

made by council during the official regular and special council meeting with two-thirds (2/3) councilmatic vote.

Any official, employee, person, group or delegation wishing to appear before council should notify the office manager or mayor at least twenty-four (24) hours prior to the time of the meeting, preferable in writing, or as recognized by the presiding officer. The mayor or office manager may enforce this rule. The reason for the appearance should be clearly stated and council members should be informed of this at least five (5) hours before the meeting so that they can be prepared to discuss and answer questions intelligently. If the group is more than two (2), the presiding officer should inform the group that time will only permit two (2) persons to talk on the subject matter, and each person speaking shall be allotted not more than five (5) minutes each. The reason for this is to prepare sufficient seating capacity, to permit the matter to be entered on the agenda, and to permit mayor and council to be prepared for the question to be presented. The mayor and council may need to gather information on the matter so they can answer questions and discuss the matter intelligently, to save time, and conduct the meeting in an orderly fashion.

The agenda and schedule of business for conducting council shall be as follows:

1. Roll call.
2. Pledge of allegiance (shall be optional with presiding officer)
3. Approval of minutes
4. Approval of agenda
5. Report of mayor
6. Report of village officials
7. Committee reports.
8. Remarks from persons or groups who previously requested permission to address council
9. Old business
10. New business
11. Legislation
12. Clerk's report
13. Miscellaneous.

The presiding officer shall read aloud the agenda when introducing it so that the press and audience have an idea of the orders of the meeting.

At each council meeting during the third (3rd) activity of the agenda, the minutes from the previous meeting will be approved as mailed, or with additions, or deletions or corrections.

At each council meeting during the eighth (8<sup>th</sup>) activity an opportunity for officials, employees, citizens, groups or delegation, to present their questions, and/or points of view. The person or persons wishing to address council shall state their name and address for the record. This should come early in the meeting to give them an opportunity of expression before any legislation comes up under old business or new business.

The office manager, or designee, of the village shall be responsible for attending and assisting the clerk with backup tape recording of all proceedings of regular and special meetings of council, in the minutes of each meeting, typing up minutes from monthly committee meetings, preparing an agenda for every meeting, attend to all correspondence incidental to his/her office, and attending to the codification of all ordinances and resolutions according to a system used by the village.

## 12. MOTION

A motion stated by any member of council shall not require a second. Members of council are elected to serve the people of the village and any motions they make should be worthy of action and should be given the courtesy of a vote. No motion shall be ruled out of order by the presiding officer without such ruling being submitted to councilmatic vote automatically for approval. Since there is a presumption as to the validity of all proceedings and in the absence of evidence to the contrary, the proceedings of council will be presumed valid and since all matters passed by council, as a legislative or by rescinding action, all motions by any member of council should be submitted for councilmatic vote. The right of a legislative body to reconsider an action previously taken and to rescind or abolish such action is a power that is inherent in every legislative body and any frivolous or unworthy motion can be voted down. Therefore, it is only common sense to realize that the presiding officer ruling a motion out of order is in the vast majority of cases, using personal, partisan, or partiality, and this should be condemned or at the very least, should always be subject to the appeal of any member of council and automatic council vote by roll call with no debate.

## 13. RULES FOR CONDUCTING DISCUSSIONS

When business, question or issue is on the floor for council consideration, debate and vote, no one except members of council shall be permitted to voice an opinion, make any statement, or enter into the consideration, debate or discussion.

After any motion is on the floor, council has the privilege and right to discussion and decide individually by their own mind and volition how they will vote on the issue. They should not be subjected to outside influence, intimidation, condemnation or coercion. However, the presiding officer, if he/she thinks someone outside the members of council should be heard to express his/her opinion, shall submit the question to councilmatic vote, by roll call, and it shall take a three-fourth vote of council members present to grant such permission.

The presiding officer can keep an issue off the floor that is not on the agenda. Officers, groups, delegations, and citizens shall have an opportunity to express their opinions and viewpoints under section eight (8) of the agenda. Officials and employees shall be governed by the same rules as citizens and groups. Before a resolution or ordinance is on the floor, any member of council can ask for any information he/she wishes of anyone present at the meeting, and should do this before the issue is on the floor. However, if a member of council feels that additional information is needed after the motion is on the floor they may request to go off the floor. This will require a three-fourths (3/4) vote of the members present.

No member of council shall be allowed to speak more than once on any subject, until every member of council choosing to speak shall have had an opportunity to be heard. No member of council shall be allowed to speak more than twice on any subject unless otherwise recognized by the presiding officer. Nor shall any member be allowed to speak more than five (5) minutes at any one time when recognized by the presiding officer, or more than a maximum of ten (10) minutes on any one (1) subject at any one (1) meeting, without the leave of council by majority vote by roll call. Anyone wishing to speak at any time during a council meeting must first address the presiding officer and be recognized and shall have the right to speak for his/her allotted time without interruption, except for a question of privilege, or a point of order. The chair shall protect this right. The presiding officer shall, to the best of his/her ability, not consider the time taken by persons answering the speaker's questions when determining the five (5) minute time allocation. This shall apply to members of council, all officials, employees, citizens, individuals, groups, or delegations.

#### 14. RECEIVING MOTION WHEN QUESTION IS BEFORE COUNCIL

When a question, issue, or proposition is on the floor before council or under discussion, no other motion shall be received except:

- a. To adjourn (to be submitted to councilmatic vote, by roll call and a majority vote shall govern.)
- b. To table the motion.
- c. To request the discussion end and that the motion be voted upon (previous question.)
- d. To table or postpone the motion to a specific future time.
- e. To refer the motion to a standing or special committee.
- f. To amend the main motion.
- g. To postpone any action for an indefinite time.

These motions shall have precedent in the order in which they are arranged. Motion a, b, c, and d, shall not be debatable and shall be submitted to vote without debate. A motion to amend shall be susceptible of one amendment thereof. An amendment once rejected may not be moved again in the same form.

#### 15. VOTING

The clerk, or designee, shall conduct the roll call voting of council. Acceptable titles for council members are Mr., Mrs., Ms., Doctor, or Attorney. No other titles are to be used. The order of roll call will be: first, council member making the motion; second, member seconding the motion; and the remaining members of council called by seniority first and alphabetically second. Council members will respond either "aye" or "yes", "nay" or "no", or "abstain". No other comment shall be considered proper during the vote. After the vote is completed, the presiding officer shall disclose the results publicly.

## 16. COMMITTEES

The mayor shall on or before the first regular meeting each January organize and announce all of his/her standing committees, appoint a chairman of each committee, and submit his appointments to council for confirmation. All other committees, except such as permitted by law to certain officials, shall be subject to approval by a majority of council upon demand by any member and shall be submitted to councilmatic vote by roll call. In any event, there shall never be less than three (3) members of council appointed to any committee. Committees are expected to investigate or study a given problem or need and taking no decisive action itself but to submit a report and recommendation to the full body or council. Standing committees shall assume short and long range study, needs, and planning in their area of responsibility.

### Finance Committee:

The finance committee is responsible for reviewing, investigating, and recommending council action in all fiscal matters brought before council. These matters include but are not limited to budgets, appropriations, taxes, assessments, employee wages and relations, expenditures and general monetary policy, and special assignments.

### Service Committee:

The service committee is responsible for reviewing, investigating, and recommending council action in all service-related matters brought before council. These matters include but are not limited to public utilities, streets, storm sewers, sanitary sewers, sidewalks, contractual agreements with the village, and special assignments. Contracts include but are not limited to cable television, insurance, trash removal, recycling, rentals, and the solicitor.

### Park and Buildings Committee:

The park and buildings committee is responsible for oversight of the physical wellbeing and operational status of the Village's park facilities and building structures. It shall discuss issues, welcome public input, and research matters of importance to the operations of village owned buildings and park facilities. These matters may include but are not limited to recreational facilities, programs, maintenance and capital improvements of Village buildings and park facilities and special assignments. After such deliberations, it shall report to and advise council as to its findings. Council may then act accordingly.

### Safety Committee:

The safety committee is responsible for reviewing, investigating, and recommending council action in all safety-related matters brought before council. These matters include but are not limited to traffic safety, police protection, fire protection, health, civil defense, and special assignments.

Planning Commission:

A member of council shall be a representative on the planning commission. Once appointed his/her appointment is in effect until that member's term of office is completed.

The planning commission is responsible for zoning, planning subdivision regulations, annexation, building codes and inspection, and special assignments.

17. EMERGENCY LEGISLATION

All legislation passed as an emergency legislation must state the reason for the emergency, and not in mere general terms that such action is necessary for the peace, health, welfare and safety of the village, but specific reasons. It shall take a three-fourths (3/4) majority of all members elected to council to suspend the rules and to pass emergency legislation.

18. ABSTAINING VOTE

Any council members abstaining from a vote shall remove themselves from the discussion but may make a brief statement of the reasons for their abstention.

When a council member abstains from voting, he/she may request permission to vote before the final vote is tallied and final balloting announced by the chair. The chair shall give such member time and an opportunity to make such request. This request shall then be submitted to councilmatic vote. It will take a majority vote of those members present, with the exception of the abstaining member, at the particular meeting to permit the abstaining member to cast his/her vote. If council does not permit the member to vote or if the abstaining member does not request the privilege of voting, the effect of the abstaining vote shall be an acquiescence in the action and vote taken by the majority of those who do vote. In case of a tie vote, there shall be no acquiescence and the vote shall remain a tie vote subject to the mayor's tie-breaking vote.

19. MOTION TO RECONSIDER

A motion to reconsider any councilmatic vote can only be made on the day the vote was taken, or at the next succeeding regular meeting. A motion to reconsider can also be made at a special meeting, which is called prior to the next regular meeting after the vote to be reconsidered was taken. But, if the motion to reconsider is not made at the special meeting, it shall not prevent it from being made at the next regular meeting following the regular or special meeting where the vote was taken that is to be reconsidered. The motion to reconsider can be made by any member of council and shall be submitted to councilmatic vote. It shall take a two-thirds (2/3) vote of council to approve a reconsideration of any vote.

20. MOTION ON QUESTION OF PRIVILEGE

Questions of privilege shall be: first, those affecting the rights of council collectively, its safety, dignity, and the integrity of its proceedings; second, the right, reputation, and conduct of the members of council individually, in their capacity as such members. A question of privilege shall have precedence over all questions except a motion to adjourn, and the presiding officer shall immediately rule on a question of privilege, and his/her decision shall be subject to an appeal of any council member. Each appeal shall be governed by a majority roll call of council.

21. MOTION OF PREVIOUS QUESTION

When this motion is made, the presiding officer shall terminate the discussion or debate immediately and call for a vote on the previous question. A majority vote of council shall have the effect of stopping all further discussion and submitting the question to councilmatic vote immediately.

22. MOTION TO TAKE FROM COMMITTEE

When any ordinance, resolution, petition, or other matter has been referred to a committee, and said committee to which such has been referred fails, within a reasonable time (thirty days), to report, or offer a valid reason for its failure to report, any member of council shall have the right to make a motion that such matter be taken from the committee to which such matter has been referred, and the same laid before council for action. Such motions shall be decided without debate, except that such member making the motion may briefly state his/her reason for the motion.

23. NOTIFICATION OF LEGISLATION

Council shall not be required to act upon any legislation, by-law, resolution, or ordinance unless such legislation, by-law, resolution or ordinance has been mailed or presented in person, in its exact printed form and in their hands for study and review the Friday before the next regular meeting, and at least twenty-four (24) hours before a special meeting, when said action is contemplated.

Council members should have the opportunity to research, question, and/or prepare position on any upcoming legislation. In the event said notification has not been received by Friday before the next regular meeting or at twenty-four (24) hours before a special meeting where said action is contemplated, a motion to lay on the table until the next regular or special meeting is in order. Such motion is not debatable and a majority vote of council shall table the said legislation.

24. ADJOURNMENT

When there is no business, motion, by-law, resolution, ordinance or other issue before council or pending on the agenda for that particular meeting, a motion to adjourn is in order. The motion will not require a second and unless there is a protest from a member of council, such

meeting shall be adjourned. If there is a protest from any members of council, the motion to adjourn will be submitted to councilmatic vote and a majority of vote of the members attending the particular meeting shall govern.

25. MAJORITY, TWO-THIRDS, THREE-FOURTHS DEFINED

Whenever majority is used herein, it shall be held to mean a majority of duly elected or appointed members attending any particular meeting, but shall never be less than a majority of a quorum of duly elected or appointed members of council, unless expressly or specifically stated otherwise. Whenever a two-thirds (2/3) or three-fourths (3/4) is used herein, it shall be held to mean two-thirds (2/3) or three-fourths (3/4) of all members duly elected or appointed and duly holding office of council, unless expressly or specifically stated otherwise. Thus in the McDonald council of six (6) members, a quorum shall be four (4) members, two-thirds (2/3) shall be four (4) members, and three-fourths (3/4) shall be five (5) members.

26. AMENDING A MOTION, BY LAW, RESOLUTION OR ORDINANCE

It shall be in order to amend any motion, by-law, resolution or ordinance after such has been introduced and a motion made to put it on the floor of council. If such business is of a general or permanent nature, such as a by-law, resolution, or ordinance and such amendment is made after the second reading, it shall be read again, as amended, as the second reading, and laid over until the next meeting for final action.

27. QUESTION NOT SPECIFICALLY DEFINED THEREIN

Any question not defined, set out, covered, or answered in The Rules of Council for the Village of McDonald, Ohio shall be governed by the latest edition of Robert's Rules of Order. These Rules of Council, primarily, and Robert's Rules of Order, secondarily, shall prevail and govern the meeting of Council and the mayor, chairman, or presiding officer at all regular and special council meetings and all committee meetings.

28. AMENDMENT OF COUNCIL RULES

These rules may be amended, altered, or new rules adopted at anytime, but in case of any amendment, alteration, adoption of new rules, the matter shall be referred to a committee of at least four members of council. The president pro-tem shall appoint the chair and all other members of the rules committee. The committee will then report to council as a whole on any recommendation, amendment, alteration, or new rules to be read on three (3) different days, unless the rules are suspended by a three-fourth (3/4) vote of all council members. Any amendment, alteration, or adoption of these rules or new rules shall be upon two-thirds (2/3) vote of all members of council. These rules are to remain in full force and effect until amended or repealed by council.

29. EACH MEMBER OF COUNCIL, MAYOR, CLERK AND SOLICITOR SHALL BE PROVIDED A SET OF THESE RULES

After each election, newly elected officials mentioned above shall be presented personally, or mailed to their residence, a copy of the rules of council for the Village of McDonald, Ohio. This shall be done within thirty (30) days after the General Election in which the newly-elected official was elected and shall be the duty of the clerk and/or mayor of the Village of McDonald, Ohio.

An orientation of all newly elected officials shall be conducted by the president pro-tem within the first thirty (30) days of office and have available as reference Ohio Revised Code, Robert's Rules of Order, and a copy of the Codified Ordinances.

30. PASS ORIGINAL RULES

It shall take a majority vote of council to pass and put these Rules of Council for the Village of McDonald, Ohio in force originally.

These rules shall be flexible with consent and concurrence of a majority of council, and any provision of the rules may be suspended by an affirmative vote of three-fourths (3/4) majority of members present unless stated otherwise.

31. DEFINITIONS

Emergency legislation:

Each ordinance shall be read on three different days. Emergency legislation will suspend that requirement. It shall take three-fourths (3/4) majority of all members elected to council to suspend the rules and to pass emergency legislation. Emergency ordinances are not subject to referendum under the statutes.

Majority of members present:

Is the majority of all duly elected or appointed members of council that are in attendance at any particular meeting as long as there is a quorum.

Majority of members elected:

Are the majority of all duly elected or appointed members of council.

Motion:

A motion is the method used by a council member to bring business before the municipal council for their consideration. The member making the motion must state exactly what he/she wishes the municipal council to consider.

Off the floor:

After a motion has been presented to council and a request is made to have someone other than a duly elected or appointed council member to speak.

On the floor:

Is when a motion has been presented to council and only council members are permitted to speak.

Ordinance:

Ordinances require three readings unless it is deemed an emergency.

Quorum:

A quorum requires a majority of all duly elected or appointed members of council attending any particular meeting.

Resolution:

Resolutions require only one reading.

Suspension of rules:

The suspension of rules is a decision decided by vote of council members to suspend the "Rules of Council" that govern how they normally conduct business.

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**BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:**

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Section I.

1. MAYOR

The mayor of the village shall be the presiding officer at all regular and special council meetings. It shall be his/her duty to conduct an orderly, dignified and organized meeting. He/she shall follow and abide by the rules of council when presiding at council meetings.

The mayor shall, in common with any member or members of village council, call to order any member or members who violate any rule or rules of council. The mayor shall, when in the chair and presiding, decide all questions of order, subject to an appeal of council, on

demand of any member on which appeal there shall be no debate. The member making the appeal may state briefly his/her reasons for the appeal. The appeal then shall be submitted for councilmatic vote, and it shall take a two-thirds (2/3) majority of council to reverse the chair's decision.

The mayor shall be careful to avoid any appearance of partisanship or prejudice on any question, motion, legislative action or issue brought before council. His/her function shall solely be to see that the orders of the day or business is properly brought before council and is conducted in a professional manner, and adhere to and abide by the rules of council.

The mayor shall attend all regular meetings of council, planning commission, and all special meetings when specifically requested and properly notified by council. The Mayor shall have the right to attend any and all meetings of council when acting as a legislative body.

The mayor shall have the right to attend all committee meetings, but the chairman of the particular committee shall preside at committee meetings. He/she can enter into discussions at these meetings with recognition and permission of the committee chairman. The rules of council can be applied at committee meetings at the discretion of the committee chairman. When attending any committee meeting, the mayor shall be subject to the same rules as any other member of the committee and act only as a member of the committee.

The mayor shall have no vote at council meetings except in the case of a tie. The mayor's vote shall not be construed to represent a vote of the duly elected members of the village council. The mayor can break a tie any time the vote requires a majority vote of village council.

To cast his/her tie-breaking vote, the mayor shall and must cast his/her vote audibly by aye or nay, and announce the result of his/her vote on the balloting as whether or not the action has been carried or defeated. No other action by the mayor shall be construed to mean a tie-breaking vote. If a tie vote is not cast by the mayor, the question of issue shall die at that particular meeting for the lack of a majority subject to all other rules and procedure of council.

The mayor should from time to time make recommendation to council for the welfare of the village as he/she sees fit and wise. At the first regular meeting of council in January of each year, the mayor shall report to council concerning the affairs of the village. The mayor at any time may submit his/her recommendations to any standing or special committee, subject to all rules of council. The chairman of that particular committee shall call committee meetings and shall report to the mayor as to the committee's findings and opinions within thirty (30) days. The mayor then may accept or reject the committee's report. The mayor may dismiss or continue a special committee. The mayor can expect a committee report from all committees each thirty (30) days that council is in regular session.

The mayor shall on or before the first regular meeting each January, organize and announce all of his/her standing committees, appoint a chairman of each committee, and submit his/her appointments to council for confirmation. In case an appointment is not confirmed, the mayor shall have until the first regular meeting in February to resubmit his/her appointment. If the mayor cannot receive a confirmation on his/her particular appointment on or before the first

regular meeting in February, he/she shall then be compelled to continue to submit as many names to the particular-appointed position as necessary to receive council's confirmation of such appointment. During the interim, until the appointment is confirmed, the mayor may assume the responsibility of the appointed position, continue the former appointee holding the position or make other satisfactory arrangements with the approval of the majority of council.

## 2. ORGANIZATION OF COUNCIL

All newly elected members of council shall take the oath of office and be sworn into office on or before January 1 following the general election in which they were elected. The members of council shall on or before the first regular meeting, each January, organize by electing a president pro-tem.

## 3. PRESIDENT PRO TEM

The president pro-tem shall assume all duties and responsibilities in the mayor's absence and shall have all the duties and rights of the mayor when acting as mayor. The president pro-tem shall orientate all newly elected members of council to the legislative process, proceedings, and responsibilities within the Village of McDonald within the first thirty (30) days of office.

When presiding at council meetings, the rules of council governing the mayor also pertain to the president pro-tem when covering for and assuming the responsibilities of the mayor. The president pro-tem shall be the chairman of any and all committees when council is acting as a committee as a whole body including but not limited to caucus meetings, work sessions, and executive sessions.

## 4. VILLAGE FISCAL OFFICER – CLERK DUTIES.

In the absence of both the mayor and president pro-tem, the village fiscal officer shall call the meeting of council to order. The village fiscal officer will then request an appointment from council for a temporary presiding officer.

The village fiscal officer or designee shall be responsible for attending and recording all proceedings of all regular and special meetings of council of the legislative authority of the village. The village fiscal officer shall attend to all correspondence incidental to his/her office, shall keep the books of the village, shall exhibit accurate statements of all money received and expended, shall exhibit accurate statement of property and the income derived therefrom, shall exhibit accurate statements of taxes and assessments, and perform such other duties as may be assigned to him/her by the mayor or a majority vote of council.

## 5. VILLAGE FISCAL OFFICER – TREASURER DUTIES

The village fiscal officer collects and disburses revenues due the village. He/she shall acquire from the county treasurer those village taxes and assessments placed on the auditor's tax list for collection, moneys collected by the mayor's court, and debts due to the village to be disbursed upon proper authorization, plus all funds from any village department. The village

fiscal officer must keep accurate accounts of all moneys received or disbursed, showing the amount, date, payor and payee, and what account. His/her books must provide separate accounts for each fund and appropriation. The village fiscal officer must reconcile accounts on a monthly basis. The village fiscal officer shall settle and account with the council quarterly, or otherwise as council directs. At the first January meeting of council each year the village fiscal officer shall report on the village financial condition, including amounts and courses or receipts, disbursements and accounts. The balance due on each fund shall be reported. The village fiscal officer shall also keep a treasury investment account documenting the investments of treasury funds.

The village fiscal officer shall attend all council meetings and assist in matters as requested by council members.

## 6. SOLICITOR

The members of council shall by majority vote appoint a solicitor to take office on or before the first of June each year. The solicitor shall be an attorney who has passed the bar in Ohio and is licensed to practice law in Ohio.

The solicitor shall be employed on an annual basis, renewable by council selection and appointment. The village solicitor shall, when requested by any member of council, give a verbal opinion on any question of law concerning village affairs, but if the solicitor so chooses, he/she may take three (3) business days, which shall be considered a reasonable time, to submit his/her response in writing. The solicitor shall not give any opinion on any question or issue while there is a main motion on the floor of council, or while there is any question or issue under discussion for debate without the presiding officer requesting the permission of council. If any member of council objects, the mayor shall submit the question of such permission to councilmatic audible roll call vote. The majority vote of council shall govern.

Under no circumstances shall the solicitor enter into any discussion or debate, or make any statement except to give a legal opinion, with permission of the presiding officer, while any motion, issue or question is on the floor before council without it being submitted to council vote. It shall take a three-fourths (3/4) majority vote of council members present to grant such permission.

The solicitor shall not be required to draw any ordinance or resolutions except when such request is submitted to him/her in writing or requested by councilmatic action. All ordinances, resolutions, and contract documents shall, before presentation to the council, have been approved as to form and legality by the solicitor.

Any member of council or the mayor may request a written opinion on any question of law concerning village affairs. Such request must be in writing, signed by the council member or mayor with a copy of the request sent to mayor and president pro-tem and must be presented to the solicitor in person, or mailed to his/her office or residence. The solicitor shall give such written opinion when properly requested within ten (10) days, which shall be considered a reasonable time. The solicitor may request additional time for good reason. Council shall decide

by majority vote if there is any controversy on additional time or good reason. The solicitor's opinion, either verbal or written, shall not be ambiguous but shall be clear and manifest in every way and every respect. It shall include and name the General Code sections, resolutions, ordinances, and court decisions that the opinion is based upon and evidenced by.

The solicitor shall be given reasonable time to draw up any ordinance, resolution, or other instrument of law requested by council, for which ten (10) days is to be considered reasonable time. The solicitor may request additional time for good reason. Council shall decide by majority vote if there is any controversy on additional time for good reason.

## 7. COUNCIL AS A LEGISLATIVE BODY

Council is the legislative authority of the Village of McDonald and its actions are recorded through its council meeting minutes, passed resolutions, and ordinances. Since there is a presumption as to the validity of all proceedings of council, in the absence of concrete evidence to the contrary, the proceedings of council will be presumed valid. The council therefore shall determine and enforce its own rules.

It shall be the responsibility of council to make and enforce its own rules and see that a detailed, orderly, and precise record of its proceedings is maintained. Council as a whole and each individual member shall have the right to meet in an orderly manner. Council as a whole and each individual member and the mayor, as presiding officer, shall be charged with protecting and preventing any member of the legislative body from being subjected to abuse, coercion or intimidation from any member of council, official, employee or citizen of the village or anyone else while council is in session. Should anyone insist or persist in violation of this rule, that person, after being called to order and warned once, shall be subject to rejection from council chambers by the special police present and/or the McDonald Police Department. Council may punish or expel any member of council for disorderly or unprofessional conduct or for continually or constantly violating the rules of council after being warned.

Council shall declare a member's seat vacant for absence without leave or without a valid excuse when absent from three (3) council meetings within the calendar year. No expulsion or disciplinary action shall take place until the particular member has been notified in writing, and such writing is signed by at least two-thirds (2/3) of the members of council. Such notification is to be sent to him/her by registered mail at his/her residence, and such writing gives the member thirty (30) days' notice of said expulsion or disciplinary action. The member then shall have the right to be heard before council when such request is made in writing and delivered in person or by mail to the president pro-tem or any other two (2) members of council within ten (10) days. When such written request for a hearing is made, the member shall be heard within ten (10) days from the time the request is received. No expulsion or disciplinary action shall take place without the concurrence of three-fourths (3/4) of all duly elected or eligible members of council. The member that the action is against is not to be considered eligible.

## 8. LEAVE OF ABSENCE

It will undoubtedly occur from time to time that a member or members of council, mayor or other village official or employee, whose duty it is to attend council meetings, may be unable to attend meetings by reason of illness, other business, vacation, absence from the village for legitimate reason or other just cause or reason. Whenever this occurs, if the absent member or members or official or employee are absent for just cause, the mayor shall state their absence and the reason first and it shall be entered on the official minutes excusing such person for a particular meeting or for a specific period of time. This shall be the duty of any and all members of council to see that this is enacted to prevent controversy in the future.

#### 9. WHO SHALL ATTEND COUNCIL MEETINGS

All duly elected and appointed members of council, the mayor, village fiscal officer, solicitor, village administrator, chief of police, fire chief, and office manager or their designees shall attend all regular council meetings, and any special council meeting when requested by council or mayor. They may be granted leave of absence, as set forth in Section 8, for good cause and by the proper procedure as required. Any other official or employee of the village shall attend a council meeting or meetings when requested by council or the mayor. But the request by council for an officer or employee to attend a meeting or meetings must be by majority vote of council. If an employee or official is given permission of absence from attending council meeting, it shall be by motion and a majority vote of council and entered on the official minutes of council.

#### 10. COUNCIL MEETING - TIME AND LOCATION

All regular and special meetings of council and committee meetings of council shall be conducted in the council chambers of the McDonald Municipal Building, except in an emergency, then every effort should be made to notify the public of such meeting place. When a disabled resident requests to be in attendance, as required by the American Disabilities Act, the council meeting may be held at the Woodland Park Retirement Complex or the Fire Bays. The regular council meetings shall be held the first and third Wednesday of each month. The council caucus shall begin at 6:00 P.M., with the council meeting to follow the caucus. Council shall not be required to hold more than one council meeting per week.

All official regular and special council meetings, committee meetings, and work sessions shall be open to the public. The council shall have the right to hold executive sessions in privacy to discuss matters in accordance with Ohio's Sunshine Laws. Legislation and official business can only be passed at official regular or special council meetings open to the public.

The mayor or any three (3) members of council may call special meetings upon at least thirty (30) hours' notice in writing to each member of council and the mayor, served personally, mailed or left at his usual place of residence.

#### 11. OFFICE MANAGER RESPONSIBLE FOR PREPARING AGENDA AND MINUTES

The office manager, or his/her designee, shall prepare an agenda for all regular and special meetings. The agenda shall set out the orders of the day or schedule of business matters

to be brought before council. The mayor or any member of council shall have the right to request any matter or business they wish to discuss or legislative action they wish to introduce to be entered on the agenda. All such requests should be in writing and given to the office manager or designee prior to 12:00 P.M. on the Friday before the scheduled meeting. The office manager shall have the right to enforce this rule. The agenda shall be given to members of council prior to the time the meeting is called to order. The final agenda for a regular and special meeting shall contain a listing of each and every ordinance, resolution, and items of business to be considered. Additions may be made by council during the official regular and special council meeting with two-thirds (2/3) councilmatic vote.

Any official, employee, person, group or delegation wishing to appear before council should notify the office manager or mayor at least twenty-four (24) hours prior to the time of the meeting, in writing, or as recognized by the presiding officer. The mayor or office manager may enforce this rule. The reason for the appearance should be clearly stated and council members should be informed of this at least five (5) hours before the meeting so that they can be prepared to discuss and answer questions intelligently. If a group is comprised of more than two (2) people, the presiding officer should inform the group that time will only permit two (2) persons to talk on the subject matter, and each person speaking shall be allotted not more than five (5) minutes. The reason for this is to prepare sufficient seating capacity, to permit the matter to be entered on the agenda, and to permit mayor and council to be prepared for the question to be presented, although the mayor and council are not required to answer questions.

The agenda and schedule of business for conducting the regular council meetings shall be as follows:

1. Roll call
2. Pledge of allegiance (shall be optional with presiding officer)
3. Approval of minutes
4. Approval of agenda
5. Report of mayor
6. Report of village officials
7. Committee reports
8. Remarks from persons or groups who previously requested permission to address council
9. Old business
10. New business
11. Legislation
12. Village Fiscal Officer's report
13. Miscellaneous

The presiding officer shall read aloud the agenda when introducing it so that the press and audience have an idea of the orders of the meeting.

At each council meeting during the third (3rd) activity of the agenda, the minutes from the previous meeting will be approved as mailed, or with additions, deletions or corrections.

At each council meeting during the eighth (8<sup>th</sup>) activity there will be an opportunity for officials, employees, citizens, groups or delegations to present their questions and/or points of view. The person or persons wishing to address council shall state their name and address for the record. This should come early in the meeting to give them an opportunity of expression before any legislation comes up under old business or new business.

The office manager or his/her designee shall be responsible for attending and assisting the village fiscal officer with backup tape recording of all proceedings of regular and special meetings of council in the minutes of each meeting, typing up minutes from monthly committee meetings, preparing an agenda for every meeting, attending to all correspondence incidental to his/her office, and attending to the codification of all ordinances and resolutions according to a system used by the village.

## 12. MOTION

A motion stated by any member of council shall not require a second. Members of council are elected to serve the people of the village and any motions they make should be worthy of action given the courtesy of a vote. No motion shall be ruled out of order by the presiding officer without such ruling being submitted to councilmatic vote automatically for approval. Since there is a presumption as to the validity of all proceedings, and in the absence of evidence to the contrary, the proceedings of council will be presumed valid. Since all matters are to be passed by council, as a legislative or rescinding action, all motions by any member of council should be submitted for councilmatic vote. The right of a legislative body to reconsider an action previously taken and to rescind or abolish such action is a power that is inherent in every legislative body and any frivolous or unworthy motion can be voted down.

## 13. RULES FOR CONDUCTING DISCUSSIONS

When business, a question or an issue is on the floor for council consideration, debate and vote, no one except members of council shall be permitted to voice an opinion, make any statement or enter into the consideration, debate or discussion.

After any motion is on the floor, council has the privilege and right to discussion and to decide individually and of their own volition how they will vote on the issue. They should not be subjected to outside influence, intimidation, condemnation or coercion. If, however, the presiding officer thinks someone outside the members of council should be heard to express his/her opinion, the presiding officer shall submit the question to councilmatic vote by roll call and it shall take a three-fourth (3/4) vote of council members present to grant such permission.

The presiding officer can keep an issue off the floor that is not on the agenda. Officers, groups, delegations, and citizens shall have an opportunity to express their opinions and viewpoints under Section 8 of the agenda. Officials and employees shall be governed by the same rules as citizens and groups. Before a resolution or ordinance is on the floor, any member of council can ask for any information he/she wishes of anyone present at the meeting. However, if a member of council feels that additional information is needed after the motion is on the floor

they may request to go off the floor. This will require a three-fourths (3/4) vote of the members present.

No member of council shall be allowed to speak more than once on any subject until every member of council choosing to speak shall have had an opportunity to be heard. No member of council shall be allowed to speak more than twice on any subject unless otherwise recognized by the presiding officer. No member of council shall be allowed to speak more than five (5) minutes at any one time when recognized by the presiding officer, or more than a maximum of ten (10) minutes on any one subject at any one meeting without the leave of council by majority vote by roll call. Anyone wishing to speak at any time during a council meeting must first address the presiding officer, be recognized and then he/she shall have the right to speak for the allotted time without interruption, except for a question of privilege or a point of order. The chair shall protect this right. The presiding officer shall to the best of his/her ability not consider the time taken by persons answering the speaker's questions when determining the five (5) minute time allocation. This shall apply to members of council, all officials, employees, citizens, individuals, groups or delegations.

#### 14. RECEIVING MOTION WHEN QUESTION IS BEFORE COUNCIL

When a question, issue or proposition is on the floor before council or under discussion, no other motion shall be received except:

- a. To adjourn (to be submitted to councilmatic vote, by roll call and a majority vote shall govern).
- b. To table the motion.
- c. To request the discussion end and that the motion be voted upon (previous question).
- d. To table or postpone the motion to a specific, future time.
- e. To refer the motion to a standing or special committee.
- f. To amend the main motion.
- g. To postpone any action for an indefinite time.

These motions shall have precedent in the order in which they are arranged. Motions a, b, c and d shall not be debatable and shall be submitted to vote without debate. A motion to amend shall be susceptible to one amendment thereof. An amendment once rejected may not be moved again in the same form.

#### 15. VOTING

The village fiscal officer or designee shall conduct the roll call voting of council. Acceptable titles for council members are "Mr.", "Mrs.", "Ms.", "Doctor" or "Attorney". No other titles are to be used. The order of roll call will be: first, council member making the motion; second, member seconding the motion; and the remaining members of council called by seniority first and alphabetically second. Council members will respond either "aye" or "yes", "nay" or "no", or "abstain". No other comment shall be considered proper during the vote. After the vote is completed, the presiding officer shall disclose the results publicly.

## 16. COMMITTEES

The mayor shall, on or before the first regular meeting each January, organize and announce all of his/her standing committees, appoint a chairman of each committee, and submit his appointments to council for confirmation. All other committees, except such as permitted by law to certain officials, shall be subject to approval by a majority of council upon demand by any member and shall be submitted to councilmatic vote by roll call. In any event, there shall never be less than three (3) members of council appointed to any committee. Committees are expected to investigate or study a given problem or need, but to take no decisive action themselves and rather submit a report and recommendation to the full body or council. Standing committees shall assume short and long range study, needs, and planning in their area of responsibility.

### Finance Committee:

The finance committee is responsible for reviewing, investigating, and recommending council action in all fiscal matters brought before council. These matters include but are not limited to budgets, appropriations, taxes, assessments, employee wages and relations, expenditures, general monetary policy, and special assignments.

### Service Committee:

The service committee is responsible for reviewing, investigating, and recommending council action in all service-related matters brought before council. These matters include but are not limited to public utilities, streets, storm sewers, sanitary sewers, sidewalks, contractual agreements with the village, and special assignments. Contracts include but are not limited to cable television, insurance, trash removal, recycling, rentals, and that with the solicitor.

### Park and Buildings Committee:

The park and buildings committee is responsible for oversight of the physical wellbeing and operational status of the village's park facilities and building structures. It shall discuss issues, welcome public input, and research matters of importance to the operations of village-owned buildings and park facilities. These matters may include but are not limited to recreational facilities, programs, maintenance and capital improvements of village buildings and park facilities and special assignments. After such deliberations, it shall report to and advise council as to its findings. Council may then act accordingly.

### Safety Committee:

The safety committee is responsible for reviewing, investigating, and recommending council action in all safety-related matters brought before council. These matters include but are not limited to traffic safety, police protection, fire protection, health, civil defense, and special assignments.

Planning Commission:

A member of council shall be a representative on the planning commission. Once appointed, his/her appointment is in effect until that member's term of office is completed.

The planning commission is responsible for zoning, planning subdivision regulations, annexation, building codes and inspection, and special assignments.

17. EMERGENCY LEGISLATION

All legislation passed as emergency legislation must state the specific reason for the emergency (and not in mere general terms) that such action is necessary for the peace, health, welfare and safety of the village. It shall take a three-fourths (3/4) majority of all members elected to council to suspend the rules and a two-thirds (2/3) majority of all members elected to council to pass emergency legislation.

18. ABSTAINING VOTE

Any council members abstaining from a vote shall remove themselves from the discussion, but may make a brief statement of the reasons for their abstention.

When a council member abstains from voting, he/she may request permission to vote before the final vote is tallied and final balloting announced by the chair. The chair shall give such member time and an opportunity to make such request. This request shall then be submitted to councilmatic vote. It will take a majority vote of those members present, with the exception of the abstaining member, to permit the abstaining member to cast his/her vote. If council does not permit the member to vote or if the abstaining member does not request the privilege of voting, the effect of the abstaining vote shall be an acquiescence in the action and vote taken by the majority of those who do vote. In the case of a tie vote, there shall be no acquiescence and the vote shall remain a tie vote, subject to the mayor's tie-breaking vote.

19. MOTION TO RECONSIDER

A motion to reconsider any councilmatic vote can only be made on the day the vote was taken or at the next succeeding regular meeting. A motion to reconsider can also be made at a special meeting, which is called prior to the next regular meeting after the vote to be reconsidered was taken. If, however, the motion to reconsider is not made at the special meeting, it shall not prevent it from being made at the next regular meeting following the regular or special meeting where the vote was taken that is to be reconsidered. The motion to reconsider can be made by any member of council and shall be submitted to councilmatic vote. It shall take a two-thirds (2/3) vote of council to approve a reconsideration of any vote.

20. MOTION ON QUESTION OF PRIVILEGE

Questions of privilege shall be: first, those affecting the rights of council collectively, its safety, dignity, and the integrity of its proceedings; and second, the right, reputation, and conduct of the members of council individually, in their capacity as such members. A question of privilege shall have precedence over all questions except a motion to adjourn, and the presiding officer shall immediately rule on a question of privilege, and his/her decision shall be subject to an appeal of any council member. Each appeal shall be governed by a majority roll call of council.

21. MOTION OF PREVIOUS QUESTION

When this motion is made, the presiding officer shall terminate the discussion or debate immediately and call for a vote on the previous question. A majority vote of council shall have the effect of stopping all further discussion and submitting the question to councilmatic vote immediately.

22. MOTION TO TAKE FROM COMMITTEE

When any ordinance, resolution, petition, or other matter has been referred to a committee, and said committee fails within a reasonable time (sixty (60) days) to report, or offer a valid reason for its failure to report, any member of council shall have the right to make a motion that such matter be taken from the committee to which such matter has been referred, and the same laid before council for action. Such motions shall be decided without debate, except that such member making the motion may briefly state his/her reason for the motion.

23. NOTIFICATION OF LEGISLATION

Council shall not be required to act upon any legislation, by-law, resolution or ordinance unless such legislation, by-law, resolution or ordinance has been mailed or presented in person in its exact printed form for study and review the Friday before the next regular meeting, and at least twenty-four (24) hours before a special meeting, when said action is contemplated.

Council members should have the opportunity to research, question, and/or prepare positions on any upcoming legislation. In the event said notification has not been received by Friday before the next regular meeting or at twenty-four (24) hours before a special meeting where said action is contemplated, a motion to lay on the table until the next regular or special meeting is in order. Such motion is not debatable and a majority vote of council shall table the said legislation.

24. ADJOURNMENT

When there is no business, motion, by-law, resolution, ordinance or other issue before council or pending on the agenda for that particular meeting, a motion to adjourn is in order. The motion will not require a second and unless there is a protest from a member of council, such

meeting shall be adjourned. If there is a protest from any members of council, the motion to adjourn will be submitted to councilmatic vote and a majority vote of the members attending the particular meeting shall govern.

25. MAJORITY, TWO-THIRDS, THREE-FOURTHS DEFINED

Whenever majority is used herein, it shall mean a majority of duly elected or appointed members attending any particular meeting, but shall never be less than a majority of a quorum of duly elected or appointed members of council unless expressly or specifically stated otherwise. Whenever two-thirds (2/3) or three-fourths (3/4) is used herein, it shall mean two-thirds (2/3) or three-fourths (3/4) of all members duly elected or appointed and duly holding office of council unless expressly or specifically stated otherwise. Thus, in the McDonald council of six (6) members, a quorum shall be four (4) members, two-thirds (2/3) shall be four (4) members, and three-fourths (3/4) shall be five (5) members.

26. AMENDING A MOTION, BY-LAW, RESOLUTION OR ORDINANCE

It shall be in order to amend any motion, by-law, resolution or ordinance after such has been introduced and a motion made to put it on the floor of council. If such business is of a general or permanent nature, such as a by-law, resolution, or ordinance and such amendment is made after the second reading, it shall be read again, as amended, as the second reading, and laid over until the next meeting for final action.

27. QUESTION NOT SPECIFICALLY DEFINED THEREIN

Any question not defined, set out, covered, or answered in these Rules of Council shall be governed by the latest edition of *Robert's Rules of Order*. These Rules of Council, primarily, and *Robert's Rules of Order*, secondarily, shall prevail and govern the meeting of council and the mayor, chairman, or presiding officer at all regular and special council meetings and all committee meetings.

28. AMENDMENT OF COUNCIL RULES

These rules may be amended or altered, and new rules may be adopted at any time, but in the case of any amendment, alteration or adoption of new rules, the matter shall be referred to a committee of at least four (4) members of council. The president pro-tem shall appoint the chair and all other members of the rules committee. The committee will then report to council as a whole on any recommendation, amendment, alteration or new rules to be read on three (3) different days, unless the rules are suspended by a three-fourths (3/4) vote of all council members. Any amendment, alteration or adoption of these rules or new rules shall be upon two-thirds (2/3) vote of all members of council. These rules are to remain in full force and effect until amended or repealed by council.

29. EACH MEMBER OF COUNCIL, MAYOR, VILLAGE FISCAL OFFICER AND SOLICITOR SHALL BE PROVIDED A SET OF THESE RULES

After each election, newly elected officials mentioned above shall be presented personally, or have mailed to their residence, a copy of the Rules of Council. This shall be done within thirty (30) days after the General Election in which the newly-elected official was elected and shall be the duty of the village fiscal officer and/or mayor.

An orientation of all newly elected officials shall be conducted by the president pro-tem within the first thirty (30) days of office. At the orientation, Ohio Revised Code, *Robert's Rules of Order*, and a copy of the Codified Ordinances will be available.

30. PASS ORIGINAL RULES

It shall take a majority vote of council to pass and put these Rules of Council in force originally.

These rules shall be flexible with consent and concurrence of a majority of council, and any provision of the rules may be suspended by an affirmative vote of three-fourths (3/4) majority of members present unless stated otherwise.

31. DEFINITIONS

Emergency legislation:

Each ordinance shall be read on three different days. Emergency legislation will suspend that requirement. It shall take three-fourths (3/4) majority of all members elected to council to suspend the rules and a two-thirds (2/3) majority of all members elected to council to pass emergency legislation. Emergency ordinances are not subject to referendum under the statutes.

Majority of members present:

Is the majority of all duly elected or appointed members of council that are in attendance at any particular meeting as long as there is a quorum.

Majority of members elected:

Is the majority of all duly elected or appointed members of council.

Motion:

A motion is the method used by a council member to bring business before the council for their consideration. The member making the motion must state exactly what he/she wishes the council to consider.

Off the floor:

After a motion has been presented to council and a request is made to have someone other than a duly elected or appointed council member to speak.

On the floor:

When a motion has been presented to council and only council members are permitted to speak.

Ordinance:

Ordinances require three readings unless it is deemed an emergency or the three reading requirements rule is suspended.

Quorum:

A quorum requires a majority of all duly elected or appointed members of council attending any particular meeting.

Resolution:

Resolutions require three readings unless it is deemed an emergency or the three reading requirements rule is suspended.

Suspension of rules:

The suspension of rules is a decision decided by vote of council members to suspend the Rules of Council that govern how they normally conduct business.

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Clause II. Any and all other Ordinances, Resolutions, sections, or parts thereof inconsistent or in conflict with the terms of this ordinance are hereby repealed and held for naught.

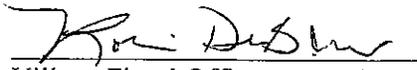
Clause III. The passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of the Ohio Revised Code Section 121.22.

Clause IV. This Ordinance shall be in full legal force and effect from and after the earliest period allowed by law.

Passed in Council this 4th day of December, 2013.

  
Mayor

Attest to:

  
Village Fiscal Officer

Posted: 12/6/13

Off the floor:

After a motion has been presented to council and a request is made to have someone other than a duly elected or appointed council member to speak.

On the floor:

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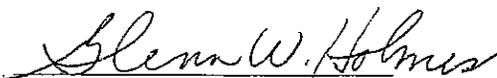
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Mayor