

# Council Rules

## Village of Glendale, Ohio

Adopted March 1, 2010

### Rule 1 – Legislative Authority

The legislative power of the Village shall be vested in, and exercised by, the legislative authority, composed of six members, who shall be elected by the electors of the Village at large, for terms of four years (RC 731.09)

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

Members of the legislative authority shall not receive any compensation.

Whenever a member of the Legislative Authority is contacted by any person or organization with a complaint against a Village employee, said member shall inform the complainant to notify the Mayor and/or Solicitor in writing about the nature of the complaint and, in addition, the member shall promptly notify the Mayor and/or Solicitor of the complaint.

Whenever a member of the Legislative Authority is contacted by any person or organization with a complaint regarding the operation of the Village other than personnel, the member shall promptly notify the Mayor or Village Administrator so that appropriate corrective action can be taken by the Village Administration.

A member of the Legislative Authority who is a volunteer firefighter is **prohibited** from participating in the following areas: matters that have a definite and direct impact upon the individual officials and employees of the fire department; voting, discussing, deliberating, or taking any other action on matters that affect the individual interests of any member of the Village Fire Department personnel (i.e., the council member would be prohibited from discussing, deliberating about or otherwise participating in decisions before Council affecting the employment, compensation, or benefits for the Fire Chief or other fire personnel); matters such as changes in compensation or benefits determined by individual working conditions, the assignment of duties, evaluations, and actions involving promotions, discipline, lay-offs, termination, the signing of warrants and checks, that directly involve the individual interests of any official or employee of the fire department.

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A member of the Legislative Authority who is a volunteer firefighter **may participate** in matters that affect all fire department personnel, uniformly and without unique or special benefit to any particular fire official or employee. The Council member may participate in the following matters: general budgetary matters and appropriations of funds to the fire department; and the purchase of equipment so long as there is no definite and direct unique or particular benefit, for the individual members of the fire department.

## **Rule 2 – President Pro Tempore**

At the first regular meeting in January of each year, the Council shall immediately proceed to elect a president pro tempore from its own number, who shall serve until the first meeting in January next after his or her election. When the Mayor is absent from the Village or is unable, for any cause, to perform his duties, the president pro tempore shall be the acting mayor, and shall have the same powers and perform the same duties as the Mayor. (RC 731.10)

When the president pro tempore becomes the mayor, the Council shall elect another president pro tempore from its own number, who shall serve until the first meeting in January next after their election and have the same rights, powers, and duties as his predecessor. (RC 731.11)

R.C. 731.43(A)(1) provides that under this circumstance, “the successor shall hold office **only** for the period the president pro tempore of the legislative authority holds the office of mayor.” Therefore, if the president pro tempore is not elected mayor, that individual would return to their former council seat and the person appointed to fill the position when the president pro tempore became mayor would no longer be a council member.

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

The president pro tempore is usually referred to as the Vice Mayor or Mayor Pro Tem.

## **Rule 3 – Presiding Officer**

The Mayor shall be the president of the legislative authority and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie. (RC 733.24)

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When the Mayor is absent from the Village or is unable, for any cause, to perform his duties, the president pro tempore shall be the presiding officer. (RC 733.25)

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

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

The Mayor or Presiding Officer shall take the chair at the hour appointed for the Council meeting to start, and shall immediately call the Council members to order. The Presiding Officer shall then determine if a quorum is present and the Clerk-Treasurer shall enter on the minutes the names of the members present.

### **Rule 4 – Mayor**

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

The Mayor shall be sworn into office on or prior to the beginning of his or her term.

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

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When the president pro tempore becomes the mayor, a successor shall be appointed to Council to hold office only for the period the president pro tempore of the legislative authority holds the office of mayor. (RC 731.43)

### **Rule 5 – Clerk-Treasurer**

The Clerk-Treasurer shall be elected for a term of four years, commencing on the first day of April next after his or her election. The Clerk-Treasurer shall be an elector of the Village. (RC 733.26)

The Clerk-Treasurer shall be sworn into office on or prior to the beginning of his or her term.

The positions of Village Clerk and Treasurer have been combined into one position known as the Clerk-Treasurer. (RC 733.261)

The Clerk-Treasurer shall attend all meetings of the legislative authority of the Village, and keep a record of its proceedings and of all rules, bylaws, resolutions, and ordinances passed or adopted, which shall be subject to the inspection of all persons interested. In case of the absence of the Clerk-Treasurer, such legislative authority shall appoint one of its members to perform the Clerk-Treasurer's duties. (RC 733.27)

In the case of the absence of the Clerk-Treasurer during a Council meeting, such legislative authority may appoint an alternate person to record minutes of the meeting.

When the terms Village Clerk and Clerk-Treasurer are used in this document they refer to the same position.

### **Rule 6 – Council Vacancies**

When the office of a member of Council becomes vacant, the vacancy shall be filled by election by Council for the unexpired term. If Council fails to act within thirty days to fill such vacancy, the Mayor shall fill the vacancy by appointment. (RC 731.43)

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

Whenever a vacancy exists in the membership of Council, the Clerk-Treasurer shall notify the local newspaper within 5 days that such vacancy exists and that the Mayor and Council will accept applications from qualified citizens who desire

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to fill the vacancy. Such notification shall also be posted on all public bulletin boards in the Village. Individual public interviews for the position shall be conducted at a special meeting in executive session with candidates called by the Council as a committee of the whole prior to the thirty day deadline.

## **Rule 7 – Council Resignation**

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

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

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

There shall be eight standing committees appointed of three members each. All standing and special committee chairmen and members shall be appointed by the Mayor or Presiding Officer. Whenever possible the Mayor shall ensure that the previous committee chairman remains on the committee for at least one year after being replaced as chairman.

The standing committees are as follows:

- ❖ Finance
- ❖ Fire
- ❖ Historic Preservation and Public Buildings
- ❖ Laws, Claims, and Miscellaneous
- ❖ Police
- ❖ Public Utilities
- ❖ Recreation and Playgrounds
- ❖ Streets, Public Improvement, and Lights

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

## **Rule 9 – Committee Responsibilities**

A committee shall:

- ❖ Follow Council direction in matters referred to it

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- ❖ Normally be expected to investigate or study a given problem or need, taking no decisive action itself but to submit a report and recommendations to Council
- ❖ Within its area of responsibility assume both short and long range study plans and needs, work to establish desirable economic, budgetary, and work standards
- ❖ Act in an advisory capacity, reporting to Council for action. The committee shall assume no direction nor issue any orders in conflict with the executive officers of the Village, or the law.
- ❖ The members of a committee shall meet on the call of the chairman, who shall be the first named person on the committee assignment listing appointed by the mayor. In the case of the absence of the chairman, the person named second on the committee listing shall be recognized as chairman. A majority shall constitute a quorum to do business.
- ❖ The reports of all committees shall be in writing, shall be agreed to in committee assembled, and shall not be presented unless signed by a majority of the committee, and the papers referred shall be returned with the report. Nothing in this section shall be construed to prevent the introduction of minority reports.
- ❖ A Special Committee shall be given direction by Council when appointed, and will be discharged on receipt of its report or completion of its assigned task.

### **Rule 10 – Council Meetings**

Council meetings may be held at such time and place as is prescribed by ordinance and shall, at all times, be open to the public. (RC 731.46)

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

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Special meetings may be called by the Mayor or any three members of Council providing at least twelve hours notice is given to each member, served personally or left at their usual place of residence. (RC 731.46)

At the first Regular Council meeting in January of each year, and at such other times as the Mayor deems expedient, the Mayor shall report to Council concerning the affairs of the Village and recommend such measures as seem proper to him. (RC 733.41)

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

Any member of the public desiring to be heard before Council or to introduce any business before Council, must notify the Clerk-Treasurer in writing by the Friday prior to the Regular or Special Council meeting in order to be placed on the agenda for the meeting. The Mayor or Presiding Officer may at their discretion recognize members of the public without prior notification. Discussion by any individual shall be limited to ten minutes, or longer at the discretion of the Mayor or Presiding Officer or Council by vote of a majority of those present.

The Clerk-Treasurer shall keep a record of the proceedings, and of all motions, rules, by-laws, ordinances and resolutions passed or adopted. The Clerk-Treasurer shall provide public documents for inspection by interested members of the public. In the case of the absence of the Clerk-Treasurer during a Council meeting, such legislative authority may appoint an alternate person to record minutes of the meeting.

The Clerk-Treasurer or Village Administrator shall be notified by committee chairmen of matters to be presented, including ordinances and resolutions, in order that they may be listed on the meeting agendas, and placed in Council packets prior to the Council meeting. It is the intent of Council that it will consider only those items included in the agenda on the Friday prior to the Regular Council meetings. Items received later than the Friday prior to the Regular Council meetings may be added to the agenda by verbal resolution of Council.

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

Smoking is prohibited during all council and committee meetings.

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

In addition to Council members and the Mayor, attendance at regular Council meetings shall ordinarily include the Clerk-Treasurer, Village Administrator, Solicitor, Police Chief, and Fire Chief. It is encouraged that any people not able to attend a Council meeting notify the Mayor at least 5 days prior to the meeting.

### **Rule 12 – Order of Business**

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

- ❖ Establishment that a quorum is present
- ❖ Presentation of preliminary agenda and approval of any changes
- ❖ Approval of the minutes of prior meetings of the Council
- ❖ Public presentations and hearings
- ❖ Old business – legislative items carried over from the prior meeting (readings, tabled items, second or third read of ordinances, etc.)
- ❖ New business – new ordinances and resolutions
- ❖ Reports from the Mayor, Standing Committees, and Special Committees
- ❖ Miscellaneous Business – Discussion of matters of general interest
- ❖ Approval of expenditures since the last Council meeting.
- ❖ Adjournment.

The Presiding Officer may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order for the same unless it is objected to by a majority of the Council members present.

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

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

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

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

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

### **Rule 13 – Council Quorum**

A majority of all the members elected shall be a quorum, but a less number may adjourn from day to day and compel attendance of absent members in such manner and under such penalties as are prescribed by ordinance. (RC 731.44)

### **Rule 14 – Order and Decorum at Council Meetings**

The Presiding Officer shall preserve order and decorum and confine members in debate to the question, subject to an appeal to the Council. In case of an appeal being taken, the question is: "Shall the decision of the chair stand as the decision of the Council?" If any member transgresses the rules of the Council, the Mayor shall, or any Council member may, call him or her to order, in which case the member called to order shall take their seat, unless permitted to explain.

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

### **Rule 15 – Discipline of Council Members**

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

### **Rule 16 – Rules of Council**

The legislative authority of the Village shall determine its own rules and keep a journal of its proceedings. (RC 731.45)

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

The Solicitor or in his or her absence the Clerk-Treasurer shall serve as parliamentarian during Council meetings.

## **Rule 17 – Precedence**

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

## **Rule 18 – Robert's Rules of Order**

When Robert's Rules of Order are mentioned in this document they refer to Webster's New World Robert's Rules of Order Simplified and Applied, copyright 1999 by Robert McConnell Productions.

The Council may suspend Robert's Rules of Order by a two-thirds vote.

## **Rule 19 – Suspension of Rules of Council**

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

## **Rule 20 – Hearings before Council**

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

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

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### **Rule 21 – Referral to Committee**

Any new business brought before Council shall 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 in the Council meeting. If the matter under consideration requires investigation and study or is of such a nature that long discussion may be required, it shall be referred to committee promptly by the Presiding Officer.

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

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

### **Rule 22 – Referral to Committee of the Whole**

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

The committee of the whole is a meeting of the entire Council as a committee, but instead of the usual presiding officer in charge, a chairman of the Council, chosen by Council, will preside. The designated chairman shall inform the public in advance of the time and place of the meeting. Referral to this committee may take place when a major situation or problem arises on which it is felt that every member of the Council should have an opportunity to express themselves and debate the issue; discussion in the Regular Council meeting would consume too much time and interfere with the regular order of business; and the Council wants to ensure the participation of all Council members. The committee of the whole shall be governed by the rules of Council in deliberations, except that no limit is placed on time or frequency of speaking, that the previous question cannot be moved, and that the yeas and nays cannot be demanded.

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

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### **Rule 23 – Legislation Presented to Council**

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

Before any zoning ordinance, measure, regulation, or amendments thereto, authorized by the Revised Code, may be passed, the legislative authority of the municipal corporation shall hold a public hearing thereon, and shall give at least thirty days notice of the time and place thereof. (RC 713.12)

The Solicitor or Village Administrator has the primary responsibility of preparing legislation for Council consideration in the manner prescribed by law. Usually ordinances and resolutions will be introduced during a Council meeting by the Mayor. Members of the Council present may also introduce ordinances and resolutions. In addition, ordinances and resolutions may be presented to the Council upon written recommendation of a committee of the Council.

When ordinances and resolutions are prepared they may be referred directly to Council or to the committee concerned with the subject matter of the ordinance or resolution. When they are submitted directly to the Council for action, the Council may refer the pending legislation to the appropriate committee or take action at the Council meeting. When applicable, the committee will only determine whether the subject matter has been fully covered. The committee will then report on the ordinance or resolution at the next Regular Council meeting as Old Business. The committee will also furnish a copy of the ordinance or resolution to the Clerk-Treasurer for review and inclusion of the agenda for the next meeting.

### **Rule 24 – Passage of Ordinances and Resolutions**

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

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

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

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

Actions by the Council, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken. (RC 731.17)

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

Ordinances, resolutions, and bylaws shall be authenticated by the signature of the presiding officer and Clerk of the legislative authority of the Council. Ordinances of a general nature or providing for improvements shall be published as provided by sections RC 731.21 and 731.22 of the Revised Code before going into operation. No ordinance shall take effect until the expiration of ten days after the first publication of such notice. As soon as a bylaw, resolution or ordinance is passed and signed, it shall be recorded by the Clerk in a book furnished by the legislative authority for that purpose. (RC 731.20)

Each Village ordinance or resolution or a succinct summary of each ordinance and resolution and all statements, orders, proclamations, notices, and reports required by law or ordinance to be published shall be published as follows: (RC 731.25)

- ❖ By posting on the designated bulletin boards identified in Section 37
- ❖ By posting in the Village Website

The publications required shall be for the following times: (RC 731.22)

- ❖ Ordinances and resolutions, or summaries of ordinances or resolutions, and proclamations of elections, once a week for two consecutive weeks
- ❖ Notices, once a week for two consecutive weeks
- ❖ All other matters shall be published once

Immediately after the expiration of the period of publication for ordinances or summaries of ordinances required by section 731.22 of the Ohio Revised Code.

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the Clerk of the legislative authority of the Village shall enter on the record of ordinances, in a blank to be left for such purpose under the recorded ordinance, a certificate stating in which newspapers and on what dates such publication was made, and shall sign this name thereto officially. Such certificates shall be prima-facie evidence that legal publication of the ordinance or summary of the ordinance was made. (RC 731.24)

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

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

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

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

### **Rule 25 – Reading of Ordinances and Resolutions**

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

When an ordinance or resolution is presented, it shall be read by title by the Mayor, Clerk or a Council member and it should be set aside for second reading at the next meeting.

The first reading of an ordinance shall be for information, and if objection be made to it, the question shall be: "Shall the proposition be rejected?" If at the third reading an ordinance shall be ordered to be laid on the table, it shall not be taken up, except by a two-thirds vote of all the members elected.

After a member moves for passage, a vote will be taken. If a two-thirds majority approves the passage of the ordinance, it shall be signed by the Clerk and the Mayor.

### **Rule 26 – Majority Defined; Three-Fourths Defined**

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Each ordinance or resolution shall be passed, except as otherwise provided by laws, by a vote of at least a majority of all the members of the Council. Actions by the Council, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken. (RC 731.17)

Whenever the term “majority” is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected; 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, two-thirds shall always be four, and three-fourths shall always be five.

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

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

### **Rule 28 – Amending Resolutions or Ordinances**

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

### **Rule 29– Limitations on debate**

No member of the Council, while Council is in sessions, shall engage in debate or discussion with anyone save another member of the Council or the Mayor or a person who has either been granted by the Council or Presiding Officer the privilege to address the Council or is present at a Council meeting on invitation of the Council. It is the intent that all such debate or discussion shall be limited to a maximum of 15 minutes and guided by Roberts Rules of Order.

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

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

## **Rule 30– Adjourned Meetings**

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

## **Rule 31 – Motions; when Debatable; Withdrawal**

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

## **Rule 32 – To refer; Precedence**

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

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

All petitions shall be presented and read by the Mayor or Clerk-Treasurer, or by a member in his place, and the contents being briefly stated, shall be referred to a committee.

## **Rule 33 – Adjournment-Unqualified-Qualified**

A motion to adjourn shall always be in order except upon immediate repetition or when a member has the floor, or when the previous question has been ordered, or when the Council is engaged in voting. When any business is pending the

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motion must be made in its simplest form, and is not subject to amendment or debate, but if made when no other business is pending, it can be amended the same as other questions.

When the consideration of a question is interrupted by an adjournment it is removed from before the Council and must be brought forward in the usual way. A motion to lay on the table shall preclude all debate or amendments. If the motion prevails, the consideration of the subject cannot be resumed, except as unfinished business, without the consent of a majority of the members present.

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

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

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

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

### **Rule 35 – Excusal from Attendance**

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

### **Rule 36 – Executive Sessions**

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

- A. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the

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

- B. To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.
- C. Conferences with an attorney for the public body concerning disputes involving the public body that is the subject of pending or imminent court action;
- D. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- E. Matters required to be kept confidential by federal law or regulations or state statutes;
- F. Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;

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

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A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated this section. (RC 121-22)

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

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

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

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

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

Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

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

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

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

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

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

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

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

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provided herein to be given by the Clerk-Treasurer or other official may be given by or under authority of the Clerk-Treasurer and a reasonable attempt at notification shall constitute notification in compliance with these rules.

The bulletin boards at (1) the southeast corner of Coral and Congress Avenues, (2) the Town Hall, (3) the Post Office, (3) the community bulletin board in the Village Square, (5) Chester Road near St. Edmunds, and (6) the police station are declared to be the six most public places in the village for the publication of ordinances, resolutions, statements, orders, proclamations, notices, and reports.

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

### **Rule 38 – Appointment of Village Solicitor**

Whenever the Village Solicitor desires to resign his or her term of office, he or she shall submit their resignation in writing to the Council and such resignation shall take effect on the effective date of the resignation letter.

When appropriate the Council may notify the local newspaper; as well as, post a notice on the designated bulletin boards in the community and Village Website that such vacancy exists and that the Council will accept applications from citizens who desire to fill the vacancy for the remaining appointed term. The Council may at its discretion conduct individual interviews for the position at a committee of the whole in executive session.

### **Rule 39 – Council Confirmation of Appointments**

Whenever the Council is required to confirm any Mayor's appointment for Fire Chief, Police Chief, Village Administrator, or member of the GHPC, the Council may at its discretion, conduct an interview with the selected appointee prior to confirmation of the appointment.

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### Definitions of Parliamentary Terms

- ❖ **Accept, Adopt, Approve:** applied to reports and motions agreed upon – not to be confused with “received.”
- ❖ **Adjourn:** To bring the meeting to a close.
- ❖ **Agenda:** The order of business to be brought up at a meeting.
- ❖ **Amend:** To change or modify a motion by striking out, or by adding or by substituting.
- ❖ **Business:** Motions, resolutions, subject, the proceedings; the agenda.
- ❖ **Bylaws:** Code of rules or regulations accepted by a body for its own guidance.
- ❖ **Chair:** The presiding officer of a meeting.
- ❖ **Commit:** To refer to a committee.
- ❖ **Debate:** To discuss the pros and cons of a motion.
- ❖ **Division:** Calling for a recount of the vote.
- ❖ **Division:** Separating a motion and voting on each part.
- ❖ **Ex-officio:** By virtue of official position, usually of boards and committees. It does not mean a non-voting member.
- ❖ **Floor, Obtain the:** When a member is recognized by the Chair, he has the “floor.”
- ❖ **Floor, On the:** A motion is on the floor when it is being considered by the assembly.
- ❖ **General Consent:** Unanimous, silent, used in routine matters, if there is no objection, avoid a formal vote.
- ❖ **Good of the Order:** Good and Welfare, after the business, if there is time, general discussion, constructive criticism, informal suggestions.
- ❖ **Main Motion:** The motion that introduces the business or a proposal to the body for action.
- ❖ **Majority:** More than half of the votes of the body.
- ❖ **Minutes:** The official record of proceedings at the meeting.

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- ❖ **Order of Business:** Same as agenda - the schedule of business to be considered.
- ❖ **Orders of the Day:** Program or order of business adopted that should be followed.
- ❖ **Parliamentarian:** One skilled in parliamentary procedure; advises the presiding officer concerning questions of parliamentary procedure.
- ❖ **Parliamentary Law:** Accepted rules of deliberative bodies, mostly derived from the usage of the English Parliament and later from the United States Congress.
- ❖ **Vice Mayor:** Another term for President Pro Tempore of the Council.