

**RESOLUTION NO. 06-05. Resolution Adopting Council Rules**

**Whereas** the Council of the village of Lithopolis, Ohio has selected Roberts Rules of Order for reference; and,

**Whereas** such reference follows use of its own fundamental rules governing the conduct of meetings and all matters coming before Council; and,

**Whereas** statutory laws provide for and grant authority for such council rules (RC 731.45);

**Whereas** council repeals Resolution 4-88.

**Now, therefore,** be it resolved that the following rules be adopted as the council rules of the village of Lithopolis, Ohio.

- 1-- **President**
- 2-- **President Pro Tempore**
- 3-- **Succession**
- 4-- **Vacancies**
- 5-- **Resignation**
- 6-- **Administrative Responsibility**
- 7-- **Standing Committees; Special Committees**
- 8-- **Committee Responsibilities**
- 9-- **Meetings**
- 10-- **Attendance**
- 11-- **Record of Proceedings; Meeting Agenda**
- 12-- **Order of Business**
- 13-- **Hearings Before Council**
- 14-- **Opening Procedure; Quorum**
- 15-- **Order and Decorum**
- 16-- **Delinquency and Excusal from Attendance**
- 17-- **Voting**
- 18-- **Reference to Committee**
- 19-- **Reference to Council of the Whole**
- 20-- **Legislation; Solicitor; Referred to Committee**
- 21-- **Introductions**
- 22-- **Voting on Legislation; Seconding of Motions**
- 23-- **First Readings**
- 24-- **Majority Defined; Three-Fourths Defined**
- 25-- **Three Readings Requirement; Suspending the rules; Emergency Ordiancnes**
- 26-- **Procedure when considering ordinances and resolutions**
- 27-- **Amending Resolution or Ordinance**
- 28-- **Limitations on Debate**
- 29-- **Adjourned Meetings**
- 30-- **Motions; When Debatable; Withdrawal**
- 31-- **Division of Question**
- 32-- **To Refer; Precedence**
- 33-- **To Adjourn**
- 34-- **Acceptable Motions; Order of Precedence**
- 35-- **Roberts Rules of Order**
- 36-- **Amendments**
- 37-- **Clerk, Treasurer, Fiscal Officer**
- 38-- **Basic Code**

### **Rule 1—President**

The mayor shall be the president of 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).

### **Rule 2—President Pro Tempore**

At the first regular meeting or organizational meeting in January of each year, 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 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)

### **Rule 3—Succession**

In the case of the death, resignation or removal of the mayor, the president pro tempore shall become the mayor and serve for the unexpired term. When the president pro tempore becomes the mayor, the vacancy thus created shall be filled by election of another president pro tempore. (RC 733.25, 731.11, 731.43)

### **Rule 4—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 (30) days from the acceptance of the resignation or within thirty (30) days of the death of a member of council or other reason for such vacancy, the mayor shall fill the vacancy by appointment. (RC 731.43) Whenever a vacancy exists in the membership of council, the clerk shall notify the local newspaper that such vacancy exists and that the mayor and council will accept applications from interested citizens who desire to fill the vacancy, and such notification to the mayor and council shall be submitted and on file in the clerk's office within seven (7) days from the notification in the local newspaper.

### **Rule 5—Resignation**

Every member of council who desires to resign during the term of office shall submit his resignation in writing to the mayor and council of the village of Lithopolis, Ohio and such resignation shall take effect when the same has been accepted by a vote of the majority of the members of council, exclusive of the person tendering his or her resignation.

### **Rule 6—Administrative Responsibility**

Under the general laws of Ohio applicable to non-charter villages, both legislative and administrative authority is vested in council. This apparent overlapping of authority warrants clarification as it applies to the mayor as the executive head and to the conduct of administrative work. Council is made responsible, in an example way, for general policies, plan approvals, financial control, and organization strength. In turn, the mayor is responsible for execution of policy, plan accomplishment, financial integrity and personnel management. When council considers and approves/disapproves payment of bills, appointments to positions, zoning standards of a planning commission, budget requests, and other forms of administration by the mayor, staff, commissions and committees, it is acting in an administrative capacity in conformity with constituted village government, and with specific laws. This relationship is basic to non-charter villages and is not to be confused with the powers and distinctions of charter or city government. Council uses standing and special committees to assist in expediting its work. See Rules 7

and 8. These committees are concerned with both legislative and administrative matters. It must be borne in mind by committees, individuals and the mayor that any decision involving the exercise of judgment or discretion must be made by the council as a body. To foster this relationship by all concerned is to observe the spirit of the law.

### **Rule 7—Standing Committees; Special Committees**

At the first regular meeting or the organizational meeting in January, the mayor shall appoint standing committees each consisting of two member of council, with one being designated as chairman, to the following named programs;

- a) Finance – to include the village treasurer as a member.
- b) Public Works, Parks and Recreation – to include the Village Administrator as a member.
- c) Public Safety and Enforcement to include the Police Chief as a member.

The mayor shall be a member of each committee.

The clerk shall attend all committee meeting, as a member, and keep accurate minutes of all meetings.

Each committee shall have no less than 4 members and no more than 5 without the approval of council.

Temporary special committees may be appointed by the mayor with the approval of council to undertake some special task. The mayor may at any time remove any member or members of committee appointed by him and appoint a new member or members of such committee to serve in place of such member or members so removed.

### **Rule 8—Committee Responsibilities**

- 1) A standing committee shall:
  - a. Follow council direction in matters referred to it.
  - b. Normally be expected to investigate or study a given program or need, taking no decisive action itself but to submit a report and recommendations.
  - c. Within its area of responsibility assume both short and long range study plans and needs, work to establish desirable economic, budgetary, and work standards, and to train others, and inspect for accomplishment.
  - d. Assume no direction or issue no orders in conflict with the executive officers of the village, or the law; thereby acting in an advisory capacity, reporting to council for action.
- 2) A special committee shall be given direction by council when appointed, will be discharged on receipt of its report.

### **Rule 9—Meetings**

Smoking is prohibited during all council and committee meetings.

Regular meetings shall be held in the council chambers of the town hall at 7:00pm official time, on the second Tuesday of each month. A change in meeting time or place is subject to council action.

All council meetings shall be adjourned no later than 10:30 p.m.

When any regular meeting of the council falls due on a legal holiday, or on an election day, the council shall meet in regular session on the day following at the stated place and hour. Special meetings may be called by the mayor or any three members of council providing at least twelve hours notice to each member, served personally or left at his usual place of residence. (RC 731.46) Any member may waive, in writing, notice of any special meeting.

At the first regular or organizational meeting in January of each year, and at such other times as the mayor deems expedient, he shall report to council concerning the affairs of the village and recommend such measures as seem proper to him. (RC 733.41)

### **Rule 10—Attendance**

Attendance at regular council meetings shall include the clerk, the treasurer, the village administrator, the solicitor and such other staff and department heads as may be requested.

Meetings of council are open to the public. (RC 731.46)

### **Rule 11—Record of Proceedings; Meeting Agenda**

Council shall adjourn its meetings no later than 10:30 p.m., and in the event that business has not been completed, council shall adjourn on a day-to-day basis until the same is completed. That 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 prior to the regular or special meeting and be placed on the agenda for the meeting. Any discussion shall be limited to five (5) minutes except as extended by council.

The clerk shall keep a record of the proceedings, and of all rules, by-laws, resolutions, and ordinances passed or adopted, which shall be subject to inspection of all persons interested. In case of the absence of the clerk-treasurer, council shall appoint one of its members to perform the duties as clerk of the council.

The clerk shall prepare an agenda for every meeting, attend to all correspondence incidental to the office, and perform such other duties as may be assigned by a majority vote of council, or as required by law.

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

### **Rule 12—Order of Business**

The business of regular council meetings shall be transacted in the following order;

1. Roll Call. To determine if a quorum is present.
2. Pledge of Allegiance
3. Minutes of previous meetings. Reading, approval and disposal of the journal or motion to dispense.
4. Visitors. Introduction of persons or delegations.
5. Finance matters.
6. Reports of officers and committees.
7. Old business.
8. New business.

The presiding officer of council may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order for the same, unless the same be objected to by a majority of the members present.

With visitors present, the clerk shall circulate a register sheet to show the name and reference to the subject matter to be presented, for deposit with the presiding officer early in the order of business.

### **Rule 13—Hearings Before Council**

Council customarily accommodates visitors by providing a time of five (5) minutes to hear their concerns or requests, while under the main obligation of conducting its scheduled business within normal limits of time. These visitors must fill out a registration sheet per Rule 12. Where electors, taxpayers, or any other person or persons desire a hearing which, in point of time, may exceed the time usually available, then council shall schedule such public hearing by arranging for a special time and place therefore. Council may grant additional speaking time by motion with majority consent.

### **Rule 14—Opening Procedure; Quorum**

The mayor shall take the chair at the time appointed for the council to meet, and shall immediately call the members to order; he shall then determine if a quorum is present, cause the journal of the preceding session to be disposed of; and continue on with the prescribed order of business.

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

### **Rule 15—Order and Decorum**

The Mayor shall preserve order and decorum during meetings and confine members in debate to the question. He may, in common with any other member, call any member to order who shall violate any of the rules and shall, when in the chair, decide all questions of order, subject to an appeal to the council on the demand of two members. On such appeal there shall be no debate, but the member making the appeal may briefly state his reasons for the same, and the presiding officer shall have the same right to a similar statement.

The presiding officer shall avoid appearance of partisanship on any question. His 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 16—Delinquency and Excusal from Attendance**

Council may punish or expel any member for disorderly conduct or a violation of its rules and declare his 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 all the members elected and until the delinquent member has been notified of the charge against him and has had an opportunity to be heard. (RC 731.45)

No member shall be excused from attendance at more than three regular council meetings except upon roll call and by a vote of the majority of the members present.

### **Rule 17—Voting**

Every member present shall vote by an aye, nay or abstention.

### **Rule 18—Reference 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. Prolonged argument, discussion and debate shall be avoided. If the matter under consideration requires investigation and study or is of such a nature that long discussion may be provoked, the presiding officer shall promptly refer it to committee.

If any matters referred by the council to any committee or officer be not reported upon by the next regularly scheduled meeting, such matter shall be brought by the village clerk to the attention of the council, which shall take such further action in the premises as it may deem best.

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

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

#### **Rule 19—Reference to all council members.**

There are times when a matter will be referred to the entire council.

This is a meeting of entire council as a committee, but instead of the usual presiding officer being in charge, a chairman of the council will preside. The designated chairman shall cause the clerk to inform the public in advance of the time and place of meeting. Referral to this committee may take place when a major situation or problem arises on which it is felt that every member of council should have an opportunity to express himself. Debate or discussion in the regular meeting would consume too much time, and interfere with the regular order of business. Referral to some committee will restrict consideration and study of the problem or question to only the committee members. Council will act as a committee and discuss the question as a group and receive the view and opinions of all the members. The committee shall be governed by the rules of council in deliberations. The committee will report its recommendations of finding to council. If the committee believes that further study or investigation is indicated, it may recommend to council that the matter referred to a certain committee. Any report of this committee shall be presented to council, just as in the case of any other committee report.

#### **Rule 20—Legislation; Solicitor; Referred to Committee**

Prior to the introduction of ordinances and resolutions they shall be made available to the solicitor for preparation. When they are prepared, if necessary and upon majority vote by council, they shall be referred to the committee concerned with the subject matter of the ordinance or resolution. The committee will then report on the ordinance or resolution at the next council meeting. The committee will also furnish a copy of the ordinance or resolution to the clerk-treasurer for his/her information and review in advance of the next council meeting.

The solicitor has the responsibility of preparing legislation in the manner prescribed by law. The committee will only determine whether the subject matter has been fully covered; the solicitor with the fulfillment of legal requirements.

In the absence of an ordinance committee, it shall be the duty of the committee to which legislation has been referred to make comparisons with all existing ordinances, reporting thereon, and recommending any changes necessary.

#### **Rule 21—Introductions**

Ordinances and resolutions shall be introduced only by members of the council present, with their names endorsed thereon, except such ordinances and resolutions as may be presented to the council upon recommendation of some committee of the council.

Before being presented to council for a first reading all ordinances and resolutions shall be in written or printed form, and shall contain not more than one subject which shall be clearly stated in the title. General appropriation ordinances may contain the various subjects and accounts for which moneys are appropriated. (R.C. 705.15)

#### **Rule 22—Voting on Legislation; Seconding of Motions**

Ordinances and resolutions shall always be voted upon separately, even though the committee report urging approval of such legislation may be adopted unanimously. The voting on such legislation shall be entered by the clerk in writing of council voting aye, those voting nay, and abstaining therefrom.

Each motion shall be seconded before further action thereon.

#### **Rule 23—First Reading of Ordinances; Resolutions**

When committees report on ordinances, or citizens or other members of council submit ordinances to council, they are given a first reading at the regular council meeting or a special meeting called for such purpose. Resolutions shall be voted upon and acted upon the same as ordinances.

#### **Rule 24—Majority Defined; Three-fourths Defined**

Whenever the term “majority” is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to council; likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected to council. Thus, in a council of six members, a majority shall be four, and three fourths shall be five.

Council without the concurrence of a majority of the members shall pass no ordinance or resolution. In the case of a tie (lost), the mayor may cast the deciding vote.

#### **Rule 25—Three Readings Requirement; Suspending the rules; Emergency Ordinances**

No ordinance, unless it is declared an emergency measure, shall be passed until it has been read on three separate days, the first and second reading of which may be by title only, and if such measure is printed and a copy thereof placed on the desk of each member the third reading may be by title only. The rule requiring every ordinance to be read on three separate days may be suspended by a three-fourths vote of all members elected or appointed to the legislative authority, taken by "yeas" and "nays" on each ordinance and entered on the journal. (R.C. 705.15)

If the ordinance is an emergency, requiring immediate action, the presiding officer should, after the clerk reads it, entertain a motion to suspend the rules and read the ordinance by its title only for the second and third readings. If three-fourths of the members approve the motion, the clerk or council member will then read the ordinance by its title only for the second and third readings. The ordinance is then ready for passage. (RC 731.30)

After a member moves for passage, a vote will be taken. If a two-thirds majority approves the passage of the ordinance, the clerk and the mayor shall sign it. Legislation passed as an emergency measure must

have the reason stated for the emergency and not in the more general terms that such action is “necessary for the peace, health, welfare and safety of the village.”

#### **Rule 26—Procedure when considering ordinances and resolutions**

When an ordinance is presented it shall be read by the clerk of council.

Council shall, after the 1<sup>st</sup> and 2<sup>nd</sup> reading of all ordinances and resolutions, provide each member present the opportunity to comment on said ordinance or resolution. Comments, concerns or lack thereof shall be noted by the clerk in the records of proceedings who shall then set it aside for second reading at the next meeting

At any time during the consideration of ordinance and resolutions the public is encouraged to ask questions and voice concerns, once recognized by the Mayor and subject to orderly and good conduct. This opportunity is not a forum for public debate and is intended to allow council to briefly receive input from the public contemptuously with the consideration of legislation. It shall be the duty of the Mayor to ensure the process moves in a deliberate and timely manner.

At least two copies of ordinances and resolutions shall be available at meetings for use by the public, unless other means have been provided.

There shall be no vote until the third reading unless the ordinance or resolution is being considered as emergency legislation or the rules have been previously suspended.

#### **Rule 27—Amending Resolution or Ordinance**

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

#### **Rule 28—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 some person who has either been granted by the council the privilege to address the council or is present at a council meeting on invitations of the council. All such debate or discussion shall be governed by Roberts Rule of Order and be limited to fifteen (15) minutes.

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

#### **Rule 28—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 adjourning and not for the introduction of new business.

#### **Rule 30—Motions; Debatable; Withdrawal**

When a motion is moved and seconded, the presiding officer shall state it before any debate shall be in order. The movers thereto may withdraw any such motion and amendment thereof at any time before final decision.

**Rule 31—Division of Question**

Any member may call for a division of the question or the presiding officer may direct the same and in either case, the same shall be divided if it comprehends questions so distinct that one being taken away, the other will stand as an entire question for decision.

**Rule 32—To Refer; Procedure**

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.

**Rule 33—Adjournment; Unqualified; Qualified**

The motion for unqualified adjournment shall always be in order even when a main motion is being considered. This motion requires a second and majority vote. The motion for qualified adjournment is acceptable when no motion or other business is being considered. This motion requires a second and is amendable as to the time and place and majority vote.

**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:

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

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

**Rule 35—Roberts Rules of Order; Incidental Motions; Unclassified Motions**

	Requires a Second	Debatable	Amendable	Vote Required
<b>• Incidental Motions</b>				
To object to the consideration of question	No	No	No	2/3 (4)
To rise to a point of order	No	No	No	None; majority if appealed (2)
To appeal from the decision	Yes	Yes	No	Majority

of chair				
To call for division of the house	No	No	No	Majority (counted vote)
To withdraw a motion	No	No	No	Majority
To suspend the rules	Yes	No	No	2/3 (4)
<b>• Unclassified Motions</b>				
To reconsider a motion	Yes	No; Yes (3)	No	Majority
To rescind	Yes	Yes	Yes	2/3; a majority when notice to rescind was given at previous meeting
To take motion from the table	Yes	No	No	Majority

1. A motion to accept reports is optional
2. A vote is optional but requires a majority if taken
3. Yes, if original motion is debatable
4. If emergency action then three-fourths (3/4) majority is required.

In the absence of any rules upon the matter of business, the current edition of Roberts Rules of Order shall govern the council.

**Rule 36—Amendments**

These rules may be amended or altered or new rules adopted by a vote of the majority of all the members elected at any meeting of the council, on the report of a committee to which the subject has been referred at a previous meeting.

**Rule 37—Clerk, Treasurer, Fiscal Officer**

The village is required to have the positions of Clerk and Treasurer. These two positions may be combined into an elected Clerk-Treasurer position. The elected Clerk-Treasurer position may be abolished and an appointed Fiscal Officer position created.

Throughout these rules where reference is made to the Clerk or the Treasurer position and those positions have not been combined or abolished it refers to two separate positions. If the positions have been combined or abolished either the Clerk reference or the Treasurer Reference refers to the Clerk-Treasurer or Fiscal Officer position.

**Rule 38—Basic Code**

The village shall adopt annually the Ohio Basic Code as the model code of ordinances. Pursuant to the terms of OBC 10.15 the municipality is free to amend, add or repeal sections of the Ohio Basic Code.

Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2003

SIGNED:

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Mayor

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President Pro Tempore

WITNESSED:

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Clerk-Treasurer