

ORDINANCE NO. 7-1-2004-1

An Ordinance adopting Rules of Village Council, and declaring an emergency, as council wishes to put these rules in place at the earliest possible opportunity and declaring an emergency.

Whereas, Village Council desires to have rules concerning the conduct of business and conduct during Village Council meetings as well as the conduct of other activity by Village Council;

Whereas, Village Council has reviewed the following rules finds them acceptable and desires to implement them as Standing Rules of Business and Conduct of Village Council;

Now therefore, be it ordained by the Council for the Village of Windham, County of Portage, State of Ohio, that:

SECTION 1: The following Standing Rules of Business and Conduct of Village Council are hereby adopted:

Standing Rules for The Governance of Business and Conduct Of The Village of Windham Council

INTRODUCTION

Section 731.45 Ohio Revised Code authorizes the Council to determine its own rules.

Such rules may not conflict with statutory procedures for the enactment of municipal legislation. Such statutory procedures and any other rules may apply in certain situations that have not been included in these rules: i.e. Policies put in place.

The Village of Windham Council Rules need not be, but may be adopted by ordinance or resolution form. If adopted by motion, they do not continue from term to term, but be readopted by succeeding councils. These rules are to remain in full force and remain in effect until, amended or repealed by council or as provided in Article II (2).

Any proposed amendment or addition to the rules of Council shall be first referred to the Rules of the Committee, which shall report on the rules at the next regular meeting of Council as further described in Article IX (9).

Article I. Meetings of the Council of the Village of Windham

ORDINANCE NO. 7-1-2004-1

(1) The Mayor is the President of the Legislative Authority of The Village of Windham, and presides at all regular and special meetings of Council, However, has no vote except in the case of a tie. ORC 733.24

(2) The President Pro-Tempore of the Council of the Village of Windham is generally referred to as the President of Council. The President Pro-Tempore may vote upon measures coming before council while he/she is presiding in the absence of the Mayor (1962 O.A.G. No. 3203).

(3) Special Meetings: Special meeting of the Council may be called by the three members of Council upon at least 24 hour notice to each member and required 24 hour public notification (ORC731.46). Meetings may be called according to the (RC). As a courtesy, plans for extended absences by elected officials should be shared with the administration office.

(4) Excused Absences: During a meeting no member shall be excused while Council is in session except upon permission of the Council President or Mayor.

(5) Public hearings will not normally be an agenda item for regular Council meetings. Budgetary hearings are the exception.

Article II. Rules of Conduct

(1) All meetings of Council shall be called, held and conducted as prescribed by:

- (a) The Ordinances and Resolutions of the Village of Windham
- (b) The Rules of Council

(2) Council may, by two-thirds vote of its members, suspend the operation of any rule either as to any meeting or any measure pending before it. Except as otherwise provided, the proceedings of Council shall be governed by Robert's Rules of Order.

(3) The Council may expel any member for disorderly

ORDINANCE NO. 7-1-2004-1

conduct, conduct unbecoming to a Council Member and /or violation of its rules, and declare the seat vacant for absence without valid cause, where the absence has continue for two month. No expulsion shall take place without the concurrence of 2/3 of all members elected, and until the delinquent member has been notified of the charge against them, and has had an opportunity to be heard. (731.45 and Code 32.08)

Article III. COUNCIL OFFICERS

(1) At the first meeting in January following a municipal election, or as soon thereafter as possible, or as required, Council shall elect from its own members, a President Pro-Tempore of Council who serves for a one-year term. The President Pro-Tempore is the acting Mayor upon the absence of the Mayor, and becomes the Mayor upon the office being vacant. In the absence of the President of Legislative Authority (Mayor), and the President Pro-Tempore of Council, the Council member who has the longest consecutive tenure of office shall preside. The presiding officer of Council shall have the right to participate in the proceedings, and shall have the same voting rights as all other regular members of Council. (1962 O.A.G. No. 3203).

(2) Except as otherwise provided, regular meetings of Council shall be on the second Tuesday of each month at 7:00 P.M. EST; however, when such meeting date falls on a holiday, such meetings shall be held on an alternative date as determined by Council, unless otherwise announced in accordance with Law.

(3) Council may hold a special meeting/workshop one hour prior to the start of regular scheduled meetings. These special meetings are "workshops" and as such are called for the purpose of education and acquaintance with issues that may or may not come before Council in regularly scheduled session. They are open to the public, governed by the sunshine law, and no binding decisions may be made during these workshops. These special meeting/one-hour workshops shall be announced as early as possible, preferably at the preceding months regular scheduled meeting, or as part of the yearly calendar.

ORDINANCE NO. 7-1-2004-1

Article IV. Order of Business

(1) Agenda: All business for transaction by the Council must be in the Administration office no later than close of business two (2) working days prior to the meeting.

The agenda for all meetings of Council shall be prepared by the Village Fiscal Officer under the guidance of the Mayor and Council President and presented to Council with the packet of supporting information. The Council members will review the agenda for any final adjustment at the beginning of the meeting.

Committees shall try to provide copies of whatever supporting material is available that is germane to the discussion of items on the agenda. In the absence of supporting material, a briefing paper should be prepared to afford Council the opportunity to ask questions:

The name of the sponsor (committee or Mayor) shall be identified by the agenda item.

(2) The business of regular meetings of the Council of the Village of Windham shall be transacted in the following order:

- (1) Mayor calls meeting to order
- (2) Pledge Allegiance to the Flag
- (3) Roll Call
- (4) Minutes from previous meeting
- (5) Financial Report VFO
- (6) Council President's Report
- (7) Police Report: Safety Committee Chairperson
- (8) Fire Report: Safety Committee Chairperson
- (9) Mayor's Communication
- (10) Prior request of guest to address Council
Committee Reports
- (11) Finance and Audit Committee
- (12) Safety
- (13) Utility
- (14) Streets/Sidewalks
- (15) Building/Properties/Housing Code
- (16) Planning and Zoning Commission
- (17) Park & Recreation

ORDINANCE NO. 7-1-2004-1

- (18) Economic Development and Long Range Planning
- (19) Records Commission
- (20) Solicitor's Report
- (21) Guest Recognitions: name and address and remarks are limited to three minutes. Citizen will be acknowledged by raising their hand and the presiding officer will call on the individual(s).
- (22) Executive Session: Should executive session be called. The agenda will give the reason for the session from one or more of the approved purposed listed under the Ohio Revised code section in 121.22. The reasons need not include the name of any person to be considered.
- (23) Adjourn

(3) When the Mayor of The Village of Windham is present, the President Pro-Tempore of Council shall yield to the Mayor (President), and allow him or her to preside over regular scheduled Council meetings, in accordance with and enforcement of Council Rules, as provided for herein, as provided by Law in accordance with Ohio Revised Code Section 733.24.

(4) These Rules shall serve as the Agenda in the absence of a prepared Agenda for the regularly scheduled Meeting of Council.

Article V. Voting and Motions

- (1) Voting Requirements:
- | | |
|--------------------------|-----------|
| Regular = | 4 members |
| Emergency= | 4 members |
| Suspension of 3 reading= | 5 members |

Definitions:

Quorum=	4
Majority=	4
2/3=	4
3/5=	5

Voting: All members shall cast a vote on a measure unless forced to abstain due to conflict of interests. Unless a member of Council states that he/she is not voting, his silence or failing to respond to a roll call shall

ORDINANCE NO. 7-1-2004-1

be recorded as an affirmative vote. Or an abstention is being used by Council member to avoid a yea/nay vote shall be recorded as an affirmative vote. An abstention may be questioned as to the nature of the conflict of interest.

(2) Any question shall be divided if it comprehends a question so distinct that if one is taken away, the other will stand as entire question for decision. Any member may call for, ,or the President may direct, division of an question when it is believed such division will make for expedition of clarity.

Article VI. Official Reports

(1) The original report or communication shall be retained by the Village Fiscal Officer and placed on the permanent record of Council.

(2) Council Members shall type and/or prepare their own reports and documents and can reproduce them on the copier equipment in the Village Office.

Article VII. Permitting Non-Member to Speak

Under guest recognition of the agenda the President may recognize any non-member for the purpose of addressing Council on any question then pending, or on any matter on which Council action is desired. In such cases, the person recognized shall address the chair, state his or her name and address the subject matter he or she desires to discuss. Remarks must be confined to the merits of the subject at issue. Speakers must be courteous and avoid discussion of personalities.

If an item is brought to the attention of council that could best be dealt with by staff or committees (and does not require immediate action) the matter shall be referred to the committee or staff member for investigation and resolution and reported on at the next regular Council meeting.

Persons with specific topics to present before Council are encouraged to submit a written request to the Mayor or

ORDINANCE NO. 7-1-2004-1

any Council Member as time limits may not allow for discussion. A sign in sheet will be provided at each meeting so person with a specific topic for discussion will be guaranteed an opportunity to speak. The person addressing council must state their name and address before beginning with their remarks.

Except by permission of Council, speakers shall be limited to three minutes, unless profanity is used, or personality challenged, in which case, the non-member's time shall cease immediately, and the President and/or the President Pro-Tempore shall intervene. Upon exception, the President Pro-Tempore will delineate the additional time allotted. If discussion is constructive to the issue the presiding officer shall have the flexibility to extend the time.

The time allotted will be monitored by the recorder, or his/her appointee, or monitored by the speaker himself, or herself, as deemed necessary by the presiding officer.

Article VIII Emergency Ordinances

If an emergency ordinance or resolution fails to receive a two-thirds (2/3) affirmative vote all members elected or appointed to Council, such a measure shall cease to be before Council as an emergency measure, and shall have the standing that such measure would have had if it had been similarly read or voted upon as an ordinary measure instead of an emergency measure.

Article IX. Reading of Legislation

As required by Ohio Revised Code Section 731.17, no ordinance shall be passed until it has been read by title on three (3) separate meeting days, unless the reading on three (3) separate days has been dispensed with by a three-fourths (3/4) vote of all members of Council.

Resolutions may be passed after the first reading by a proper roll call vote of the Council of The Village of Windham.

ORDINANCE NO. 7-1-2004-1

Article X. Amendments to Council Rules

The Council Rules set forth may be amended or altered, or new rules adopted, by a vote of the majority of all members elected or appointed to Council, present at any meeting of the Council, on the report of the Committee to which the subject has been referred at a previous meeting. In the absence of a special committee appointed by the President Pro-Tempore of Council, the issue shall be referred to, and report will come from the personnel, bargaining and rules committee. (P.B.R.C.) See Article XI number 2.

Article XI. Committees

It is usual for Council to divide itself into committees to study matters that may come before Council; however action must be taken on proposed legislation by the Council as a whole.

COMMITTEES: At no later than the first regular meeting of Council after its organization, the President Pro-Tempore of Council shall appoint the following standing committees consisting of three (3) members.

(1) Finance matters relating to finance, indebtedness, appropriations and tax receipts. The committee will work closely with the Fiscal Officer on financial matters to include state and/or federally funded programs. In addition grants or financial assistance programs and to review and evaluate programs where non-village funds are involved.

(2) Personnel, Bargaining and Council Rules: matters on pending or unresolved personnel issues, bargaining with Township trustees, legal action against or legal action by the Village, rules of Council for the purpose of reviewing, investigating and recommending Council Rule changes and guidelines and overseeing employee manuals and policies that may or may not be implemented.

(3) Public Safety: Matters relating to the Police and Fire

ORDINANCE NO. 7-1-2004-1

Department, EMS and medical services as well as other matters related to public safety.

(4) Utilities: Matter relating to water, wastewater and ground water (storm sewers) plants, equipment, Village Administrator and Utility employees.

(5) Streets and Sidewalks: Matter relating to the maintenance and improvement of public streets, storm sewers and the general operation of the maintenance department.

(6) Buildings and Lands: Matters relating to the construction, maintenance acquisition of any building and lands and proposed improvements to facilities and land owned by the Village or proposed to be acquired by it.

(7) Public Housing Code: Matter relating to the multi-family housing code ordinances enforcement, including clean up and safety issues.

(8) Records Commissions: Matters relating to the proper storage of Village record and discarding of out dated or records destroyed.

(9) Economic Development and Long Range Planning:

(10) Audit Committee: A liaison between management and auditor. To monitor and review the Village Accounting and Financial reporting practice and follow up on citations and auditor recommendations. The audit committee members shall be the same as the Finance Committee.

(11) Records Commission: as established by the O.R.C.

The President Pro-Tempore of Council (Village) may appoint such special or ad hoc committee as he/she deems necessary provided that matters refereed to or pending before a Standing Committee may not without consent of its member be referred to or considered by a special committee.

The Mayor shall be an ex-official member of all Council committees with voice but does not vote.

ORDINANCE NO. 7-1-2004-1

The Mayor shall appoint the Chief of Police, Fire Chief, the Village Fiscal Officer, and the Village Administrator with approval of Council and other appointment as provided by the Ohio Revised Code (ORC).

Article XII.

Other Boards and Commissions (for clarity only)

(The following is provided for clarity only).

(1) Planning and zoning commission, in accordance with The Village of Windham Code of Ordinances was established in accordance with Ohio Revised Code Section 713.01.

The Planning Commission shall consist of the Mayor, one (1) member of Council, and three (3) members of the Community, as provided for in Section (b), and appointed by the Mayor with the approval of Council.

(2) The Park Board Commission is in accordance with Codified Ordinance of The Village of Windham's Park Board shall be made up of five (5) persons, as follows:

(a) Two (2) citizens of The Village of Windham appointed by the Mayor with the approval of Council;

(b) One (1) member of Village Council appointed by the Mayor with the approval of Council;

(c) Two (2) school board members designated by the school board.

(3) Housing Code Appeal Board: Matters relating to the multi-family housing code ordinance.

(4) tax Incentive Review: Matters relating to the Village enterprise Zone and tax incentive monitoring of industrial or business participating and promoting the enterprise zone to potential participants.

(5) Portage County Local Government Funds: One (1) Village representative to attend county meeting and monitor local government funds. The Chairperson of the finance committee is an automatic member.

ORDINANCE NO. 7-1-2004-1

Article XIII.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality and for the further reason that Council wishes to have this agreement go into effect at the earliest possible opportunity. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

1ST Reading July 13, 2004
2nd Reading August 10, 2004
Passed on October 12, 2004

APPROVED: _____
MAYOR

ATTEST: _____
FISCAL OFFICER

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.