

**ORDINANCE O-2015-3**

**AN ORDINANCE AMENDING SECTION 121.01 RULES FOR GOVERNANCE AND BUSINESS AND CONDUCT OF COUNCIL**

**WHEREAS**, the Mayor and Council have determined that some of the procedures set forth in section 121.01 (c) and (e) of the Windham Codified Ordinances vary from the rule of law observed by most, if not all, non-charter municipalities in Ohio; and

**WHEREAS**, upon review, the Council has determined that a revision of the Windham Codified Ordinances as is set forth in Exhibit A hereto will bring the procedures followed by the Council into conformity with the law of the State of Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Windham, County of Portage, State of Ohio that the majority of its members thereto concurring that:

**Section One:** The additions to Section 121.01(c) and (e) of the Windham Codified Ordinances as are shown in italics (*italics*) and the deletions as are shown in strike throughs (~~strike-throughs~~) on the attached Exhibit "A" are hereby enacted.

**Section Two:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

Passed in Council    First Reading    January 27, 2015  
                                  Second Reading    February 24, 2015  
                                  Third Reading    March 24, 2015

Vote of Council:    Ayes: 4  
                                  Nays: 2

ATTEST:

APPROVED:

\_\_\_\_\_  
Fiscal Officer, Cheree M. Taylor

\_\_\_\_\_  
Robert Donham, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Solicitor, Thomas Reitz

(b) 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 a two-thirds vote of its members *present at the meeting where the action is proposed*, suspend the operation of any rule either as to any meeting or any measure pending, *except legislation*, 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 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 continued for two months. 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.

\* \* \* \* \*

(e) Voting and Motions.

- (1) *Legislation* Voting Requirements: Regular = 4 members  
Emergency = 4 members  
Suspension of 3 readings = 5 members

Definitions:

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

Voting: All members shall cast a vote on a measure unless forced to abstain due to a conflict of interest. Unless a member of Council states that he/she is not voting, his silence or failing to respond to a roll call shall be recorded as an affirmative vote. ~~Abstention shall be recorded the same as the majority 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. *In the event of an abstention due to a conflict of interest the disqualification is treated as a vacancy because the Member is not qualified to act. When an office is vacant, the number of Members is reduced accordingly for all purposes.*

- (2) *Motion Voting Requirements: Action taken by motion shall only require a majority of the Members present.*
- (32) Any question shall be divided if it comprehends a question so distinct that if one is taken away, the other will stand as an entire question for decision. Any member may call for, or the President may direct, division of any question when it is believed such division will make for expedition of clarity.