



Village of Ashville



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## 2024 RULES OF COUNCIL





# RULES OF COUNCIL

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**I. MEETINGS**

Smoking is not permitted at any meeting.

All meetings are open to the public.

**1. REGULAR MEETINGS**

Regular meetings of Council shall be held in the Council Chambers at 6:30PM on the first and third Mondays of each month. Council may, by majority vote, change the day and hour of holding any regular meeting.

At the first regular or organization meeting in January of each year, Council shall prepare and adopt a calendar of regular meeting dates to reflect those dates changed due to holidays. The fiscal officer and/or clerk shall post this calendar on the website and send a copy to the news media that has requested notification.

**2. SPECIAL MEETINGS**

Council shall hold special meetings as may be found necessary, which may be called by the fiscal officer and/or clerk upon the written request of the Mayor or upon written request of three council members.

Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered thereat, and no other subject or subjects shall be considered.

Except in the case of emergency special meetings, the village fiscal officer and/or clerk shall, no later than twenty-four (24) hours before the time of a special meeting, post a statement of the time, place and purpose of such special meeting on the website for the public to read. The fiscal officer and/or clerk of Council shall cause notice in writing of each special meeting to be served personally or to be left at the usual place of residence of each member of Council and the Mayor not less than twelve hours preceding the time for such special meeting.

Any news medium organization that desires to be given advance notification of special meetings of any municipal body shall file with the village fiscal officer and/or clerk a written request therefore. Except in the event of an emergency requiring immediate action, a special meeting shall not be held unless at least twenty-four (24) hours advance notice of the time, place and purpose of such meeting is given to the news media requesting advance notification.

### **3. EMERGENCY MEETINGS**

In the event of an emergency situation that affects the immediate public health, safety, or welfare of the Municipality, the fiscal officer and/or clerk upon written request of the Mayor or three council members may call an emergency meeting of Council by waiving the above requirements.

### **4. ADJOURNED MEETINGS**

Council shall adjourn its meetings no later than 11:00 p.m. 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 set by Council. When the Council reconvenes at the appointed time, if a quorum is present, it takes up the business where it left off at the 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.

## **II. THE CHAIR – POWERS AND DUTIES**

### **1. PRESIDING OFFICER**

The Mayor shall be the Presiding Officer 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 (ORC 733.24). A council president pro tempore shall have a vote when presiding in the absence of the Mayor.

### **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 (ORC 731.10). The president pro tempore shall have a vote when presiding in the absence of the Mayor. In the absence of both the Mayor and pro tempore, the council shall appoint a temporary chairman.

### **3. TEMPORARY CHAIRMAN**

In case of the absence of the Mayor (President of Council) and the President Pro Tempore, the fiscal officer and/or clerk shall call the Council to order. The fiscal officer and/or clerk shall call the roll, and if a quorum is found to be present, the Council shall proceed to elect by a majority vote a Temporary Chairman of the meeting until the appearance of the Mayor or President Pro Tempore.

**4. SUBSTITUTE CHAIRMAN**

The Chair, i.e., Mayor (President of Council), President Pro Tempore of Council or Temporary Chairman, may call any other Member to take his place in the Chair. Such substitution is not to continue beyond adjournment.

**5. ROLL CALL**

The Mayor, or in his absence, the President Pro Tempore of Council, shall take the chair at the hour appointed for Council to meet, and immediately shall call the Council to order. The roll shall then be called by the Mayor, who shall enter in the Journal of each meeting the names of Members present thereat. In the absence of a quorum at the time appointed for a meeting, the Members present may by a majority vote, take a recess or recesses and cause the fiscal officer and/or clerk to procure the attendance of absent Members.

**6. QUORUM**

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

**7. ORDER AND DECORUM**

The presiding officer of council shall preserve order and decorum 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, the member making the appeal may briefly state their reasons for the same, and the presiding officer shall have the same right to a similar statement. A majority of council shall decide the appeal.

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.

Council may punish or expel any member for disorderly conduct and declare his seat vacant. 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 (ORC 731.45).<sup>1</sup>

The Village employees shall observe the same rules of procedure and decorum applicable to members of the Council. The presiding officer shall have the authority to preserve decorum in meetings as far as staff members and village employees are concerned.

The use of profane or vulgar language and/or gestures while making comments will not be tolerated. The continued use of it after the presiding officer has ruled the individual out of order, may cause the individual to be ejected from the council meeting place.

The Chief of Police or such member or members of the Police Department as he may designate, shall be Sergeant-At-Arms of the council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting.

Upon instructions of the presiding officer, it shall be the duty of the Sergeant-at-Arms, or any of the designated police officer present, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this code, the complaint to be signed by the presiding officer.

### **8. CHAIRS POWER TO VOTE**

The Mayor shall have no veto power, and shall have no vote except in the event of a tie of Members of Council present, in which case the Mayor shall have the power to vote and his vote shall have the same legal effect as a vote of a Member of Council. Any Member of Council who is serving as Chairman shall have the same power to vote as other Member.

## **III. MEMBERS – DUTIES AND PRIVILEGES**

### **1. SEATING ARRANGEMENT**

Seats in the Council Chamber shall be arranged by the Presiding Officer at the first regular meeting of the year and all Members shall occupy said seats. Seating shall not be changed without a two-thirds vote of the council members present.

### **2. ADDRESSING CHAIR**

Members when about to speak to a question or making a motion, shall address the Chair as "Mayor", "President", or "Chairman" who shall pronounce the name of the member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid personalities.

No person other than the Council and the person having the floor shall be permitted to enter into any discussion either directly or through a member of the Council, without the permission of the presiding officer.

No question shall be asked a council member except through the presiding officer.

### **3. LIMITATIONS ON DEBATE**

No member of council, while council is in session, shall engage in debate or discussion with anyone except 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 invitation of the council. All such debate or discussion shall be limited to thirty (30) minutes. (five minutes per speaker) No member shall speak more than once upon any subject until every member choosing to speak shall have had an opportunity to speak.

### **4. VOTING**

Every member present when a question is put forth shall vote on same, unless Council shall, for special reason, excuse him from voting. Said excuse shall be granted only if the Member states the reason for the request before voting begins and the council by majority vote of the members present accepts them. There shall be no debate upon this question. No question concerning the vote of any member will be proper after the vote is called. Every member shall vote by yes, no or abstention.

Silence in failing to respond to a roll call vote shall be interpreted as acceptance with the action taken by the majority of those who do vote.<sup>1</sup>

### **5. DIVISION OF A QUESTION**

On demand of any Member, a question under consideration, which covers two or more points, shall be divided where the question admits of such division.

### **6. DEMAND FOR ROLL CALL**

Any member may demand a roll call vote upon any question before Council at any time before the decision of said question is announced by the Chair.

### **7. ATTENDANCE**

Attendance at regular council meetings shall ordinarily include the mayor, fiscal officer and/or clerk, village administrator, and such other staff and/or department head as may be requested by Council or the Mayor.

### **8. EXCUSAL FROM ATTENDANCE**

No member shall be excused from attendance at a Council meeting, except upon request to and permission by the Mayor prior to such meeting or by a vote of a majority of the members present. No member shall be excused while council is in session except upon permission of the Chair. Excused absences shall be recorded in the minutes. No member shall be unexcused at more than three council meetings except by a roll call vote of the majority of the members present.



Council may punish or expel any member for a violation<sup>1</sup> of its rules and declare his seat vacant. 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. (ORC 731.45)

## **9. VACANCIES**

In the case of the death, resignation, or removal of the Mayor the president pro tempore shall become the Mayor and hold the office until his 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 legislative authority of the village shall hold the office for such unexpired term. When the president pro tempore becomes the Mayor, the vacancy thus created shall be filled by election of another president pro tempore. (ORC 733.25, 731.11, 731.43)

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 (ORC 731.43). Whenever a vacancy exists in the membership of council, the fiscal officer and/or 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 notifications to the Mayor and Council shall be submitted and on file in the fiscal officer and/or clerk's office within seven (7) days from the notification in the local newspaper. At the next regularly scheduled meeting, all applicants must be in attendance to be interviewed by council members and the Mayor.

## **10. 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 Ashville, 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.

## **11. AMENDING RULES OF COUNCIL**

Any proposed amendment or addition to the rules of the council shall be first referred to the Legislative <sup>2</sup> Committee, which shall report on the rules at a regular meeting of Council. Any proposed alterations or amendments or supplements shall be submitted in writing at a regular meeting and placed on the calendar for the next regular meeting under the order of new business on the report of the Legislative <sup>2</sup> Committee.<sup>1</sup> All amendments, alterations, or new rules adopted by Council shall include the date of the revision. A majority vote of all Members elected to Council, may adopt such proposed alterations, amendments, or supplements at the meeting at which the same are submitted by the Legislative <sup>2</sup> Committee.<sup>1</sup>

No provision or section of the rules adopted which restrict or conflicts with those rights provided by the Constitution of the United States, the Constitution of the State of Ohio, the Ohio Revised Code and the Ordinances of the Village of Ashville shall have any force or effect.<sup>1</sup>

## **IV ORDER OF BUSINESS**

### **1. PRECEDING PROCEDURES**

The fiscal officer and/or clerk shall keep a record of the proceedings, and of all rules, by laws, resolutions, motions, and ordinances passed or adopted, which shall be subject to inspection of all persons interested. In case of the absences of the fiscal officer and/or clerk, council shall appoint one of its members to perform the duties as fiscal officer and/or clerk of the council. In the absences of a full-time fiscal officer and/or clerk, council will establish the position of deputy fiscal officer and/or clerk.

The fiscal officer and/or clerk of Council shall be permitted to tape record the Council proceedings. The tapes shall be retained in the fiscal officer and/or clerk's office for a period of thirty days and shall be available to the public at the convenience of the fiscal officer and/or clerk. The tapes are not to leave the fiscal officer and/or clerk's office during this time.

The fiscal officer and/or 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 agenda, minutes of previous meeting, and all copies of all ordinances, solutions, or information pertaining to the council meeting shall be in council's mailbox by 4:00 PM on the Friday preceding the regularly scheduled council meeting.

The fiscal officer and/or clerk shall be notified by officers and committee chairpersons of matters to be presented, including ordinances and resolutions, in order that they may be listed on the meeting agenda by Thursday, 12:00 PM (noon).

## **2. AGENDA REQUESTS**

Any member of the public desiring to be heard before council, must notify the fiscal officer and/or clerk in writing stating the reason or business to be presented by twelve noon (12:00 PM) on the Thursday prior to the date of the meeting. If the fiscal officer and/or clerk and/or Mayor determines the subject should be brought before a standing committee before being presented at a council meeting, they will inform the committee chairperson who will in turn schedule a committee meeting. The fiscal officer and/or clerk will notify the member of the public regarding time and place of committee meeting. Any discussion to take place at the council meeting shall be limited to ten (10) minutes.

## **3. ORDER OF BUSINESS/AGENDA**

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

1. Call to order. Pledge of Allegiance. Silence Statement [As the legislative authority in the Village of Ashville we impact the lives of families, businesses and schools. With such a weighty responsibility we believe it is wholly appropriate to petition for help from a higher authority in the discussion, reflection, and dispensing of our duties as Council members]. Moment of silence.<sup>1</sup>
2. Roll call. To determine attendance and if a quorum is present.
3. Minutes. Approval or with corrections if necessary.
4. Agenda
5. Presentations (limit of ten (10) minutes)
6. Departmental Reports
7. Mayor's Report
8. Fiscal officer and/or clerk's Report
9. Committee Reports
10. Legislation. Reading of ordinances and resolutions.
11. Old business
12. New business
13. Audience Requests (Must fill out Audience Request form)\*
14. Council Comments
15. Adjournment

The Mayor and/or in the Mayors absences President Pro Tempore 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.

#### **4. AUDIENCE REQUEST**

The Village of Ashville Council may accommodate 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 the normal limits of time. In general, the Chair will be afforded broad powers aimed at maintaining an orderly meeting.

1. All comments will be directed to the Chair of the Council, i.e. no conversation will be accepted between audience and individual Council members.
2. Comments will be made with regard to the Village, the Council as a body, or the Village staff; but not targeted at individual personalities.
3. The use of profane or vulgar language and/or gestures while making comments will not be tolerated. The continued use of same after the Chair of the Council has ruled the individual out-of-order, may cause the individual to be ejected from the Council meeting place.
4. Time available for individual comments will be limited by the Chair, dependent upon number of individuals present to comment, continuous repetition of the same point by an individual at the same meeting, or disregard to the above stated rules.
5. A comment/complaint form and pen will be provided for individuals who have multiple points to make which could result in others not having an opportunity to speak, or that require clarity of response from the Village.
6. If the number of citizens who desire to comment and/or the length of comments demand additional time, the Council will vote to determine the need of a recess and, if necessary, when the body will reconvene.

Hopefully, these rules will assure all concerned that the desire of the Village Council is to be open to concerns, complaints and suggestions from the community on how the Village can better respond to the needs and wants of all of its citizens. See Appendix A.

## **5. EXECUTIVE SESSION**

Council members may hold an executive session only after a majority of a quorum vote for the sole purpose of:

1. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the 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. 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 the removal from office.
2. To consider the purchase of public property, or for the sale of public property at competitive bidding.
3. Conferences with an attorney for concerning disputes involving the public body that are the subject of pending or imminent court action.
4. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment
5. Matters required to be kept confidential by federal law or rules of state statutes.
6. Specialized details of security arrangement if disclosure of the matters discussed might reveal information that could be used for the purpose of committing or avoiding prosecution for, a violation of the law.

To hold an executive session, the motion and vote to hold that session shall state which one or more of the approved purposes are the purpose for which the executive session is to be held, but need not include the name of the person.

No tape recorders shall be permitted in Executive Sessions. No minutes shall be taken during Executive Sessions.

## **V. COMMITTEES**

### **1. REFERENCE TO COMMITTEES**

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 fiscal officer and/or clerk or the presiding officer. 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, it shall be referred to committee promptly by the presiding officer.

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 fiscal officer and/or clerk to the attention of the council, which shall take such further action in the premises as it may deem best. The matter shall automatically be considered as old business in the preparation of the next meeting's agenda.

The report by any committee of the council or municipal officer, upon matters referred to by the council, shall be made in writing unless otherwise ordered by the council.

The Mayor shall be an ex-officio member of all committees. The fiscal officer and/or clerk shall be a non-voting member of the Finance Committee. The Village Administrator shall be a non-voting member of each committee.

### **2. APPOINTMENT OF COMMITTEES**

The Council committees shall consist of three members of council. The President of Council shall make appointment of members to such committees.

The President Pro-Tempore may appoint such special committees as deemed necessary provided that matters referred to or pending before a standing committee may not without consent of its members be referred to or considered by a special committee.

### **3. STANDING COMMITTEES/RESPONSIBILITIES**

#### **a) FINANCE/AUDIT COMMITTEE: [revised 03/11/2002]**

Review, investigate and recommend Council action in all fiscal matters before Council: including budgets, appropriations, taxes, assessments, employee wages, expenditures and general monetary policy and other special assignments. This committee shall also function as the Audit Committee of the council to review state auditor comments and proceed with matters to make sure Village is in compliance with state code.

The Finance Committee will have one sub-committee namely benefits that will meet at the discretion of the Finance Committee.

#### **b) FACILITY AND SERVICE COMMITTEE**

Review, investigate, and recommend Council action in all matters of public services including streets, storm sewer, recreation facilities, buildings, and all matters relating to the service department such as mosquito spraying, street paving, alley repair, traffic lights, refuse pick-up, snow removal, leaf pick-up, and other special assignments.

#### **c) SAFETY COMMITTEE**

Review, investigate, and recommend Council action in all matters of safety of public buildings, traffic safety, police protection, fire protection concerns, health and civil defense, and other special assignments.

#### **d) LEGISLATION COMMITTEE [rev. 03/11/2002]**

Ordinances and Resolutions will be sent to the Legislative Committee before the 3<sup>rd</sup> reading of an Ordinance or Resolutions. The Legislative Committee will review the Ordinance or Resolution to ensure that structural components are within the Ordinance or Resolution. A report will be generated for discussion at the third reading of the Ordinance or Resolution. Any Ordinance or Resolution that refers to a criminal or financial matter will be reviewed by the Village of Ashville's attorney. A report from the Legislative Committee will deal with those structural components. The Committee will not express an opinion on the pros or cons of the Ordinance or Resolution unless the Ordinance or Resolution is related to the Legislative Committee. That opinion would be expressed would be expressed separate from this report. An Ordinance or Resolution in which the second and third reading is planned to be waived that Ordinance or Resolution will undergo a post passage review of content and may necessitate a second passage if flaws are found. If a flaw has been found an amendment to the ordinance or Resolution will be made.

The Legislative Committee will annually review Village Council Rules to ensure they are updated. The Legislative Committee will advise other committees on following the "Rules of Council".

**e) PLANNING AND VISIONING COMMITTEE**

**ECONOMIC DEVELOPMENT COMMITTEE**

Mission statement: To bring together residents, leaders in the community, and businesses with ideas and opportunities that will promote and encourage growth in Ashville and Northern Pickaway County.

**f) PARK AND RECREATION COMMITTEE**

Review, investigate, and recommend to Council, action in all matters of beautification of public park lands, recreational facilities, contracts with community organizations, shelter house rentals, mowing and maintenance of park grounds, etc.

**g) Committee of the Whole [rev. 10/22/2004]**

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

This is a meeting of the entire council as a committee, but instead of the usual presiding officer being in charge, the mayor shall preside. The chairman shall inform the fiscal officer and/or clerk who will notify the public and post the meetings in advance of the time and place of the meeting.

**4. COMMITTEE OF THE WHOLE**

Referrals to this committee may take place when a major situation or problem arises on which it is felt that members of council should have an opportunity to express themselves. 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 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 certain committee. Any report of this committee shall be presented to the council, just as in the case of any other committee report.



- 1) Call to Order. Pledge of Allegiance
- 2) Roll Call. To determine attendance and if a quorum is present
- 3) Minutes. Approval or with corrections if necessary.
- 4) Agenda
- 5) Presentations (limit of ten (10) minutes)
- 6) Department Updates: Finance, Police, Service, Tax, Utility & VA (Administration)
- 7) Legislative Information
- 8) Old Business
- 9) New Business
- 10) Comments
- 11) Adjournment

#### **5. COMMITTEE MEETINGS**

Meetings of all committees of Council shall be public meetings and whenever possible shall be held in public buildings, however, each committee by a majority of its voting members may elect to hold meetings wherever it deems necessary to properly further its assigned purpose. All committee meetings will be called by the Chairman of such committee or by two voting members giving notice of the date, time, and place to all members of the committee, Mayor, Village Administrator, Council members, and fiscal officer and/or clerk. In the absence of the Chairman, the Members named next shall act as Temporary Chairman. The fiscal officer and/or clerk shall notify all members of Council of all committee meetings. Any member of council shall have the right to sit with any committee, present information, take part in any discussion, and question witnesses, however members of Council shall have a vote only when regularly assigned to such committee.

#### **6. MEETING DATES**

Committees will meet monthly or as needed. At the first regular council meeting of the year the committees shall be set up on a definite monthly schedule. The fiscal officer and/or clerk shall post these meeting times and dates. The committee meetings are regularly scheduled meetings of Council members. Committees may also meet on the call of the Chairman, or on request of two (2) members communicated to the Village fiscal officer and/or clerk. Meetings shall be posted same as all other meetings.

#### **7. AGENDA**

Each committee shall adopt the following agenda:

1. Call to Order. Pledge of Allegiance
2. Roll Call. To determine attendance and if a quorum is present
3. Minutes. Approval or with corrections if necessary.

4. Agenda Presentations (limit of ten (10) minutes)
5. Old Business
6. New Business
7. Comments
8. Adjournment

**8. COMMITTEE ATTENDANCE**

In order for the committee member to be paid for the committee meetings, members must attend the meeting on time and stay until the meeting is adjourned.

**9. QUORUM**

A majority of the Members of a Committee shall constitute the quorum.

**10. ADJOURNED MEETINGS**

Council committees may adjourn its meetings by a majority vote of the members present. When the business of the committee is not completed within the available time at a given meeting, the meeting, by motion, may be adjourned to a definite time set by the committee. When the committee reconvenes at the appointed time, if a quorum is present, it takes up the business where it left off at the 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.

**11. COMMITTEE REPORTS**

The report of any committee of the council or municipal officer, upon matters referred to by the Council, shall be made in writing unless otherwise ordered by council. A copy of such report shall be presented to each Council person including Mayor, fiscal officer and/or clerk, Village Administrator, specified department head, before the next regularly scheduled Council meeting. A verbal report shall also be submitted to council during the council meeting. Council may accept or reject any committee report in whole or part. A copy of the written report shall be filed in the municipal building office. The committee chair shall maintain a status sheet listing all matters and proposed legislation pending before the committee.<sup>1</sup>

**12. SUB-COMMITTEE (revised 03/11/2002)**

- a) Created by majority vote of Standing Committee or Village Council.

- b) Membership determined by Standing Committee or Village Council.
  - (a) Voting membership
  - (b) Non-voting membership (Not included in Quorum)
- c) Minutes of Sub-committee will be sent to the Standing Committee unless otherwise indicated by majority vote of Village Council.
- d) The Sub-committee will follow Village of Ashville Rules of Council for V. Committees, 1 – 12 (page 11-15) unless exception indicated by Council or by this section
- e) The creating Standing Committee or Village Council will determine the termination of the existence of a Sub-committee.
- f) The creating Standing Committee or Village Council can add to Sub-committee Rules at any time unless counter indicated by Village of Ashville Rules of Council. This can change with majority vote of the elected members of Village Council.

## **VI. MOTIONS**

### **1. MOTIONS**

When a motion is moved or seconded, the presiding officer shall state it before any debate shall be in order. Any such motion and amendment thereto, may be withdrawn by the maker with the consent of the second before it has been amended or voted upon thereof at any time before final decision. This motion does not need a second, but does require a majority vote of council.

### **2. 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 debate.

### **3. 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.

#### **4. TO ADJOURN**

The motion for unqualified adjournment shall always be in order even when a main motion is being considered. It requires a second and a majority vote of council. The motion for qualified adjournment is acceptable when no motion or other business is being considered. This requires a second and a majority vote. There need not be a motion to adjourn when the business of the agenda is completed and council members present no other business. The meeting can then be adjourned by the Chair.

#### **5. ACCEPTABLE MOTIONS**

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. Division of previous question (request that discussion end and vote taken)
4. To postpone indefinitely or to a certain time or day. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.
5. To commit (to refer back to a standing or special committee)
6. To amend the motion on the floor. A motion to amend shall be susceptible of but one amendment. An amendment once rejected may not be moved again in the same form.
7. To postpone indefinitely
8. To recess

#### **6. MOTION TO SUSPEND RULES**

75% = 5 out of 6

A motion to suspend the rules which requires three (3) readings on three separate days must receive the affirmative vote of three-fourths (3/4) of the Members elected to council and shall be debatable. Upon the passage of such motion the main question shall be open to debate. All other rules may be suspended by a majority of Members of Council present without debate.

## **7. MOTION TO RECONSIDER**

A motion to reconsider a proposal that has been acted upon favorably must be made before adjournment of the session of Council at which the vote was taken. A motion to consider any other action taken by Council may be made not later than the next regular meeting after the vote of Council thereon. In either case only a Member who voted with the prevailing side may make such motion. The concurrence of a majority of the Members present shall be sufficient for reconsideration of a vote. If a motion to reconsider is lost, it shall not be entertained again.

## **8. MOTIONS; WHEN DEBATABLE; WITHDRAWAL**

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

## **VII ORDINANCES/RESOLUTIONS**

### **1. DEFINITIONS**

a) ORDINANCE. The term “ordinance” refers to the type of action by Council which is of a general or permanent nature, creates a right, grants a franchise or involves the expenditure of money, the levying of a tax, or authorizes the purchase, lease, sale or transfer of property. An ordinance provides a rule of conduct and as a law is binding upon the community. Ordinances shall be presented to Council in writing. Ordinances shall not be placed on the agenda unless submitted by a member of Council or the Mayor following Committee review.

b) RESOLUTIONS. The term “resolution” is used in connection with the action of Council in passing legislation generally referred to a declaration of intent or purpose the authorization if some temporary act or administrative procedure. A resolution may initiate, direct or carry out administrative duties and functions, which are granted to Council under statutory laws or Municipal ordinances. Resolutions shall not be placed on the agenda unless submitted by a member of the Council or the Mayor following Committee review.

c) LEGISLATION. When ordinances or resolutions are to be prepared 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

fiscal officer and/or clerk for information and review in advance of the next council meeting. 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.

d) All ordinances and resolutions will contain a prepared date and a revised date. **(added 03/11/2002)**

**2. INTRODUCTION**

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 written or verbal recommendations of some committee of council.

**3. READING ORDINANCE AND RESOLUTIONS**

R.C. 731.17 provides the following procedures that must be followed by general statutory plan cities and villages in passing ordinances and resolutions:

- (A) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.
- (B) Each ordinance and resolution shall be read on three (3) different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.
- (C) The vote on the passage of each ordinance or resolution shall be taken by yes, no, abstains and entered upon the journal.
- (D) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of the legislative authority.

75% = 5 out of 6

50% = 4 out of 6

**4. VOTING ON LEGISLATION**

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 fiscal officer and/or clerk in writing in the minutes as "yes" and "no" together with the names of members of council voting "yes", those voting "no", and abstaining there from.

Each motion shall be seconded before further action thereon.

**5. EMERGENCY LEGISLATION**

All emergency ordinance(s) shall require three (3) readings, by title only if suspended as provided in rule 7.

Emergency ordinances require a vote of two-thirds of all the members elected to council and must set forth the reason for the emergency in one section of the ordinance.

66% = 4 out of 6

**6. SUSPENSION OF RULE REQUIRING READINGS**

Section 731.17, R.C., provides that the council may suspend the rule requiring readings of ordinances on three different days, by a three-fourths vote of all members elected to the legislative authority. The vote must be taken by yes and no on each ordinance entered on the journal.

The rule as to the three readings and passage of ordinances is sufficiently conformed to if the rule is suspended by three-fourths vote. Three readings in one day are not required. Upon a suspension of the rule that ordinances must be read on three different days the record and journal must show by name the yes or no vote of each member of council on every ordinance.

75% = 5 out of 6

No bylaw or ordinance, of a general or permanent nature, or granting a franchise, or creating a right, or involving "the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed unless it has been fully and distinctly read on three different days, and with respect to any such bylaw or ordinance, there shall be no authority to dispense with this rule, except by a three-fourths (3/4) vote of all Members elected to Council, taken by yes and no, on each bylaw or ordinance and entered on the Journal.

The motion to suspend readings on three different days need not refer to the statute. After the rule requiring an ordinance to be read on three different days as been suspended, the second and third readings are not required.

**7. VOTE REQUIRED FOR PASSAGE**

50% = 4 out of 6

Ordinances and resolutions must receive a vote of a majority of the members elected to the legislative authority for their adoption and passage.

Emergency ordinances require a vote of two-thirds of all the members elected to council and must set forth the reason for the emergency in one section of the ordinance.

66% = 4 out of 6

## **8. AMENDMENT AND REPEAL OF ORDINANCE**

Amendments made after an ordinance is introduced and before its passage which do not operate, as a material change in its provisions need not be read on three different days as required by Section 731.17.

If the council of a municipal corporation wishes to amend a single section of a law and ordinance, it is not necessary that such amending ordinance should contain all sections of the original ordinance. Section 731.19, R.C., provides expressly that it is sufficient that the amending ordinance contains the section, which is amended. A subsequent ordinance may repeal an earlier ordinance by implication without an express repealing clause.

## **VIII MISCELLANEOUS**

### **1. SOLICITOR**

The solicitor shall when requested by the Mayor or on the written request of at least three council members give a legal opinion on any question of law concerning Village affairs. The solicitor shall not be required to draw any ordinances or resolutions except upon a majority vote of the members of the originating Council committees and the Mayor.

### **2. ZONING ORDINANCES**

No zoning ordinance or any amendment thereto shall be passed unless it is first submitted to the Planning Commission for approval, disapproval or recommendation and the Commission is allowed not, less than thirty days for consideration and report.

### **3. TRAVEL ON OFFICIAL BUSINESS**

State sponsored conventions, such as the Ohio Municipal League and others necessitate some rule of compensation for village officials whose attendance would enable them to be more efficient in the respective positions. Recognizing this need, we propose that advance authorization be secured from council, along with full disclosure regarding the content and purpose of the respective association meeting.

Reimbursement – Actual reimbursement for travel to and from meeting destination via the most direct route should be at a rate that is commensurate to the current IRS reimbursement.

Lodging – If overnight lodging is required for any convention meeting occurring in or out of the State of Ohio, the village official shall be reimbursed for the actual



cost of the lodging, but not to exceed the lowest rate available in the most reasonable accommodations available. The name and address of the establishment and the amount claimed shall be required with the expense reimbursement form. Reimbursement shall not be allowed for staying in a private home.

Meals – Where overnight lodging is required on official village travel. Reimbursement shall be allowed for meals at the actual cost involved, but not exceed the State of Ohio guidelines.

Accepted by Council this the 2<sup>nd</sup> day of January, 2014.

- 1) Amended by Council this the \_\_\_ day of  
\_\_\_\_, 20\_\_
- 2) Amended by Council this the \_\_\_ day of  
\_\_\_\_, 20\_\_

## GLOSSARY/DEFINITIONS OF RULES OF COUNCIL

**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:** motion, resolution, 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:** of the Legislature or the House, calling for a recount of the vote.

**Division:** of a Question, separating a motion and voting on each part.

**Ex-officio:** by virtue of official position, usually of boards and committees. Does not mean 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.

**Order of Business:** same as agenda – the schedule of business to be considered.

**Planning and Vision:** define

**Plurality:** term used in an election when one candidate has the largest number of votes.

**Point of Order:** a question concerning a breach of parliamentary rules.

**Postpone Indefinitely:** a motion to suppress, eliminates, or “kill” the main motion.

**Preamble:** an introduction or a preface to a resolution.

**Precedence:** priority in rank.

**President of Council:** Mayor of Ashville.

**Prevailing Side:** the side having secured the most votes.

**Previous Question:** a call to close debate and take the vote.

**Privilege, Questions of:** must not be confused. It refers to rights and privileges of the assembly or any of its members.

**Pro tempore:** for the time being, temporary.

**Putting the Question:** placing the motion before the assembly for a vote.

**Question:** same as motion when stated by the Chair for a vote.

**Quorum:** a specified number of members required to hold a legal meeting.

**Recess:** a motion used to halt the proceedings temporarily, must return at a specified, stated time.

**Shall:** will have to (same meaning as will)

**Table a Motion:** to put aside the pending question temporarily.

**Table, Take from:** a motion used to restore a question for consideration again.

**Two-thirds Vote:** two thirds of the body.

**Viva Voce:** by the voice; usually is the method of voting.

**Will:** will have to (same meaning as shall)

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