Village of Johnstown
Administrative Offices
www.johnstownohio.org

VILLAGE OF JOHNSTOWN

599 S. Main Street
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RESOLUTION NO. 2016-13

A RESOLUTION AMENDING THE COUNCIL RULES AND PROCEDURE

Whereas, Section 3.07 of the Charter of the Village of Johnstown states that Council shall adopt its own rules which will remain in effect until amended or repealed by Council; and

Whereas, the Rules of Order shall provide for such matters as Council shall determine to be necessary for the proper functioning and governance of Council; and

Whereas, Village Council desires to update the Council Rules of Order as amended in the Exhibit A of this Resolution ; and

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Johnstown, Licking County, Ohio as follows:

Section One

The Village Council herein approves the changes shown in the attached document "Exhibit A" of this resolution and as such will be effective upon passage.

Section Two

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that meetings of any of its committees that resulted in such formal action were meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code and the Charter of the VILLAGE OF JOHNSTOWN.

Date of Introduction: April 19, 2016

By: Main

Mayor Sean Staneart

ATTEST TO:

Teresa Monroe
Clerk of Council

APPROVED AS TO FORM:

Jennifer Croghan
Law Director

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COUNCIL RULES AND PROCEDURES

These Council Rules of Procedure are hereby established by the Council of the Village of Johnstown Ohio, pursuant to Ohio Revised Code Section 731.45; Ohio Attorney General Opinion 64898; and Section3.07 of the Charter of the Village of Johnstown.

SECTION I. DEFINITION OF TERMS

1.01 Ad hoc committee - a temporary committee created by Council motion, usually composed of at least two members.

1.02 Chair - the presiding officer of a meeting.

1.03 Charter - the Charter of the Village of Johnstown.

1.04 Clerk - the clerk of Council.

1.05 Meeting - any regular or special meeting of Council, or a Council work session.

1.06 Member - a member of Council.

1.07 Quorum - a majority of members of the Council.

1.08 Standing Committee – a permanent committee created by Council resolution, usually comprised of three or more members.

SECTION II. APPLICATION OF RULES

2.01 Functions and proceedings of Council shall be governed by these Council Rules of Procedure except as otherwise provided by the laws of the State of Ohio, ~~or~~ the Charter of the Village of Johnstown~~.~~, or the codified ordinances of Johnstown.

Exhibit A

2.02 The Director of Law shall act as parliamentarian pursuant to Section 6.04(b) of the Charter and, when called upon, shall interpret procedural rules for Council.

2.03 These Council Rules of Procedure shall not be altered except by majority vote of all members at a regular or special meeting. Amendment proposals shall be by written motion and submitted and read to Council at a meeting preceding the one at which they may be acted upon.

SECTION III. COUNCIL COMMITTEES

3.01 General

(A) The chair and membership of each ad hoc and standing committee shall be determined by consensus, with consideration of the preferences, willingness and experience of each member.

~~(B) Ad hoc and standing committees shall not meet in executive session~~[A1]~~.~~

(C) Proposed legislation which has been referred to committee shall not be acted upon by Council until the committee submits a report of its findings and conclusions at a Council meeting.

3.02 Ad Hoc Committees

Council, as it deems necessary, may create ad hoc committees to review, study and recommend on specific issues or matters. Once formed, the chair shall give the committee a formal charge and establish a time for the committees report to Council. When an ad hoc committee has completed and submitted its report, its existence terminates.

3.03 Standing Committees

Council, as it deems necessary, may create, combine, contract, expand or eliminate standing committees and assign the committees function appropriately.

3.04 Records

The Clerk ~~shall~~ may provide for the electronic recording of all ad hoc and standing committee meetings. The recordings will then be used for summation purposes and the electronic will be destroyed once written record or minutes have been approved as the permanent record of meetings.

SECTION IV. COUNCIL MEETINGS

4.01 General

(A) All Council meetings will convene in the Council Chambers of the Village of Johnstown, ~~129 East Coshocton Street~~599 South Main Street, unless an alternate public place within the municipal corporation is designated.

(B) If an alternate public place is designated, a public notice shall be posted and remain on the entrance door of the municipal building at least twenty-four hours before the meeting time.

4.02 Regular Meetings

(A) Regular meetings of council shall be held on the first and third Tuesday of each month and begin at ~~7~~6:30 p.m.

(B) If a regular meeting coincides with a legal holiday or presents a conflict for a Majority of members, Council may either establish an alternative date or cancel the meeting. The Clerk shall ensure that any cancellation, alternate date or alternate location is published in ~~a newspaper of general circulation in~~ the village.

4.03 Special Meetings

Special meetings are governed by Section 3.06 (b) of the Charter.

4.04 Attendance and Pay

(A) Members should be present during all regular and special meetings and Council work sessions unless excused for cause.

(B) Council members pay is governed by section 3.08 of the charter.

4.05 Mayor and Manager

The Mayor and Manager shall confer regularly regarding the agenda for Council meetings, after which the Mayor shall determine the agenda. Upon concurrence that a meeting may become exceedingly lengthy due to the content and/or number of items on the agenda, the Mayor or three membrs of Council may divide the agenda and defer items to the following regular or alternate meeting or call a special meeting.

SECTION V. COUNCIL AGENDA

5.01 General

(A) The Clerk shall prepare the agenda and all supporting documentation. All members of the Village organization and the public are encouraged to cooperate with the Clerk in making the agenda complete and accurate. New business not listed on the agenda may be introduced but members may require additional time to study any item not included on the agenda.

(B) Any member may request that a matter of business be placed on the agenda Provided sufficient notice is given to the Mayor, the Clerk or the Village Manager.

(C) All requests and supporting documentation shall be filed with the Clerk's office before 2:00 p.m. on the Thursday preceding each regular or special meeting.

(D) No Executive Session will take place without sufficient notice to Council members of at least 24 hours.

5.02 Service of Agenda

(A) Except for emergency or other matters requiring the immediate attention of Council, a listing of business to be considered and all supporting documents shall be prepared and delivered to each member and the law director no later than 6:00 p.m. on Friday preceding each regular or special Council meeting.

~~(B) If the Director of Law resides outside the corporation limits of the village, the listing of business and all supporting documents shall be placed in the U.S. mail to receive the Friday post mark or be transmitted by fax.~~

5.03 Modification of agenda

Council may, upon the majority vote of the quorum, modify the order or contents of the agenda at a meeting.

SECTION VI. PUBLICATION AND POSTING

6.01 Publication

The Clerk shall publish ~~one time in a newspaper of general circulation in~~on the website of the Village of Johnstown, a statement of the meeting times and places for regular council meetings for a calendar year. This public notice shall occur by the second regular meeting for the calendar year.

6.02 Agenda Packets

(A) The Clerk shall provide a copy of agenda packet for any regular or special meeting to any news organization or individual upon request. The packet will include copies of ~~proposed ordinances, resolutions and any other materials as determined by the Mayor, Clerk or Manager.~~all items listed on the agenda. If

requested, these packets will be available by 6:00 p.m. on the Friday before regular meetings, and when practicable before special meetings.

~~(B) It is the responsibility of the requesting news organization to arrange pick-up of its agenda packet.~~

SECTION VII. ORDER OF BUSINESS

7.01 (A) The Mayor shall call the council meeting to order at the hour appointed and direct the Clerk to call roll. If a quorum is present, the meeting shall be proceed.

(B) In the absence of the Mayor, Council President, and acting President, the clerk shall call the meeting to order and call roll. If a quorum is present, the members shall appoint, by motion, one of its own Chairs for that meeting or until the arrival of the Mayor, Council President, or acting President.

(C) The order of business of any regular meeting shall be:

1. Call to order
2. Roll call
3. Invocation and Pledge of Allegiance
4. Invited guests and Presentation
5. Action on minutes of previous meetings
6. Correspondence
7. Proclamations / Special recognition
8. Citizen comments on matters not on the scheduled agenda
9. Council committee reports
10. Reports of other Village officials
11. Legislation
    - A. Tabled legislation
    - B. Public hearings
    - C. Second reading of ordinances
    - D. First reading of ordinances and resolutions
12. Other business
13. Adjournment

SECTION VIII. REQUEST TO SPEAK

8.01 Members Right to Speak

(A) Each member has the right to speak, which shall not be denied. The member must request this right by addressing the chair. Upon being recognized, the member may proceed.

(B) ~~No member may filibuster.~~Member comments may not exceed three minutes unless recognized by the Mayor.

(C) References to personalities are prohibited.

(D) A member may speak a second time on a question only after all members have had opportunity to speak.

8.02 Residents and Interested Parties Duties

(A) Any resident or interested party desiring to address the Council shall first be recognized by the chair. The person shall then rise and state their name and address in an audible tone for the Clerk's record. All remarks shall be limited to the issue under discussion.

(B) If a person addressing Council is submitting supporting documentation or other materials in conjunction with their presentation, the person addressing Council should provide ten copies of such materials.

8.03 Village Employees

Any appointed, administrative level official or the Chairperson of any board, commission or committee shall be entitled, at all times, to any privilege of the floor for the purpose of speaking on any question that pertains to their duties, responsibilities and authority.

SECTION IX. ROLL CALL AND VOTING PROCEDURES

9.01 When the Clerk calls the roll, each member shall respond "abstain", "no", "present", or "yes". The order of voting shall rotate at random. Voting on all legislation shall be oral and in open council. Proxy votes are prohibited.

9.02 Every member present when a question is put shall vote unless the member has direct personal interest. Any member who abstains from voting may make a brief statement of the reason for making such a vote. The questions shall then be immediately taken without further debate. ~~A vote to abstain will not be counted as a "yes" or "no" vote.~~ A majority of those voting shall prevail.

9.03 Immediately after all members present have voted, the Chair shall announce the results of the voting and state weather the matter voted upon passed or failed.

9.04 No vote of a member shall be questioned.

SECTION X. LEGISLATIVE PROCEDURE

10.01 The introduction, passage, and amendment of ordinances and resolutions shall be governed by Article IV of the Charter.

10.02 A member may speak on any legislation, call for questions, request a statement of the question which the Chair shall render, and call for a decision of the question which the chair shall render. This decision shall be subject to appeal as a question of order. Any two members may demand the previous question if previously discussed.

10.03 (A) Legislation can be prepared and recommended by a member, the Director of Law, ad hoc or standing committee, or the Chairperson of a Village board, commission or committee acting on behalf of that board, commission or committee, or by the Village Manager.

(B) All legislation must be in written form and introduced by a member. Any member may introduce legislation as the member deems appropriate.

~~10.04 Every motion shall be reduced to writing at the request of a member.~~

10.0~~4~~5 When a motion is offered and seconded, it shall be transcribed and read by the Clerk before debate. When written, motions shall be read by the Clerk before debate.

10.0~~5~~6 After a motion has been read by the Clerk, it shall be considered to be in Councils Possession and may be drawn only by Council.

10.0~~6~~7 (A) All ordinances and resolutions shall continue to be written in the same format and as was in use at the time these rules were enacted by Council.

(B) All such legislation shall be assigned a number by the clerk prior to its first reading before Council. Legislation numbers shall be assigned according to a system that reflects the year and sequential order (e.g., 98-01).

10.0~~7~~8 Motion to Reconsider

Any member who voted on the prevailing side of an issue may move for a reconsideration of any action of the Council, provided the motion ~~be~~ is made by ~~at~~ the next regular meeting after such action was taken. A motion to reconsider shall be in order at any time, except when a motion on another subject is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time. No motion to reconsider shall be made more than once on any matter or subject. All questions shall be considered in the order in which they were made.

10.0~~8~~9 Motion Made

(A) When an issue before Council is under debate or if a motion has been made, no other motion is proper except the following, in order of precedence:

1. To adjourn
2. To recess
3. To table until a future stated time
4. To end debate and a vote to be taken
5. To refer to an Ad Hoc or Standing Committee
6. To amend the matter under discussion
7. To postpone action for an indefinite time or to a certain date.

10.~~9~~10 Question Without Debate

The following questions may be considered without debate:

1. To adjourn
2. To table a question
3. To take from the table
4. All questions relating to priority.

10.101 Motion to Adjourn or Postpone

A motion to adjourn shall always be in order, but if decided negatively, it shall not again be entertained until some action or decision has taken place.

10.112 Motion to take off the Table

A motion to remove any matter from the table shall be in order after consideration of the question succeeding the tabling. ~~Any matter removed from the table shall not be considered or acted upon until the next or a subsequent meeting.~~

10.123 Call to Order

If any member violates the Council Rules of Procedure, the Chair or another member may call that member to order. The member so called shall cease speaking until the question of order is decided.

SECTION XI. WORK SESSIONS

11.01 General

Council may, at any time, call and hold work sessions for the purposes of education , training or conducting an exploration of matters that may properly come before Council.

11.02 Agenda

(A) A limited number of matters may be considered by Council during a work session, and sufficient time for consideration of such matters shall be provided.

(B) The Clerk shall make all documents, exhibits, maps, plats, architectural drawings, specifications, and other similar documents concerning the items to be discussed and deliver to members at least 48 hours before the beginning of such work session. This is to allow sufficient time for each member to study and prepare for substantive discussion.

11.03 Technical Questions

All technical questions or issues that may require a detailed explanation of understanding may be considered in a work session. Council may request the appearance of any Village employee, the Chairperson or any member of a Board, Commission or Committee, or outside expert(s) necessary to secure information and answers.

11.04 No formal discussions shall be considered at a work session. An informal motion may be

made requesting an item to be placed on the agenda, requesting additional information, requesting additional expert information and/or advice, or for setting additional work sessions.

11.05 Public Notice, Attendance, Comments
All work sessions shall be posted by the Clerk and conducted pursuant to law. At the conclusion of a work shop session, a reasonable time, generally not to exceed thirty minutes, may be set aside for public questions and comments. Public questions and comments shall be limited to the items under discussion during the work session.

SECTION XII. MISCELLANEOUS

12.01 Council Courtesy
No member shall privately confer while Council is in session. If such conference is necessary, a member should request a recess to conduct such conference.

12.02 Public Comment
No member may speak for Council as a body unless specifically authorized by Council.

12.03 Availability of Rules of Procedure

(A) The Clerk shall have sufficient copies of the current Council Rules and Procedure available in the office of the Clerk and during regular or special Council meetings.

(B) Copies of the Council Rules of Procedure shall be provided without any charge to any person upon request.

12.04 Resignation

(A) The resignation of a member shall take effect upon the date designated by the resigning member after acceptance by the Council.

(B) If the date of resignation is not designated, the effective date will be the date of acceptance by the Council.