

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. **R-2007-4**

Passed \_\_\_\_\_ 07, 20\_\_\_\_

## Rules of Council

### RESOLUTION NO. R-2007-4

**WHEREAS** the Village of Haskins in Wood County, Ohio is duly incorporated under the Ohio Revised Code as an incorporated village, and

**WHEREAS** The Village of Haskins is governed by the legislative authority entitled Village Council of Haskins, Ohio as a representative body to conduct the business of the Village, and

**WHEREAS** in order to conduct orderly and lawful business without impediment from disruptive forces, and

**WHEREAS** the Ohio Revised Code requires the Council's approval of clearly defined rules of conduct at the beginning of each organizational year for the orderly conduct of its public business meetings, and

**WHEREAS** by direction of the Ohio Revised Code, the Haskins Village Council adopts corporate and standing committees for the purpose of detailed deliberation and public participation in the legislative process, and

**WHEREAS** the Village Council recognizes that its rules may supplement but not be in conflict with the Ohio Revised Code as appropriate,

**Now the duly elected/appointed members of the Council of the Village of Haskins, Ohio do therefore hereby resolve to adopt the hereinafter defined Rules of Conduct for the year beginning 1 January 2002 to be in force for the conduct of all of its public meetings,**

**That** it is necessary to enact rules for the government of the Council of Haskins Village. Said rules shall be known as "Rules of order of the Council of Haskins Village";

**That** the first meeting of the Council of the Village of Haskins each year shall be held on the first Monday or the second weekday of January , whichever shall come first.

**That** the following are hereby adopted and enacted as the rules of order of the Council of Haskins Village:

**Rule 1: Regular Meetings-** Council will meet regularly at 7:00 pm in the Haskins Town Hall on the first and third Mondays of each month unless otherwise herein stipulated for good cause or adhering to the following rules regarding holidays.

**Rule 2: Holiday Meetings-** 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 Monday next following the legal holiday, and at the place and hour fixed by the rule governing meetings.

#### **General Meeting Requirements:**

**A. Notice:** Public bodies must give required notice that a meeting will be held and, in certain instances, identify the purpose of the meeting.

- a. **Special meetings:** The Village Council and all of its committees must establish a reasonable method for the public to determine time, place, and purpose of any special meeting. All news media that request notifications must be given 24-hour advance notice of any special meeting. As the medium of record for the Village, the Sentinel Tribune shall be notified.
- b. **Emergency meetings:** If an emergency arises that requires immediate official action within less than 24-hours time for advance notice, the member or members of the Village Council calling the meeting must notify all news media who request notification regardless of the time till the meeting. As the medium of record for the Village, the Sentinel Tribune shall be notified regardless of the time till the meeting.
- c. In addition, meetings rules must provide for reasonable advance notice of all meetings to any person requesting such notice and paying a fee of \$.15 per page plus postage.
- d. The Haskins Village Council is not liable for violating open meeting laws if the notice is properly transmitted to the media but mis-reported by the media.

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**B. Minutes:** The Haskins Village Clerk must before not less than four days prior to the next scheduled regular meeting prepare minutes of any public meetings held since the previous regular meeting.

**C. "Meeting" defined:** "...any assemblage of the municipal council or its committees where a majority of members are in attendance and the gathering is arranged for the purpose of discussing public business.

- a. A gathering of members of the Village Council may not be a "meeting" if the members of the Council act only as passive observers in a ministerial fact-gathering or informational session.
- b. Where a majority of members of the Village Council gather with representatives of other public bodies, the gathering may constitute a "meeting" under this act separately for each public body which has a majority of members present.
- c. A quasi-judicial hearing is not a meeting and is, therefore, not subject to the terms of this act.
- d. Gatherings of members of the Village Council outside of the traditional meeting context are difficult to safely characterize. It appears that one-to-one conversations about public business between individual members of the public body, either in person or by telephone do not, standing alone, violate this act. However, a "round-robin" or "serial" meeting through which an item of business is discussed with a majority of the members outside of a traditional meeting appears to violate this act. Similarly, a conference call among a majority of members is prohibited. Approval by signature without a formal meeting would likewise appear to constitute a violation of this act.

**Rule 3: Open proceeding:** The president of Council (the Mayor) shall take the chair at the time appointed for the Council to meet, and shall immediately call the members to order following the Pledge to the Flag of The United States of America; he/she shall then cause the journal (minutes) of the preceding session to be read and disposed of, unless otherwise ordered by the Council. In the absence of the President of Council, the president pro tem of the Council shall perform such duties as imposed upon the president. In the absence of both the president and president pro tem of the Council, the Council may appoint a temporary chair or president of Council.

**Rule 4: Presiding officers:** The president of the Council shall preserve order and decorum, and confine members in debate to the question. He/she 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 any 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.

**Rule 5: Standing Committees:** At no later than the first regular meeting of the Council after its organization, the president of Council (or, council by a majority vote) shall appoint standing committees each consisting of three members (the first named to be chair, of the following subjects):

1. **Finance and Audit** (Budget, Finances, Purchasing, Auditing)
2. **Public Safety** (Police, Fire, Health, Safety, Environment)
3. **Streets & Utilities** (Electric, Sanitary Sewer, Storm Sewer, Water, Gas, Permits, Cable TV, Streets, and Sidewalks)
4. **Public Services** (Vehicles, Parks Programs, Refuse, Recycling, and Brush and Leaf Collection)
5. **Facilities** (Buildings, Parks, Grounds)
6. **Rules and Ordinances** (Rules of procedure, Ordinances, Resolutions, Parliamentary, Judicial)

The president of the Council (or, Council by a majority vote) may at any time remove any member or members of any committee appointed by him/ her and appoint a new member or members of such committee to serve in place of such member or members so removed.

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**Rule 6: Order of business:** The business of the regular meetings of the Council shall be transacted in the following order:

1. Roll call.
2. Reading and approval of the journal (minutes) and current agenda.
3. Reports and communications from the Mayor, directors of departments, and other city officers.
4. Communications, petitions, and claims (Filed in writing with the Clerk-Treasurer not later than seven days prior to meeting date).
5. Reports of committees.
6. Approval of treasurer reports, accounts payable, bonds, contracts, Plats, etc.
7. Ordinances and resolutions (First, Second, and Third Readings).
8. Appointments and confirmations.
9. Miscellaneous business.
10. Visitors' input for the good of the Village (Speakers will be allotted a maximum of 5 minutes and must pertain to village operations and not personalities).
11. Adjournment.

The presiding officer of the 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 is objected to by a majority of the members present.

**Rule 7: Voting:** Every member present shall vote on any question on the call of the yeas and nays, unless excused by the unanimous consent of the Council, and any member not being excused, who refuses to vote on any question when the yeas and nays are being taken shall be deemed guilty of contempt of the Council, and may for such contempt be censured by a majority vote of the Council.

**Rule 8: Reports of Committees:** 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. If any matters referred by the Council to any committee, or officer, be not reported upon within two weeks from the time of such reference, 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.

**Rule 9: Motions; when debatable; withdrawal:** When a motion is made and seconded, it shall be stated by the presiding officer before any debate shall be in order. Any such motion and any amendment thereto, may be withdrawn by the movers thereof at any time before decisions, if a majority of the members then present shall agree thereto.

**Rule 10: 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 the decision.

**Rule 11: To refer; precedence:** When there is a question of referring a given subject to a standing committee, or to a select committee, the question of reference to a standing committee shall be put first.

**Rule 12: To adjourn:** The motion to adjourn shall always be in order, unless the Council is engaged in voting, and the motion to adjourn or to lay on the table, or for the previous question, shall be decided without debate.

**Rule 13: Acceptable motions; order of precedence:** When a question or proposition is before the Council, or under debate, no motion shall be received except the following:

1. To adjourn
2. To lay on the table
3. For the previous question
4. To postpone to a certain day
5. To commit
6. To amend
7. To postpone indefinitely.

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

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**Rule 14: Introductions:** Ordinances and resolutions shall be introduced only by members of the Council present, with their names endorsed there- on, except such ordinances and resolutions as may be presented to the Council upon the written recommendation of some committee of the Council or Mayor and / or Solicitor.

**Rule 15: Reference to committee on Rules and ordinances:** All ordinances of a general or permanent nature, except the ordinances for appropriation, before their final passage, may be referred to the committee on rules and ordinances. It shall be the duty of said committee as to any ordinance so referred to it, to carefully compare the same with all existing ordinances, upon the subject matter, and it shall report thereon any discrepancy or conflict which may exist therewith. It shall also examine and report upon the form of such discrepancy or conflict or to correct error in form. If any amendment shall be made to any ordinance, they shall recommend the change necessary to remedy such discrepancy or conflict or to correct error in form. If any amendment shall be made to any ordinance after the committee has reported thereon, it shall be recommitted to said committee for further report thereon.

**Rule 16: Reference to committees:** Any report, resolution, ordinance or matter before the Council for consideration (except appropriation ordinances), before their final passage may be referred either to the standing committee to which the subject matter is most closely related or to a committee specially appointed by the president of the Council. Any such committee shall consider the matter thus referred to it and report thereon to the Council without unnecessary delay.

Any matter referred to a committee may by a two-thirds vote of Council at any time prior to report of such committee, be taken from the hands of such committee for consideration.

**Rule 17: Limitation on debate or discussion:** No member of the Council while Council is in session shall engage in debate or discussion with anyone save another member of the Council or the president of Council or some person who has either been granted by the Council the privilege to address the Council or is present at a council meeting by invitation of the Council. All such debate or discussion shall be governed by Roberts Rules of Order as interpreted by the Chair of Rules and Ordinances Committee.

**Rule 18: Hearings before Council:** If any elector or electors or taxpayers of the village or any other person or persons desire a hearing on any matter pending before the Council, application may be made therefore to the Council, and Council may by a two-thirds vote grant such public hearing by arranging for a special time and place therefore, which may be during or not during a regular or special meeting of the Council. Petition for such hearing must be filed with the Clerk-Treasurer not later than seven calendar days prior to the regular Council meeting where such permission might be granted.

**Rule 19: Resignation:** The resignation of a member of the Council shall not take effect until the same has been submitted in writing over the resigning member's signature to the Clerk-Treasurer and accepted by a vote of the majority of the members exclusive of the person tendering the resignation.

**Rule 20: Robert's Rules of Order:** In the absence of any rule in this resolution upon the matter of business, the Council shall be governed by *Robert's Rules of Order @2000* or later as interpreted by the Chair of Rules and Ordinances Committee.

**Rule 21: 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 the Rules and Ordinances Committee to which the subject has been referred at a previous meeting.

**Rule 22: Suspension of rules:** These rules or any rule of procedure may be temporarily suspended at any meeting of the Council, by a concurrent vote of two-thirds of all members elected, except when a greater number is required by law or by these rules. The vote on such suspension shall be taken by the yeas and nays and entered on the journal. In case any rule herein shall not have been adhered to by the Council, the same shall be regarded as having been suspended.

**Rules of Executive Session:** An "Executive session" is a portion of a meeting from which the public is excluded and at which only such persons as the Council may invite are permitted to be present. Any member of Council or any invited person party to the proceedings during an executive session are enjoined by ORC and Rules of Haskins Village Council from disclosing any information pertaining to or deriving from said proceedings.

# RECORD OF RESOLUTIONS

0701

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Passed \_\_\_\_\_ **07**, 20\_\_\_\_

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Any such person committing any infraction thereof will be subject to censure by a majority vote of the Council.

#### Six Valid Reasons for Holding an Executive Session:

1. Consider appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, licensee, or regulated individual, unless the individual requests a public hearing.
2. To consider the purchase of property or sale of property by competitive bid if disclosure of information would give a competitive advantage to the other side.
3. Conferences with the Haskins Village Council's attorney / solicitor concerning pending or imminent court action.  
This does not allow an executive session for discussions with a Council member who also happens to be an attorney.
4. Preparing for, conducting, or reviewing collective bargaining strategy.
5. Matters requiring to be kept confidential by federal law, federal rules, or state statutes.
6. Specialized details of security arrangements where disclosure of information to be discussed in executive session might reveal information that could be used to commit, or avoid prosecution for a violation of the law.

#### Restrictions for use of Executive Sessions:

1. Provisions allowing executive sessions are to be strictly construed in favor of openness.
2. The members of Council have the burden of demonstrating the exception allowing the executive session.
3. Only discussions on one of the six valid reasons for holding an executive session can be carried out during the session. Decision making must still be carried out in public.
4. A court may look beyond the expressly stated reason for holding an executive session in order to find an implied or circumstantial violation.

**And furthermore that** it is found and determined that all formal actions of the Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meeting open to the public, in compliance with all legal requirements including **Section 121.22** of the Revised Code of Ohio.

Vote On Resolution:            Ayes   5              Nays \_\_\_\_\_            Abstain \_\_\_\_\_

Passed:   6-18-07  

Michael A. Goral  
President of Council

Walter D. Heft  
Clerk / Treasurer

Samuel P. Johnson  
Mayor

Glenn Harding            Councilperson

6/18/07            Date

[Signature]            Councilperson

\_\_\_\_\_            Date

Wendie T. Eldred            Councilperson

6/18/07            Date

Paul R. [Signature]            Councilperson

6/18/07            Date