

ORDINANCE NO. 10-2020

AN ORDINANCE AMENDING SECTION 220.01 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LOUDONVILLE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Covid-19 Coronavirus pandemic has caused public health concerns; and

WHEREAS, the White House Coronavirus Task Force, the Governor of the State of Ohio, and Ohio Department of Health have issued orders and instructions to implement "social distancing" standards and limitations on gatherings of people; and

WHEREAS, the Mayor and Council of the Village of Loudonville are committed to the health and safety of the citizens and visitors of the Village, as well as the continuation the operations of the Village in a safe and proper manner; and

WHEREAS, the Mayor and Council of the Village of Loudonville recognize the fundamental importance of public meetings in government transparency; and

WHEREAS, Sub. H.B. 197, as passed by the General Assembly of the State of Ohio and the Governor of the State of Ohio, allows for municipalities to carry on public meetings by telecommunications methods; and

WHEREAS, the Mayor and Council of the Village of Loudonville believe that holding public meetings by telecommunication until further notice is in the best interests of the Village, and wishes to amend the Village's codified ordinances to better allow for such meetings;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LOUDONVILLE, STATE OF OHIO:

SECTION 1. That Section 220.01 of the codified ordinances of the Village of Loudonville is hereby amended and replaced to now read as set forth on Exhibit A, attached hereto and made part hereof by reference.

SECTION 2. That this Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health and safety in the Village of Loudonville, for the reason that it is immediately necessary to provide safe public meetings that are consistent with current Ohio Department of Health standards related to public health and safety. This Ordinance shall therefore take effect and be in force at the earliest date allowed by law.

Date: _____

Stephen Stricklen, Mayor

Attest:

Approved:

Elaine Van Horn, Fiscal Officer

Thomas R. Gilman, Village Solicitor

Exhibit A

220.01 RULES OF COUNCIL.

Rule 1. President. The Mayor shall be the President of Council and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie. (ORC 733.24)

Rule 2. President Pro Tempore. At the first regular meeting in January of each year, Council shall immediately elect a President pro tempore from its own number, who shall serve until the first meeting in January of the following year. When the Mayor is absent from the Village or is unable for any reason to perform his or her 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)

In the absence of both the President and the President pro tempore, Council shall appoint a temporary Chairperson.

Rule 3. Succession. In case of the death, resignation or removal of the Mayor, the President pro tempore shall become the Mayor and serve for the unexpired term. When the President pro tempore becomes the Mayor, the vacancy created shall be filled by election of another President pro tempore. (ORC 731.11, 731.43, 733.25)

Rule 4. Vacancies. 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, within thirty days, to fill such vacancy, the Mayor shall fill it by appointment. (ORC 731.43)

Rule 5. Resignation. The resignation of a member of Council shall not take effect until the same has been accepted by a vote of a majority of the members, exclusive of the person tendering the resignation.

Rule 6. Administrative Responsibility. Under the general laws of Ohio applicable to noncharter Villages, both legislative and administrative authority is vested in Council. This apparent overlapping of authority warrants clarification as it applies to the Mayor as the executive head and to the conduct of administrative work. For example, Council is made responsible for general policies, plan approvals, financial control and organization strength, whereas the Mayor is responsible for execution of policy, plan accomplishment, financial integrity and personnel management. When Council considers and approves or disapproves the payment of bills, appointments to positions, zoning standards of a planning commission, budget requests and other forms of administration by the Mayor, the staff, commissions and committees, it is acting in an administrative capacity in conformity with constituted village government and with specific laws. This relationship is basic to noncharter Villages and is not to be confused with the powers and distinctions of a charter or city government.

Council uses standing and special committees to assist in expediting its work. (See Rules 7 and 8.) These committees are concerned with both legislative and administrative matters. It must be borne in mind by these committees, by individuals and by the Mayor that any decision involving the exercise of judgment or discretion must be made by Council as a body. For everyone concerned to foster this relationship is to observe the spirit of the law.

Rule 7. Standing Committees; Special Committees. At no later than the first regular meeting of Council after its organization, the President of Council shall appoint standing committees, each consisting of three members (the first named member to be Chairperson) for the following programs:

- | | |
|------------------------|------------------------|
| a. Finance/Audit | d. Planning and Zoning |
| b. Safety | e. Streets |
| c. Parks and Buildings | f. Utilities |

Temporary special committees may be appointed by the President, with the approval of Council, to undertake some special task. The President may at any time remove any member of any committee appointed by him or her and appoint a new member to serve in place of the one removed.

Rule 8. Committee Responsibilities.

- a. A standing committee shall:
1. Follow Council direction in matters referred to it;
 2. Normally be expected to investigate or study a given problem or need, taking no decisive action itself but submitting a report and recommendations;
 3. Within its area of responsibility, assume both short and long range study of plans and needs, work to establish desirable economic, budgetary and work standards, train others and inspect for accomplishment; and
 4. Assume no direction and issue no order in conflict with the executive officers of the Village, or the law, thereby acting in an advisory capacity, reporting to Council for action.
- b. A special committee shall be given direction by Council when appointed and shall be discharged upon receipt of its report.

Rule 9. Meetings; Mayor's Reports. Per the authorization set forth in Sub. H.B. 197 (to be codified in Ohio Revised Code Section 121.221) regular meetings shall be held by teleconference, video conference, or other similar electronic technology to be selected by the Mayor, at 6:00 p.m., official time, on the first and third Mondays of each month. A change in meeting method, time, or place is subject to Council action. In the event that the statutory allowance for telecommunication meetings is rescinded, meetings shall then be held in the Loudonville Council Chambers or the Loudonville Ohio Theatre, as selected by the Mayor.

The Fiscal Officer shall publish notice of meetings, as required by Ohio Revised Code Sections 121.22 and 121.221.

When any regular meeting of Council falls on a legal holiday, Council shall meet in regular session on the day following at the stated method, place, and hour. Special meetings may be called by the President or any three members of Council, provided that at least twenty-four hours' notice is given to each member, served personally or left at his or her usual place of residence. Any member may waive, in writing, notice of any special meeting.

At the first regular meeting in January of each year, and at such other times as the Mayor deems expedient, he or she shall report to Council concerning the affairs of the Village and recommend such measures as seem proper to him or her.
(ORC 733.41)

Rule 10. Attendance: Public Meetings. Attendance at Council meetings shall ordinarily include the Fiscal Officer, the Mayor, the Law Director, the Village Administrator, and such other staff and department heads as may be requested. Meetings of Council shall be open to the public.
(ORC 731.46)

Rule 11. Record of Proceedings: Special Agenda. The Fiscal Officer shall keep a record of the proceedings and of all rules, bylaws, resolutions and ordinances passed or adopted, which record shall be subject to inspection by all persons interested. In case of the absence of the Fiscal Officer and of his or her deputies, Council shall appoint one of its members to perform his or her duties as Clerk of Council.

The Fiscal Officer shall prepare an agenda for every meeting, attend to all correspondence incidental to his or her office and perform such other duties as may be assigned by a majority vote of Council or as required by law.

The Fiscal Officer 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. Such notification shall be made not later than 12:00 noon on the Thursday preceding a regularly scheduled Council meeting or as soon as possible before a special Council meeting.

Rule 12. Order of Business; Visitors' Register.

a. The business of regular Council meetings shall be transacted in the following order:

1. Roll call. To determine if a quorum is present;
2. Minutes. Reading, approval and disposal of the journal
3. Legislation. Reading of ordinances and resolutions;
4. Reports of officers and committees selected by the Mayor or Council;
5. Old and New business;
6. Bills. Reading and approval.

b. The Presiding Officer of Council may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order for the same, unless such exception is objected to by a majority of the members present.

Rule 13. Procedure for hearing visitors. Visitors who are not Village officials shall not be provided time to speak at meetings, except where specifically authorized by the Mayor or majority of Council. The Mayor shall take reasonable steps to encourage citizens, local businesses, and other interested persons to submit comments, questions, and concerns to the Village in writing, to be distributed among the appropriate Village employees, officials, and Council members.

Rule 14. Opening Procedure; Quorum. The President of Council shall take the Chair at the time appointed for Council to meet and immediately call the members to order. He or she shall then determine if a quorum is present, cause the journal of the preceding session to be disposed of and continue on with the prescribed order of business.

A majority of all members elected shall be a quorum, but fewer may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as are prescribed by law.

(ORC 731.44)

Rule 15. Order and Decorum. The President of Council shall preserve order and decorum and confine members in debate to the question. He or she may, in common with any other member, call any member to order who violates any of the rules and shall, when in the Chair, decide all questions of order, subject to an appeal to 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 or her reasons for the same and the Presiding Officer shall have the same right to a similar statement.

The Presiding Officer shall 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.

Rule 16. Punishment or Expulsion of Members for Violations; Delinquency. Council may punish or expel any member for disorderly conduct or for a violation of its rules and declare his or her seat vacant for absence without valid excuse where such absence has continued for two months. 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 or her and has had an opportunity to be heard.

(ORC 731.45)

Rule 17. Voting. Every member present shall vote by a yea, nay or abstention.

Rule 18. Reference to Committee. 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 a committee immediately after being read by the Fiscal 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 a committee promptly by the Presiding officer.

If any matter referred by Council to any committee or officer is not reported upon by the next regularly scheduled meeting, such matter shall be brought by the Fiscal Officer to the attention of Council, which shall take such further action in the premises as it deems best.

Council may accept or reject any committee report in whole or part.

Rule 19. Reference to Council as a Committee of the Whole. There are times when a matter will be referred to Council as a Committee of the Whole. This is a meeting of the entire Council as a committee, but instead of the usual Presiding officer being in charge, a Chairperson of the Committee of the Whole shall preside. The designated Chairperson shall inform the public in advance of the time and place of the meeting of the Committee of the Whole. Referral to this Committee may take place when a major situation or problem arises on which it is felt that every member of Council should have an opportunity to express himself or herself; when debate or discussion in the regular meeting would consume too much time and interfere with the regular order of business; and when referral to some committee will restrict consideration and study of the problem or question to only the committee members. The Committee of the Whole shall sit as a committee and discuss the question as a group and receive the views and opinions of all members. The Committee of the Whole shall be governed by the rules of Council in its deliberations. The Committee shall 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 the Committee of the Whole shall be presented to Council, just as in the case of any other committee report.

Rule 20. Preparation of Legislation. When Council desires the preparation of ordinances and/or resolutions, it shall, by a majority vote, request their preparation by the Law Director.

Rule 21. Voting on Legislation; Seconding of Motions.

a. 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 in writing in the minutes as "aye" and "nay," together with the names of the members of Council voting "aye," those voting "nay" and those abstaining from voting.

b. Each motion shall be seconded before further action thereon.

Rule 22. Majority, Two-Thirds and Three-Fourths Defined; Majority Required for Passage of Ordinances. Whenever the term "majority" is used in these Rules, it shall, unless otherwise expressly indicated, be held to mean a majority of those elected to Council. Likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean

two-thirds or three-fourths of the members elected to Council. Thus, in a Council of six members, a majority shall be four, and three-fourths shall be five. No ordinance shall be passed by Council without the concurrence of a majority of the members.

Rule 23. Three Readings Requirement. Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

Rule 24. Second Reading of Ordinances and Resolutions; Emergency Ordinances. When an ordinance or resolution is presented, it shall be read by the Law Director. It should be read at three different meetings, unless this requirement is dispensed with by approval of a motion to suspend the rules. If three-fourths of the members of Council approve such motion, the second and third reading of the ordinance shall not be necessary and such ordinance may be presented for passage.

After a member moves for passage, a vote shall be taken. If a majority approves the passage of the ordinance, it shall be signed by the Fiscal Officer and the Mayor. Legislation passed as an emergency measure must have the reason stated for the emergency in some detail, not in the mere general terms that such action is "necessary for the peace, health, welfare and safety of the Village."

Rule 25. Amending Resolutions and Ordinances. It shall be in order to amend a resolution or ordinance at any time, but if such ordinance or resolution is of a general or permanent nature and such amendment is made after the second reading, it shall again be read as amended as the second reading and laid over to the next meeting for final action, unless the requirement for three readings is dispensed with by a vote of three-fourths of the Council's members.

Rule 26. Limitations on Debate. No member of Council, while Council is in session, shall engage in debate or discussion with anyone save another member of Council, the President of Council or some person who has either been granted by Council the privilege to address Council or is present at a Council meeting by invitation of Council. All such debate or discussion shall be governed by Robert's Rules of Order.

No member shall speak more than once upon any subject, until every member choosing to speak has had an opportunity to be heard.

Rule 27. Adjourned Meetings. 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. When Council reconvenes at the appointed time, it shall take up the business where it left off at its former meeting, provided a quorum is present. A reconvened meeting is merely a continuation of the meeting that was adjourned.

Rule 28. Motions; When Debatable; Withdrawal. When a motion is made and seconded, it shall be stated by the Presiding officer before any debate is in order. Any such motion, and any amendment thereto, may be withdrawn by the movers thereof at any time before decision.

Rule 29. Division of Question. Any member may call for a division of the question or the Presiding Officer may direct the same. In either case, the same shall be divided if it comprehends questions so distinct that if one is taken away the other will stand as an entire question for decision.

Rule 30. Precedence of Motions to Refer. 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 put first.

Rule 31. Motions to Adjourn, to Lay on The Table and for the Previous Question.

The Motion to adjourn (which requires no second) shall always be in order, unless Council is engaged in voting. Motions to adjourn, to lay on the table or for the previous question shall be decided without debate.

Rule 32. Acceptable Motions; Order of Precedence. When a question or proposition is before Council or under debate, no motion shall be received, except the following:

- a. To adjourn;
- b. To lay on the table;
- c. For the previous question (request that discussion end and a vote be taken);
- d. To postpone to a certain day;
- e. To commit (to refer to a standing or special committee);
- f. To amend; and
- g. To postpone indefinitely.

Such motions shall have precedence in the order in which they are herein listed.

Rule 33. Robert's Rules of Order. In the absence of any rule upon a matter of business, Council shall be governed by the current edition of Robert's Rules of Order.

Rule 34. Amendments. These Rules may be amended or altered or new rules may be adopted by a vote of a majority of all the members elected at any meeting of Council, on the report of a committee to which the subject has been referred at a previous meeting.

(Ord. ____-2020. Passed _____.)