

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

**ORDINANCE NO. J-7-19-1**

AN ORDINANCE ESTABLISHING COUNCIL RULES FOR THE VILLAGE OF  
NEW CONCORD, OHIO, SECOND READING.

WHEREAS, the Council of the Village of New Concord has chosen to establish Council Rules to follow for orderly conduct of Village business; and

WHEREAS, the Rules of Council of the Village of New Concord will assist Village Council with the governance the its organization, operation and meetings; and

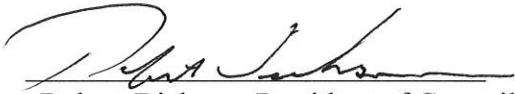
WHEREAS, the project is in the interest of the health, safety and welfare of the Village.

NOW, THEREFORE, be it hereby ordained by the Council of the Village of New Concord as follows:


Section 1. The Rules of Council of the Village of New Concord, Ohio as written in Attachment A to this Ordinance have been created to guide this and future Village Councils in the conduct of good governance, clear organization and efficient meetings.

Section 2. For reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to be in full force after its passage and approval by the Mayor.

Passed: July 8, 2019

  
Robert Dickson, President of Council

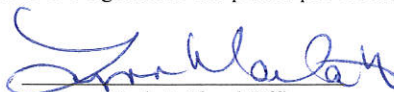
Approved: July 8, 2019

  
Brett Essex, Mayor

Attest:

  
Lynn Marlatt, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

  
Lynn Marlatt, Fiscal Officer

# Rules of Council of the Village of New Concord, Ohio **A Statutory Village**

## **TABLE OF CONTENTS**

- I. COUNCIL MEETINGS**
  - 1. Public Meetings
  - 2. Regular Meetings
  - 3. Organizational Meeting
  - 4. Special Meetings
  - 5. Public Notice of All Meetings
  - 6. Presiding Officer
  - 7. Required Attendance
  - 8. Agendas, Minutes and Records
- II. COUNCIL COMMITTEES**
  - 9. Standing Committees
  - 10. Committee Meetings
  - 11. Special Committees
- III. PUBLIC PARTICIPATION**
  - 12. Public Participation
- IV. COUNCIL MEETING PROCEDURES AND VOTING**
  - 13. Opening Procedures
  - 14. Order of Business
  - 15. Quorum, Three-Fourths, Two-Thirds Defined
  - 16. Participation in Discussion
  - 17. Limitations on Debate
  - 18. Order and Decorum; Appeals
  - 19. Yeses and Nos
  - 20. Voting
  - 21. Motions – When Written; Withdrawal
  - 22. Referral to Committee
  - 23. Referral to Committee of the Whole
- V. LEGISLATION: ORDINANCES AND RESOLUTIONS**
  - 24. Introduction of Ordinances and Resolutions
  - 25. Ordinance Preparation
  - 26. Appropriation Ordinances
  - 27. Three Readings
  - 28. Emergency Ordinances
  - 29. Amendments before Passage
  - 30. Passage or Adoption
- VI. RULES OF COUNCIL**
  - 31. Council Vacancy; Replacement
  - 32. Council Resignation
  - 33. Amendments to Rules of Council
  - 34. Suspension of Rules of Council
  - 35. Precedence of Oversight
- VII. MISCELLANEOUS**
  - 36. Referral of Matters and Timeliness of Reporting

# **I. COUNCIL MEETINGS**

## ***Rule 1. Public Meetings***

All official meetings of the Village Council and its committees are open to the public in accordance with all applicable provisions of Ohio's Open Meetings Act, Public Records Laws and all similar acts, commonly known as "Ohio's Sunshine Laws". This does not prohibit the Council from meeting in executive session as necessary to discuss items permitted by law. All action and decisions by the Council shall be taken in open session. (*ORC 121.22*)

## ***Rule 2. Regular Meetings***

The regular meetings shall be held in the Council's chamber, 2 West Main Street, New Concord, Ohio, on the second Monday of each month at 6:30 PM, unless otherwise ordered by the Council. No Member of the Council shall be required to remain in the Council chamber longer than one-half hour after the regular time for calling the meeting if the meeting has not been called to order. Should the regular meeting fall on a legal holiday it shall be held on the following Monday at 6:30 PM, unless otherwise ordered by Council.

## ***Rule 3. Organizational Meeting***

The first Council meeting of the year in January shall be considered the organizational meeting. During this meeting;

- The 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. (*ORC 731.10*) In the case of a tie vote, the Mayor shall cast the deciding vote.
- The Mayor, in consultation with President of Council, shall announce standing committee appointments and committee chairs.
- The Mayor and Council shall establish the times and dates of the Council meetings for the year.
- The Committee Chairs, in consultation with committee members, shall announce the times and dates of each committee meeting for the year.
- Council shall adopt by motion the Rules of Council for the year.

## ***Rule 4. Special Meetings***

Special meetings of the Council may be called by the Mayor or by the Clerk of Council and/or Designee upon written recommendation by three (3) Members of the Council or by a majority vote by the Members of Council at a regular or special meeting of the Council. The fourth Monday of the month at 6:30 PM will be reserved for special meetings, unless otherwise ordered by Council.

## ***Rule 5. Public Notice of All Meetings***

Notice of all regular, special and committee meetings, or any cancellation or alternative location, will be posted by the Clerk or Designee at least twenty-four hours preceding the meeting on the Village of New Concord website ([www.newconcord-oh.gov](http://www.newconcord-oh.gov)) and sent via email to all "New Concord Connects" subscribers. Notification shall be sent to any media desiring such information. Notices for all regular and special meetings shall include the time and place. Special meeting notices shall also include the purpose of the meeting.

### ***Rule 6. Presiding Officer***

The Mayor is the president of the legislative authority and presides at all regular and special meetings thereof, but shall have no vote except in case of a tie. (ORC 733.24)

In the absence of the Mayor the President of Council shall preside over the meetings of the Council.

In the absence of the Mayor and the President of Council, the Clerk or Designee shall call the Council to order and Council, by majority vote, shall elect a temporary chair.

### ***Rule 7. Required Attendance***

In addition to all elected officials, the Village Administrator, Solicitor, Fiscal Officer, Fire Chief and Police Chief shall be required to attend the regular meetings of the Council, unless otherwise ordered by The Mayor, and shall be provided seats on the floor of the Council.

### ***Rule 8. Agendas, Minutes and Records***

The Clerk, or the Designee, shall prepare the agenda for all regular or special meetings of Council from items submitted by the President and Members of Council, the Mayor and the Village Administrator. The Council packet, with agenda, shall be distributed via email to all Council Members by 5:00 PM on the Friday before a Monday meeting or at least twenty-four hours before any other meeting, except in the event of an emergency requiring immediate official action; and shall be posted on the Village website at the same time.

Minutes of the meetings will be kept by the Clerk or Designee, and shall be signed by the Presiding Officer and Clerk of the meeting. Proposed minutes of a regular or special meeting will be available to the public within one week after such meeting. A copy of these minutes shall be distributed to each Member of Council and the Mayor for their review prior to the next meeting. Approved minutes will be available to the public no later than three business days after the meeting at which the minutes were approved. All such public documents will be posted on the Village website.

Minutes for executive sessions shall only reflect the general subject matter of discussion. (ORC 121.22)

The Clerk or the Designee shall keep proper permanent records of all documents which are part of the transactions of the Council, and all orders of the Council.

## **II. COUNCIL COMMITTEES**

### ***Rule 9. Standing Committees***

The Mayor, in consultation with the President of Council, shall make appointment(s) to the membership of Council committees after conversation with each Council Member to assess their interest and availability. The Mayor, in consultation with President of Council shall appoint committee chairs.

Each committee will consist of three Members of Council. These decisions and appointments shall be completed no later than seven business days prior to the January organizational meeting.

The standing committees are:

- **Finance Committee:** The Finance Committee oversees all Village finances and related legislation including the annual budget, expenses, debt, current and future contracts and short and long-term financial planning.
  - **Composition:** The Finance Committee shall be comprised of three (3) members of Council. One of the appointed members of Council shall serve as Chairperson. The Fiscal Officer, Village Administrator and Mayor shall act as ex-officio members of the Finance Committee.
  
- **Infrastructure Committee:** All matters pertaining to streets, water, sewer, sidewalks, street trees, village buildings, property and equipment (except fire & police facilities & equipment).
  - **Composition:** The Infrastructure Committee shall be comprised of three (3) members of Council. One of the appointed members of Council shall serve as Chairperson. The Village Administrator and Mayor shall act as ex-officio members of the Finance Committee.
  
- **Safety Committee:** Oversees all matters and legislation relating to the Village's provision of police, fire and emergency services; it also oversees matters and legislation relating to traffic, streetlights, parking and other issues such as safety education that affect the health and safety of persons and property within the Village.
  - **Composition:** The Safety Committee shall be comprised of three (3) members of Council. One of the appointed members of Council shall serve as Chairperson. The Village Administrator and Mayor shall act as ex-officio members of the Safety Committee.
  
- **Policy Committee:** All matters pertaining to personnel, zoning, development, annexation, taxes, public events, council policies, special requests, recreation, and the swimming pool.
  - **Composition:** The Policy Committee shall be comprised of three (3) members of Council. One of the appointed members of Council shall serve as Chairperson. The Village Administrator and Mayor shall act as ex-officio members of the Policy Committee.

### ***Rule 10. Committee Meetings***

Committees shall meet at a regular day and time each month or more often as needed, and the schedule may change as needed. No meeting shall be held unless there are agenda items. Any Member of the committee can place an item on the agenda. A special meeting can be called by the chair and/or the Mayor.

No committee meeting shall immediately precede a regular session of Council without prior approval of the committee chair.

Members of Council who are not Members of that committee shall receive the agenda and notice of all committee meetings, and are entitled to attend. Non-committee member's comments should be limited to allow the appointed committee members to conduct proper business. Only serving committee members shall be permitted to vote on agenda items.

Each committee chair, or designee, is required to take written minutes of each meeting which will be shared for comment with all attendees and the Village Administrator within 48 hours of the meeting. The final document will be filed and used for verbal reporting by the chair at the next regular Council meeting.

Notice of special, cancelled or re-scheduled meetings, including agenda, time and place, must be given to the Clerk or Designee at least 72 hours in advance of the meeting, and posted on the Village website and sent via email to all "New Concord Connects" subscribers at least 48 hours in advance.

Except in case of obvious inconsistency or inapplicability, committee meetings shall be governed by the rules applicable to Council proceedings.

### ***Rule 11. Special Committees***

Special committees shall be formed whenever deemed appropriate by the Mayor or President of Council to address matters that may require more attention than is available in the ordinary course of Council or committee business. Any written request for a special meeting shall state the subject or subjects to be considered at the special meeting and no other subject or subjects shall be considered.

If such matter is already referred to or pending before a standing committee, consent of those Members shall be required before referral to a special committee. If there is a question about referring a matter to a standing or special committee, the standing committee shall be first.

Special committees shall be given direction by the Council when created and are required to create and present a written report to Council, just as in the case of any other committee report. The committee will be deemed discharged once Council has received the final report.

## **III. PUBLIC PARTICIPATION**

### ***Rule 12. Public Participation***

At regular and special meetings of the Council and of Council committees, citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

Any person desiring to address Council during a public meeting shall first secure the permission of the Presiding Officer to do so. Priority in speaking shall be given to those presenting to the Clerk or Designee a written request to address Council.

Each person addressing Council shall rise, give their name and address in an audible tone of voice for the record and, unless further time is granted by Council, shall limit their address to five minutes. All remarks shall be addressed to Council as a body, to any Member thereof or to the administration or any Member thereof. Speakers shall be courteous in their language and avoid personalities.

No person, other than Council, the administration and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Member of Council, without the permission of the Presiding Officer. No questions shall be asked of a Member of Council or by a Member of Council except through the Presiding Officer.

Any person desiring to be heard by a committee of Council on any matter then under consideration may, by consent of such committee, be given an opportunity to be heard, for a limited time, as determined by the chair of said committee at each meeting. The process for public participation at a committee meeting shall follow the process for Council meetings.

## **IV. COUNCIL MEETING PROCEDURES AND VOTING**

### ***Rule 13. Opening Procedures***

The Mayor shall take the Chair at the regular hour of calling the meeting, shall immediately call the Members to order and shall proceed with the order of business.

### ***Rule 14. Order of Business***

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

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Minutes
5. Visitors Comments (maximum of 5 minutes per person)
6. Reports by Department Heads, Mayor, Fiscal Officer, Village Administrator
7. Committee Reports
8. Old Business
9. New Business
10. Approval of Bills
11. Announcements
12. Miscellaneous
13. Adjournment

The Mayor may at any time, for good cause, permit matters or items to be introduced out of the regular order; and may at any time permit a Member to introduce an ordinance, motion or resolution out of the regular order unless it is objected to by a majority of the Council Members present.

### ***Rule 15. Quorum, Three-Fourths, Two-Thirds Defined***

Four Council Members shall constitute a quorum, which is the minimum number of Members required for the transaction of business. If during the course of the meeting the departure of a Council Member results in less than a quorum, the meeting shall be adjourned.

### ***Rule 16. Participation In Discussion***

All elected officials shall be entitled to take part in the discussion on all questions before the Council. Administrative officers who are seated on the floor of the Council shall be entitled to take part in the discussion on all questions relating only to their respective departments. Administrative officers seated on the floor of the Council shall be required to answer questions relating to the affairs of the Village under their respective supervision and control.

## **Rule 17. Limitations on Debate**

Members wishing to speak on a question or motion shall first address the Presiding Officer (Mayor), who shall state the name of the Member entitled to the floor. Members shall confine themselves to the question or motion, shall avoid personalities and shall be limited to three (3) minutes.

No Member shall speak more than once on any subject until every Member choosing to speak shall have had an opportunity to be heard, nor more than twice on the same subject without consent from the Council. No Member shall disturb or interrupt another Member having the floor, except by a call to order.

No Member, while Council is in session, shall engage in debate or discussion with anyone, save another Member of the Council or the Mayor or a person who has either been granted the privilege to address the Council or is present at a Council meeting on invitation of the Village Council.

It is the intent that all such debate or discussion shall be guided by Robert's Rules of Order.

## **Rule 18. Order and Decorum; Appeals**

The Presiding Officer shall preserve order and decorum, prevent the impugning of personalities or motives, confine Members in debate to the question under discussion, and shall decide all points of order subject to an appeal by any Member of the Council. In the case of an appeal, the Member called to order and the Mayor shall have the same right to make a statement. A majority vote of Council Members present shall decide the appeal.

If a Member, in speaking or otherwise, shall violate any of these rules, the Presiding Officer or any Member may call the person to order. If such person shall be called to order while speaking, the person shall immediately sit down, unless permitted to explain. The question of order shall be decided without debate.

The Council may punish or expel any member for disorderly conduct or violation of its rules. The Council may declare a member's seat vacant for absence without valid excuse, where such absence has continued for two months.

## **Rule 19. Yeses and Nos**

On the passage of every ordinance and resolution, the vote shall be taken by Yeses and Nos and entered in full upon the records, and included in the official minutes. On any other question, the Yeses and Nos shall be entered upon the records on the request of any Member and seconded by one other Member, or upon the demand by the Presiding Officer.

## **Rule 20. Voting**

Most voting, including on all ordinances and resolutions, takes place by roll call. The Clerk or Designee calls upon each Member by name to vote verbally; after the Clerk or Designee announces the number of votes on each side the Presiding Officer declares the result. It is expected that every Member who is present shall vote Yes or No on all questions upon the call for Yeses and Nos.

Although it is the duty of every Member who has an opinion on a question to express it by vote, a Member can abstain since a vote cannot be compelled. Additionally, no Member shall vote on any question in which the Member has a conflict of interest, including a financial interest, or when the Member's vote is excused by statute. In both these cases, abstention or conflict of interest, the Member



must state her/his intention to and reason for abstention prior to the call for a vote. It is hoped that an abstention is used rarely and only for the most imperative reasons.

Under certain circumstances, such as a motion to adjourn, voting takes place by group voice vote of Yeses and Nos. The Clerk or Designee is not involved in this vote; the Presiding Officer declares the result.

The only exception to verbal voting is the use of secret paper ballots when Council votes for President Pro Tempore during the January organizational meeting each year.

### ***Rule 21. Motions – When Written; Withdrawal***

When a motion is made and seconded, the Presiding Officer shall state it before any debate shall be in order. The two movers may agree to withdraw the motion at any time before the final decision. Any motion shall be put in writing if the Mayor or any Members require it, and cannot be withdrawn after acknowledgement by the Mayor without consent of the Council.

### ***Rule 22. Referral to Committee***

There are times when a matter brought before Council will be referred to the appropriate standing committee upon recommendation of the Mayor or any Member and with the consent of the majority of Members. The same process is followed when a special committee is recommended. In both cases, the committee will follow the rules as specified in Section II, Council Committees. Council may direct the committee to submit a written report or recommendation to the full Council within a specified timeframe.

### ***Rule 23. Referral to Committee of the Whole***

There are times when a matter brought before Council will be referred to the Committee of the Whole by recommendation of the Mayor or any Member and with the consent of the majority of Members.

This is a meeting of the entire Council as a committee, but instead of the usual Presiding Officer in charge, a chair chosen by The Mayor will preside. The designated chair shall inform the Clerk or Designee, who shall inform the public in advance of the time and place of the meeting. Referral to this committee may take place when a major situation or problem arises in which the Council wants to ensure the participation of all Council Members and discussion in the regular Council meeting would consume too much time and interfere with the regular order of business. The Committee of the Whole will act as a committee, discuss the question as a group, and receive the views and opinions of all Members. This committee shall be governed by the Rules of Council in its deliberations, except that no limit is placed on time or frequency of speaking, that the previous question cannot be moved, and that the yeses and nos cannot be demanded.

The Committee of the Whole will make a written report of 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 standing or special committee.

## **V. LEGISLATION: ORDINANCES AND RESOLUTIONS**

### ***Rule 24. Introduction of Ordinances and Resolutions***

All ordinances and resolutions shall be introduced upon written or verbal recommendation of a committee of Council.

Normally, a proposed ordinance should be considered by the appropriate committee/s prior to Council introduction.

All ordinances and resolutions shall be read by title only, providing all Members of Council have copies of all legislation presented, and unless a motion to read it in full receives a majority vote. (*ORC 731.17*)

### ***Rule 25. Ordinance Preparation***

All proposed general legislation shall be approved as to legal form by the Solicitor and be submitted to the Village Administrator by noon on Thursday preceding the regular meeting of Village Council when such legislation is to be considered.

The enacting clause of all ordinances shall be "Be it Ordained by the Council of the Village of New Concord, State of Ohio." All ordinances shall be in typewritten form before introduction.

### ***Rule 26. Appropriation Ordinances***

No money shall be appropriated except by ordinance. All ordinances for fixing a tax rate, the appropriation of money, the issuance of bonds, the transfer of money to any fund, or the payment of a claim and all resolutions or ordinances whereby the Village shall become liable for the payment of any money, shall be reviewed by the Finance Committee for consideration and report. The annual Appropriation ordinance shall be introduced to Council the fourth Monday in March.

### ***Rule 27. Three Readings***

No ordinance or resolution shall be passed until it has been read during three (3) separate meetings of Council, unless such reading has been dispensed with by a three-fourths vote of all Members of Council thereby creating an emergency ordinance. (*ORC 731.17*)

### ***Rule 28. Emergency Ordinances***

If an ordinance requires immediate action necessary for the preservation of the public peace, health and safety of the village, and as such shall be in force immediately upon its passage, Council can move to suspend the rules that call for three readings and declare an emergency. If the emergency declaration and the ordinance each receive a two-thirds vote of Council Members, the ordinance shall then be in force immediately upon its passage. ([ORC 731.30](#))

### ***Rule 29. Amendments Before Passage***

If an ordinance under consideration is amended after its second or third reading, it shall be considered read for the first time and be read again as a second reading at the next session of Council for further and/or final action. (*ORC 731.19*)

***Rule 30. Passage Or Adoption***

All ordinances, resolutions and all Council rules shall require for their passage, or adoption, the votes of a majority of all Council Members, unless a greater number be required by law, or the Rules of Council, and the vote on their passage or adoption shall be taken by "Yeses" and "Nos" and recorded in the Journal.

**VI. RULES OF COUNCIL**

***Rule 31. Council Vacancy***

Any vacancy on Council is filled by appointment by the remaining Council Members for the remainder of the unexpired term. If Council fails to fill the position within thirty (30) days, the Mayor shall fill it by appointment. (*ORC 731.43*)

The thirty days begins on the effective date of the Member's resignation, the date of the Member's expulsion or the date of the Member's death.

Within five (5) days of the effective date, the Clerk or Designee will make public notice of the vacancy on the Village website, through "New Concord Connects" subscriptions, relevant local social media and local news outlets. Council will accept applications from qualified citizens and, at its discretion, conduct individual interviews for the position at a special meeting in executive session prior to the thirty-day deadline, with candidates called by the Council as a Committee of the Whole.

***Rule 32. Council Resignation***

Any Member of Council who desires to resign their term of office shall submit their resignation in writing to the Mayor and all other Members of Council. The resignation shall be accepted and announced at the next regular meeting of Council.

The effective date of the resignation is either the date the resignation is accepted by the Council or the date the Member indicates in writing that their resignation is effective, whichever is later.

***Rule 33. Amendments to Rules***

These rules may be amended, or altered, or new rules adopted by a majority of all the Members elected, at any meeting of the Council, on the report of a special committee to which the subject has been referred at a previous meeting. All amendments, alterations, or new rules adopted by Council shall be attached to this ordinance, together with the date of the adoption of the same.

At the Council organizational meeting each year in January, the Council shall adopt by motion the Rules of Council for the calendar year.

***Rule 34. Suspension Of Council Rules***

These rules, where not precluded by statute, may be temporarily suspended at any meeting of Council by a majority vote of the majority of Members.

### ***Rule 35. Precedence of Oversight***

The priority and precedence of oversight governing these rules is as follows: Ohio Revised Code, Rules of Council of the Village of New Concord, most current edition of *Robert's Rules of Order*.

## **VII. MISCELLANEOUS**

### ***Rule 36. Referral of Matters and Timeliness of Reporting***

Ordinances, resolutions and communications shall be referred to the proper Council committees and administrative officers (Mayor, Village Administrator, Department Heads) according to the subject matter.

Any administrative officer report suggesting action by the Council shall be referred to the appropriate committee for consideration and report, unless otherwise ordered by Council.

If a matter is referred from a majority of Council to an administrative officer, that officer shall make a report and recommendation to Council on the matter within four (4) weeks after the referral. Response time may be extended by the President of Council after notifying all Members of Council and other relevant parties by email, providing reasons for the extension and setting a new date.