

Ordinance 2017-04
An Ordinance Establishing Rules of Council
And declaring an emergency

WHEREAS, the Village of Jacksonville has determined that there exists a need for an orderly procedure for the effective operation of the Jacksonville Government and;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JACKSONVILLE, OHIO, a majority of the members elected thereto concurring, as follows:

Section 1: Rules of Council

Except as otherwise provided for by law or specifically waived by the Council, the proceedings of Council shall be governed by the following rules:

Rule 1: President of Council

At the first regularly scheduled meeting each calendar year, Council shall elect, by a majority vote of its membership, a member to serve as President of Council until the first regularly scheduled meeting of the next calendar year. The President of Council shall have the powers, duties and functions as provided by these Rules of Council, by the laws of the State of Ohio and by ordinance and/or resolution. The President of Council serves as Acting Mayor upon the absence of the Mayor and becomes the Mayor upon the office being vacant. The President of Council may vote upon measures coming before Council while he/she is presiding in the absence of the Mayor.

Rule 2: Presiding Officer of Council

The Mayor shall preside at regular and special meetings; however, he/she has no vote except in the case of a tie. The Mayor is given the power to vote in case of a tie on either a resolution or an ordinance.

Rule 3: Council Vacancies

Vacancies on Council are to be filled by an election by the Council for the unexpired term. If the Council fails to fill a vacancy within thirty days, the Mayor shall fill it by appointment except that, subject to division 731.43(A)(2) of Ohio Revised Code, when the vacancy occurs because of the operation of section 733.25 of the Ohio Revised Code, the successor shall hold office only for the period the President of Council holds the office of Mayor.

Rule 4: Meetings of Council

Regular meetings of the Council shall be held at the Jacksonville Municipal Building, 38 South Sixth Street, Jacksonville, Ohio, on the third Tuesday of each month, at 6:30 P.M. Should any holiday fall upon the scheduled date for a regular meeting, the Council may designate another date within the same month, in lieu thereof.

Rule 5: Absence

When a member of Council is unable to attend a meeting by reason of illness, vacation, absence from the Village, or for any other just and reasonable cause, the member is to notify the President of Council as soon as possible. Should a quorum be unable to attend a scheduled meeting, the Mayor is to be notified by the President of Council as soon as possible.

Rule 6: Expulsion or Punishment of Members of Council

Council may punish or expel any member for disorderly conduct or violation of its rules, and declare his/her seat vacant for absence without 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 charges against him/her and has had an opportunity to be heard.

Rule 7: Quorum

A majority of the members elected or appointed shall constitute a quorum. A lesser 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 ordinance. A majority of the remaining members constitutes a quorum in the case of a vacancy in the membership. A vacancy on Council does not change the number of votes required to adopt ordinances and resolutions.

Rule 8: Definitions

The term "majority" when used, unless otherwise expressly indicated differently, shall be held to mean a majority of the total membership or four members of Council when all members are present. In the event that less than all members are present, "majority" shall be held to mean a majority of those present.

Rule 9: Voting

Each Council member who is present at any meeting shall be required to vote for all motions, ordinances and resolutions. Council members must enter a vote in the affirmative, negative or a member may abstain if he/she feels they have personal interest in the matter.

Rule 10: Appointment of Committees

Appointment of all committee members shall be made by the President of Council. The President of Council shall appoint a Council member of each committee to serve as chairperson. Each chairperson will be responsible for preparation of committee minutes and reporting committee activity to Council.

Rule 11: Order of Business

- A. Each meeting of Council shall open with the Pledge of Allegiance, which shall precede the order of business.
- B. The Order of Business for conducting meetings of Council shall be as follows:
 - 1. Roll Call
 - 2. Reading of Minutes
 - 3. Introduction of Persons Appearing Before Council
 - 4. Report of Department Heads
 - 5. Report of Standing Committees
 - 6. Unfinished Business
 - 7. New Business
 - 8. First Reading of Ordinances and Resolutions
 - 9. Second Reading of Ordinances and Resolutions
 - 10. Third Reading of Ordinances and Resolutions
 - 11. Adjournment

Rule 12: Agenda

The Clerk of Council shall prepare an agenda and shall collect other information or items which are to be presented to Council. Said items are to be distributed to Council Members prior to the scheduled meeting.

Rule 13: Emergency Legislation

Each emergency ordinance or resolution shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, welfare, and morals or to meet an emergency in the operation of the government of the municipality, and shall contain a statement of the necessity for the emergency.

If an emergency ordinance or resolution shall fail to receive the required two-thirds vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation.

Rule 14: Motions: Procedures During Debate

When a question is before Council, no motions shall be entertained except as follows:

- A. Adjourn (without debate)
- B. To table (without debate)
- C. For the previous question (without debate)
- D. To postpone until a specific time (without debate)
- E. To refer to a committee (with debate)
- F. To amend (with debate)
- G. To postpone indefinitely (with debate)

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

Rule 15: Motion to Adjourn: When Not in Order

A motion to adjourn shall be considered in order at any time, except as follows:

- A. When repeated without intervening business or discussion;
- B. When made as an interruption of a member while speaking;
- C. When the previous question has been ordered;
- D. While a vote is being taken.

Rule 16: Motion to Table

A motion to table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion to take from the table of a member voting with the majority and with the consent of a majority of the members present.

Rule 17: Motion to Take From the Table

A motion to take from the table shall be in order within the same order of business the item was laid upon the table or under the heading of new business. Such motions shall be decided without debate, except that the maker may be permitted to state briefly the reason for the motion.

Rule 18: Motion for the Previous Question

The object of moving the previous question is to bring the assembly at once to a vote on the immediate pending matter before it.

Rule 19: Referral to Committee

When a motion is made for reference to subject to a standing committee, and it is moved to substitute a select or special committee, the question of reference to the standing committee shall be put first.

Rule 20: Motion Matter from Committee

When any matter has been referred to a committee and the committee fails to report within a reasonable time, or fails to offer a valid reason for its failure to report, any member of Council shall have the right to make a motion that such business be taken from the committee and that the same be laid before Council for action. Such a motion shall be decided without debate, provided the maker of the motion may briefly state the reasons for the motion.

Rule 21: Motion to Amend

A motion to amend may be subject to one amendment thereof. An amendment once rejected may not be moved again in the same form.

Rule 22: Motion to Postpone Indefinitely

If a motion to postpone indefinitely is passed, the item in question shall be declared lost.

Rule 23: Motion to Reconsider

A motion to reconsider any subject may be made not later than the next regular meeting after such action was taken. A motion to reconsider may be made only by a member who voted with the prevailing side (majority of votes). No motion to reconsider shall be made more than once on any measure and such motion shall require a majority vote of all Council members elected in order to prevail. Any Council member may second the motion.

Rule 24: Suspension of Rules

Each ordinance or resolution shall be read at three meetings unless this requirement is dispensed with by a three-fourths affirmative vote. After a motion is passed to suspend three readings on three different days, the second and third readings are not required. Each ordinance and resolution shall be read by title only, unless Council requires any reading to be in full by a majority vote of its members. 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 Council.

Rule 25: Amending

It shall be in order to amend an ordinance or resolution at any time.

Rule 26: Legal Assistance

The Village Solicitor shall be required to give a verbal or written opinion on any question of law concerning the Council. When requested by any member, the Village Solicitor may choose not to give a verbal opinion, but may choose to submit a written opinion at a later date. He/she shall not be required to draw any ordinance or resolution unless directed by the President of Council, or directed by a majority vote of Council. When requested by the chairperson of a committee, the Village Solicitor shall assist in the examination of committee business.

Rule 27: Amendment of Rules of Council

These rules may be amended, altered, or new rules adopted at any time by a majority vote of Council.

Rule 28: Roberts Rules of Order

Roberts Rules of Order shall be followed with respect to any question not herein provided for.

Rule 29: Committees

The standing Committees of Council shall be:

- A. Finance Committee consisting of three members of Council and the Fiscal Officer.
- B. Water Committee consisting of three members of Council.
- C. Street Committee consisting of three members of Council.
- D. Fire Committee consisting of three members of Council and the Fire Chief.
- E. Parks Committee consisting of three members of Council.
- F. Records Committee consisting of three members of Council, the Village Solicitor and the Fiscal Officer.

Other special committees may be appointed as the need arises.

Rule 30: Committee Procedures

- A. Council shall refer all non-emergency items to committee for investigation and return report.
- B. Reports of committees must be in writing. The report should indicate the concurrence of the majority of the committee. A copy of the report for each meeting must be provided to the Clerk of Council.
- C. Members of Council and/or committees may present ordinances and resolutions for a first reading.
- D. Council may accept or reject any committee report in whole or part.
- E. If a committee reports on an ordinance or resolution, the matter is to be set aside and given the reading at the time dictated by the order of business.

Rule 31: Visitors of Council

- A. All visitors desiring to address Council shall register their name and topic of interest with the Clerk of Council at least three working days (not later than Thursday) prior to the Council Meeting.
- B. Visitors shall be recognized by the Mayor only from the list provided by the Clerk of Council at each meeting.
- C. Speakers appearing before Council shall be limited to five minutes each. In order to avoid duplicative testimony on a particular matter, the Mayor may, at his or her discretion, place further limitations on time and/or subject matter.
- D. Speakers appearing before Council shall be limited to discussion relating to the Council or Village business.
- E. No person or group may be placed on the agenda to appear before Council more than one time per calendar year on the same subject matter unless significant new facts, information or materials are presented.

- F. Visitors may not pass out letters, literature, pamphlets or any other written communications in Council Chambers without permission of Council.
- G. Professional drawings, contracts or other documents necessary to support professional presentations must be presented to the Clerk of Council prior to the opening of session.
- H. Any person, organization or business desiring to provide the Mayor and/or Council members any form of written communication must present same to the Clerk of Council no later than the Thursday prior to the scheduled Council Meeting.
- I. If the documents, in the opinion of the Clerk of Council and Village Solicitor, contain language which could be slanderous or construed to imply the defamation of another person's character or the invasion of another person's rights under the law, they will neither be accepted nor distributed to Council members.
- J. Speakers shall refrain from any personal remarks which might be slanderous or construed to imply the defamation of another person's character or the invasion of another person's rights under law. Comments which are attacks on others will not be tolerated at Council meetings.
- K. Any person making personal, impertinent or slanderous remarks or who becomes boisterous while addressing the Council shall forthwith, by the Presiding Officer, be barred from further attendance before the Council, unless permission to continue is granted by a majority vote of the Council.

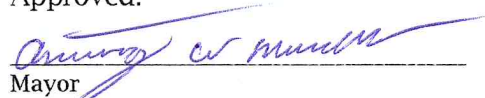
Section 2: Repeal of Conflicting Rules

This Ordinance shall repeal any ordinance, resolution or other promulgated rule or procedure except as otherwise provided in Ohio Revised Code.

Section 3: Effective period

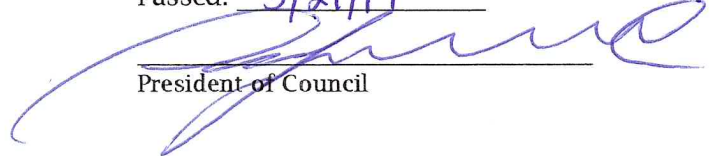
This Ordinance shall remain in full force and effect until amended or repealed by Council.

Approved:



 Mayor

Passed: 3/21/17



 President of Council

CERTIFICATION

I, Heather Rockwell, Fiscal Officer for the Village of Jacksonville, Athens County, Ohio, certify that the foregoing is a true and correct copy of the Ordinance adopted by the Village Council of the Village of Jacksonville, and appears in the Village records as Ordinance No. 2017-04.

ATTEST: DATE: 3/21/17 FISCAL OFFICER: Heather Rockwell