

**VILLAGE OF CHAUNCEY**  
**RESOLUTION NO. 2013-2**

**A RESOLUTION ADOPTING THE RULES OF COUNCIL:**


**NOW, THEREFORE, IT IS RESOLVED** by the Council of the Village of Chauncey, State of Ohio, as follows:


**Section One:** Council hereby adopts the Rules of Council as attached hereto...

**PASSED** this 8<sup>th</sup> day of Jan, 2013

**ATTEST:**


**ATTEST:**

  
\_\_\_\_\_  
Council President,  
Joe Canter

  
\_\_\_\_\_  
Fiscal Officer  
Maria J. Mirza

**APPROVED AS TO FORM:**

**ACKNOWLEDGED:**

  
\_\_\_\_\_  
Solicitor  
Robert J. Shostak, Esq.

  
\_\_\_\_\_  
Mayor  
Robert Matthey (acting mayor)

First Reading: one reading

Second Reading: 1-22-13

Third Reading: \_\_\_\_\_

**RULES OF COUNCIL OF THE VILLAGE OF CHAUNCEY**  
**Effective 1/1/2013 through 12/31/2013**  
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# RULES OF COUNCIL OF THE VILLAGE OF CHAUNCEY, OHIO

Effective  
JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

SECTION ONE. That the following Rules for the Government of Council be and the same are hereby adopted: under authority of ORC 731.44, 731.45, 731.45 and 733.24 etc.

## PART I. MEETINGS

### 1. REGULAR MEETINGS

Regular meetings of Council shall be held in the Village Hall from 5:00 p.m. until 7:00 p.m. on the first and third Tuesday of each month. As circumstances may dictate, Council may, by majority vote, change the place of meeting, day and hour of holding any regular meeting, or adjourn the same to a day and hour determined by a like vote of the members present if constituting a quorum. The time of adjournment may be extended by a majority vote of council.

### 2. SPECIAL MEETINGS

Council shall hold such Special Meetings as may be found necessary, which may be called by the Fiscal Officer upon the request of the Mayor or the Solicitor or upon the request of three Council members. The Village Fiscal Officer shall cause notice by hard copy, telephone, email or fax of each special meeting to be served at the usual place of residence of each Member of Council and the Mayor not less than twelve (12) hours preceding the time for such special meeting. Such notice shall set forth the time, date, and place of the meeting and a concise statement of the matters to be considered at the meeting. Notice of such meeting shall be posted in the Village and provided to news media that have requested notification.

### 3. PUBLIC MEETINGS

All meetings shall be open to the public, except that executive sessions may be called in accordance with state law. All minutes and records of the Council shall be available for inspection to the public at reasonable times as may be arranged by the Clerk or Fiscal Officer. Public hearings on matters of interest may be scheduled one-half (2)

hour before a regular session of Council whenever possible.

#### 4. MINUTES

The Clerk/Fiscal Officer shall keep the record of proceedings in the form of minutes, including the adoption, passage or rejection of ordinances, resolutions, by-laws, motions or rules. In case of absence of the Clerk/Fiscal Officer, the legislative authority shall appoint one or its members or the solicitor to perform the Clerk/Fiscal Officers duties.

### PART II. THE CHAIR - POWERS and DUTIES

#### 5. ROLL CALL

The Mayor, or in his/her absence, the President Pro Temp of Council, shall be presiding Officer and take the Chair at the hour appointed for Council to meet, and immediately shall call the Council to order. The roll shall then be called by the Fiscal Officer, who shall enter in the minutes of each meeting the names of Members present.

In the absence of a quorum at the time appointed for a meeting, the Members present may by a majority vote, take a recess or recesses and cause the Fiscal Officer to procure the attendance of absent Members.

#### 6. TEMPORARY CHAIRMAN

In case of absence of the Mayor and the President Pro Temp of Council, the Fiscal Officer shall call the Council to order. The Fiscal Officer shall call the roll, and if a quorum is found to be present, the Council shall proceed to elect by a majority vote a Temporary Chairman of the meeting until the appearance of the Mayor or President of Council.

#### 7. SUBSTITUTE CHAIRMAN

The Chair, President of Council or Temporary Chairman, may appoint any other Member or Officer to take the Chair for the matter under consideration. Such substitution will not continue beyond adjournment.

#### 8. APPEALS FROM DECISIONS OF THE CHAIR

The Chair shall preserve decorum and decide all questions of order, subject to appeal

to Council. If any Member transgresses the Rules of Council, the Chair shall, or any member may, call him to order and in the later instance the Chair shall render a decision as to the point of order. In case of an appeal from a ruling of the Chair, the question shall be, Shall the decision of the Chair stand as the decision of Council? The Chair shall be sustained unless overruled by a majority vote of the Members of Council present.

### PART III. MEMBERS - THEIR RIGHTS AND PRIVILEGES

#### 8. VOTING

Every member is present at a Council meeting shall vote on all questions upon the call for the yeas and nays, unless an apparent direct conflict of interest exists. Further, no member shall vote of any question in which the member is financially interested or be required to vote when the same is excused by statute. Any member present, unless so excused or excepted as above noted who abstains or refuses to vote upon any questions relating to the Village government, upon which the member may vote when the yeas and nays are being taken, shall be guilty of contempt of the Council and may, for such contempt, be censured by a majority vote of the Council. Notwithstanding such member's refusal to vote or abstention, the members shall be deemed to have voted in favor of the matter in question.

#### 10. MAYOR' S POWER TO VOTE

The Mayor shall have no veto power, and shall have no vote except in the event of a tie vote of Members of Council present, in which case the Mayor shall have the power to vote and the Mayor's vote shall have the same legal effect as a vote of a Member of Council. Any Member of Council who is serving as Chairman shall have the same power to vote as other Members.

#### 11. SPEAKING

No member shall be allowed to speak, except from the members own seat, and not for longer than five (5) minutes at any one time without permission of the Chair. No member shall speak more than once on the same motion until every member desiring to speak on that motion shall have had an opportunity to do so. Nor shall any official, elected or appointed, speak longer than five (5) minutes upon the same motion, ordinance, or question without the consent of the Council. Interruptions are not

permitted and may be punished as provided by R.C. 731.45.

## 12. RIGHT OF FLOOR

When any person is about to address the Council, he/she shall request permission from the Chair and shall confine him/herself to the questions under debate, avoid conflicts of personalities and personal derogatory comments, and refrain from impugning the motive of any other person's argument or vote. Arguments and positions shall be presented with decorum and dignity. Inflammatory remarks or outbursts by any person present shall be grounds for immediate removal from the meeting by the Marshal or his subordinates or by other official action.

## 13. ADDRESSING CHAIR OR MEMBERS

Members when about to speak to a question or making a motion, shall address the Chair as "Mr./Ms. Mayor", "Mr./Ms. President", or "Mr./Ms. Chairman", who shall state the name of the Member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid inflammatory comments or partisanship. They shall address each other by formal name and use of first names is discouraged.

## 14. LIMITATION OF DEBATE

If the Chair fails to properly conduct the meeting or engages in disruptive conduct, derogatory remarks, then Council, by motion and second may recess or adjourn the meeting until order is restored. No Member shall be allowed to speak more than once upon any one subject until every Member choosing to speak shall have spoken, nor more than twice upon the same subject, nor for a time, longer than five (5) minutes, without leave of Council as expressed by a majority vote of the members present. Citizens in attendance may speak to any question presented in the discretion of the Chair.

## 15. EXCUSE FROM VOTING

Every Member present when a question is put shall vote on same, unless Council shall, for special reason, excuse him from voting. Said excuse shall be granted only if the Member states the reason for the request before voting begins and the Council by majority vote of the members present accepts them. There shall be no debate upon this

question. Otherwise an abstention shall be deemed an affirmative vote.

#### 16. DEMAND FOR ROLL CALL

Any Member may demand a roll call vote upon any question before Council at any time before the decision of said question is announced by the Chair.

#### 17. EXCUSAL FROM ATTENDANCE

No Member shall be excused from attendance at a Council meeting, except upon request to and permission by the Mayor prior to such meeting or by a vote of a majority of the Members present for that meeting.

#### 18. COMMITTEES

After elections or at the beginning of each calendar year at the first organizational meeting of the new Council, the Council shall appoint members of the standing committees of Council of three (3) members each, of whom the first named member shall be the chair and the second named the vice-chair unless the members thereof vote otherwise.

The names of the committees and subject matters that shall be referred to them shall be as follows:

- A. Finance
- B. Land/Building/Equipment
- C. Safety/Personnel/Police
- D. Parks/Nuisance
- E. Ordinance/Rules & Procedures
- F. Street/Lighting
- G. Utilities (Water & Sanitary and Storm Sewer)

#### 19. COMMITTEE MEETINGS

All meetings shall meet the requirements of the Sunshine Law and be open to the public unless otherwise deemed necessary by the committee chair. Each committee shall meet as necessary, time and place announced. Each committee is required to keep minutes of each meeting. Notice of meetings, time and place, must be given to the



Fiscal Officer at least twenty-four (24) hours in advance so the meeting may be posted.

## 20. REPORTS OF DEPARTMENT HEADS, DIRECTORS AND OFFICERS

Matters referred from Council to any committee, director, or officer, shall be reported when practicable after such reference. Reports to Council may be oral or written.

## PART IV. RULES GOVERNING PROCEDURE

### 21. ROBERTS RULES OF ORDER

Where these rules do not address a particular matter or procedure, Roberts Rules of Order may be followed. Otherwise the Chair may rule on the matter subject to a majority vote of council. If present, the Solicitor's advice may be requested on the matter at hand.

### 22. ORDER OF BUSINESS

The business of all regular meetings of the Council may be transacted in the following order unless amended by majority vote of Council, which may alter the order of business at any time by a majority vote of Council:

1. Establish quorum by roll call
2. Reading and disposal of the minutes of previous meetings
3. Reports and communications from other elected officials
4. Communications related to Village business
5. Ordinances - third reading
6. Ordinances - second reading
7. Ordinances - first reading
8. Committee reports
9. Announcements and other business
10. Opportunity for citizens to speak on legislative items and Village services not covered on the agenda
11. Executive Session (if necessary)
12. Payment of bills
13. Adjournment

The Chair, for good cause, may at any time permit matters or items to be introduced

out of the regular order or may accept amendment of the agenda topics and order of business as may be necessary from time to time.

### 23. YEAS AND NAYS

On the passage of every Ordinance, Resolution and Motion and on the appointment of every Officer, the vote shall be taken by "Yeas" and "Nays" and entered into full upon the records, and written or typed in the official minutes. On any other question, the "Yeas" and "Nays" shall be entered upon the records on the request of any member, seconded by one (1) other member, or upon the demand by the Chair.

### 24. PRECEDENCE OF MOTIONS

When a question is before the Council, no motion shall be entertained except the following:

1. To adjourn
2. To fix the hour of adjournment
3. For the previous question
4. To lay on the table
5. To postpone to a certain day
6. To postpone indefinitely
7. To refer to a committee
8. To amend

These motions shall have precedence in the order indicated. Any such motion, except to amend or to table, shall be put to a vote without debate.

### 25. THE PREVIOUS QUESTION

When the previous question is moved and seconded, it shall be put as follows: Shall the main question be now put? There shall be no further amendment or debate, but pending amendments shall be put in their order before the main question remains before the Council.

### 26. DIVISION OF QUESTION

If the question contains two (2) or more divisible propositions, the Chair may, and

upon request by a member, shall divide the same, but a motion to strike out a provision and insert a substitution is not divisible.

## 27. RECONSIDERATION

Except for votes subject to reconsideration, after the decision on any question, any member who voted on the prevailing side may move a reconsideration of any action at the same or the next succeeding meeting. A motion to reconsider shall require the same number of votes as is required to adopt an ordinance or resolution. After a motion for reconsideration has been acted upon, no other motion for a reconsideration thereof shall be made without unanimous consent.

## 28. EMERGENCY ORDINANCES

Emergency ordinances shall be adopted in accordance with Ohio Revised Code Section 731.30.

## 29. MOTIONS/WITHDRAWALS

When a motion is made and seconded, it shall be stated by the Chair before any debate shall be in order. Any such motion may be withdrawn by the maker with the consent of the second or the second may be withdrawn before it has been amended or voted upon.

## 30. MEASURES TO BE IN WRITING

When required by any member, any motion or proposition, (except privileged questions) shall be reduced to writing before action is taken thereon.

## 31. DATES AND AMOUNTS/PROCEDURES

Where different sums or different times are named, there shall be no necessity of priority.

## 32. TO ADJOURN

A Member's motion to adjourn upon second, shall be decided promptly by voice vote without debate.

### 33. TO TAKE FROM THE TABLE

A motion to take from the table shall be in order only when that order of business is being transacted in which the matter to be taken up was laid upon the table. Such motion shall be decided without debate, provided the mover and the chair of the committee may be able to state reasons for or against the motion.

### 34. TO RECORD VOTE

All votes taken by Yeas and Nays shall be recorded by the Village Fiscal Officer in the record of the minutes.

### 35. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

All ordinances and resolutions shall be introduced only by members of Council then present with or without their names endorsed thereon, including such ordinances and resolutions as may be presented to the Council, upon written recommendation of any committee of Council or some officer of the Village to whom the subject matter has previously been referred. All proposed general legislation shall be approved as to legal form by the Solicitor or Assistant Solicitor, and be submitted to the office of the Village Fiscal Officer for inclusion on the agenda preceding the regular meeting of Council when such legislation is to be adopted. Any legislation proposed and adopted at that meeting shall promptly be placed in typed form, signed by the presiding officer of Council and Clerk/Fiscal Officer, (R.C. 731.20), posted and placed in the Village Journal of Ordinances.

### 36. RESOLUTIONS AND ORDINANCES

All Resolutions and Ordinances shall be enacted as required by R.C. 731.17 et seq. Resolutions and ordinances, when referred, shall be reported upon only for adoption, with or without amendment, or for rejection, or for further reference. All reports upon ordinances and resolutions shall be made upon the merits of the measure, unless otherwise ordered or provided for.

Whenever, by these rules, it is provided that an ordinance or resolutions be referred to a designated committee and the Chair refers such ordinances or resolutions otherwise without objection being made thereto, the reference as made by the Chair shall be

considered as by the unanimous consent in substitution for the reference required by these rules.

### 37. FORMS OF ORDINANCES

The enacting clause of all ordinances shall state "Be it Ordained by the Council of the Village of Chauncey, State of Ohio". All Ordinances and Resolutions shall be in typewritten form when enacted or promptly thereafter. No ordinances or resolutions or sections thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution or sections revised and amended, and the original ordinance, resolution, section, or sections so amended shall be repealed.

### 38. THREE READINGS

No ordinance or resolution of a general or permanent nature shall be passed until it has been read on three (3) separate days, unless the rule requiring the reading on three (3) separate days has been dispensed with by a three-fourths (3/4) vote of all members of Council. All ordinances and resolutions may be read by title only, providing all members of Council have copies of all legislation presented upon a second reading, and unless a motion to read the ordinance or resolution in its entirety receives a three-fourths (3/4) vote. Action of Council not required by law to be by ordinance or resolution may be taken on motion with a majority vote of the members present. Such action on motions need not comply with the three readings rule nor the requirement that said motion be in writing.

### 39. 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 and and/or Ordinance Committee for consideration and report. Resolutions or ordinances authorizing the expenditure of appropriated money do not require review by the Finance and Ordinance Committee. All contracts which require the payment of money shall be reviewed and certified by the Fiscal Officer as to funds availability for such payment.

#### 40. AMENDMENTS

It shall be in order to amend an ordinance at any time, but if amended after its second reading, it shall be again read as a second reading and laid over for further final action.

#### 41. PASSAGE OR ADOPTION

All ordinances and resolutions and all rules for government of the Council shall require for their passage or adoption the concurrence of a majority of all members elected, 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 Yeas and Nays and recorded in the minutes.

#### 42. RESIGNATION

Any Council Member may resign from Council by expressing intent to resign by letter, or unequivocal statement of resignation at a council meeting. No formal action of council is required to effect a resignation however council may acknowledge a resignation. A letter of resignation may be delivered to the Mayor, Fiscal Officer, any Member of Council or Solicitor.

#### 43. EXPULSION

Council shall determine the qualifications of its own members and may, by appointed committee or otherwise, investigate any credible allegation of disqualification. It may punish or expel any member for disorderly conduct or violation of its rules or violation of law. Council may by two-thirds (2/3) vote declare a Council seat vacant for absence without valid excuse, where such absence has continued for four consecutive meetings.

No permanent expulsion or vacation because of absence 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/her and has had the opportunity to be heard. See R.C. 731.44 and 731.45.

#### 44. MISCONDUCT OF CHAIR

Council may recess or adjourn a meeting at any time upon majority vote for violation of its rules or other misconduct by the Chair during a meeting. If the Mayor is unable or unwilling, for any cause, to perform his/her duties as Chair, the President Pro Tempore shall be acting Chair until the Mayor is able and willing to perform the

function of Chair.

## PART V. ADMINISTRATIVE OFFICERS

### 45. ATTENDANCE REQUIRED

Unless excused, all members of Council, the Mayor, Chief of Police, Village Administrator, Solicitor, and Village Fiscal Officer shall be required to attend the regular meetings of the Council, as needed, and shall be provided with seats on the floor of the Council. They shall be required at any such meeting to make a report and to answer such questions relating to the affairs of the Village under their respective supervision and control.

The Mayor, Members of Council and other village officers shall be entitled to take part in the discussion on all questions before the Council.

### 46. REPORTS OF VILLAGE OFFICERS

All ordinances, resolutions, and communications pertaining to matters that come under the supervision and control of the Mayor and Department Heads may, in addition to being referred to the proper committees, be also referred to such respective administrative officers for recommendations and report. Every such officer to whom any such matter is referred shall report the same to Council as the case may be, with recommendations within four (4) weeks after such reference if practicable. All reports from the city officers suggesting or recommending action by the Council shall, unless otherwise ordered by Council, be referred to the appropriate committee for consideration and report, which shall be made as herein provided.

## VI. MISCELLANEOUS

### 47. PUBLIC HEARING AT ALL REGULAR MEETINGS OF COMMITTEES

Persons 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 thereon for a limited time as determined by the Chair of said committee at each meeting.

#### 48. PUBLIC RIGHT TO SPEAK

At any regular meeting of Council, persons in attendance may be allowed to address Council as to any important matter of Village business. Comments from persons in attendance shall be limited to three (3) minutes unless extended by Council. The Chair or any member of Council may respond to comments made. Disruptive conduct or comments that are derogatory, offensive or vulgar shall not be allowed. The Chair may call a person engaging in such conduct or comment to order and may have such person ejected from the meeting.

#### 49. VIOLATION

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

#### 50. AUDIO AND VIDEO RECORDING

Council meetings are of import to the citizens of Chauncey. Audio and video recordings may be permitted at Council and Committee meetings. The recording equipment shall be silent, unobtrusive, self contained and self powered. Operation of such equipment shall not obstruct or impair the ability of those present to hear, see and participate in the meeting. Council may request a copy of such audio or video recording from the person making same upon payment for costs of copying or providing blank tape or CD for such purpose.

However, no audio recordings shall be permitted during executive sessions to preserve the confidentiality of such proceedings.

#### 51. DECORUM IN COUNCIL CHAMBERS

The Chair shall maintain decorum in Council Chambers during sessions. Persons, other than Members of Council, Village Officers, and Members of the Press, shall not be permitted upon the floor of the Council, or to address Council, except upon introduction by the Chair or a Member of Council. If anyone, other than a Village Official, desires to speak to a Member of Council while it is in session, the Member, if



agreeable to the request, shall leave his seat and retire to the rear of the Council Chambers or elsewhere until the conversation is finished.

52. OTHER RULES

Except as herein otherwise provided, the proceedings of the Council may be conducted under Robert's Rules of Order and it shall be the duty of the Chair/Presiding Officer to adhere to and enforce such rules together with the rules herein set forth.

53. AMENDMENTS TO RULES

These rules may be amended or altered or new rules adopted by resolution of a majority of all members elected at any meeting of the Council. All amendments, alterations, or new rules adopted by Council shall be attached to this resolution, together with the date of the adoption of the same.

54. SUSPENSION OF THE RULES

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

THESE RULES SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AMENDED OR REPEALED BY COUNCIL

Adopted: 8 Jan 2013  
Date

Joe Carter  
President of Council

Maura J. Murphy  
Fiscal Officer of Council

Robert Matthey  
Mayor

R. Shostak  
Solicitor (approved as to form)

# CERTIFICATION OF VILLAGE CLERK AS TO POSTING OF RESOLUTIONS

The foregoing is a true copy of the original Resolution No. 2013-2

Publication of this Resolution was made by posting a copy of the same in the following five locations within the Village, beginning on March 19, 2013, and concluding on April 3, 2013 (at least 15 days later):

| <b>Location</b>       | <b>Date Posted</b> |
|-----------------------|--------------------|
| <u>Town Hall</u>      | <u>3-19-13</u>     |
| <u>Post Office</u>    | <u>3-19-13</u>     |
| <u>Cee Dee's Mart</u> | <u>3-19-13</u>     |
| <u>Library</u>        | <u>3-19-13</u>     |
| <u>T's Quik Stop</u>  | <u>3-19-13</u>     |

Date: 3-19-13

Attest:

Maria J. Muya  
Village Fiscal Officer