1st Reading, January 19, 2016
2nd Reading, February 1, 2016
3rd Reading, February 16, 2016

Introduced by: Council President Takacs

ORDINANCE NO. 2 - 2016

AN ORDINANCE ENACTING CHAPTER 111 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF MADISON VILLAGE, OHIO, ESTABLISHING RULES OF COUNCIL FOR THE VILLAGE OF MADISON.

WHEREAS, pursuant to the Charter and plenary power granted by the Ohio Constitution, the Council desires to exercise its powers of local self-government in establishing rules for the conduct of the meetings of Council, inclusive of notice and the calling of same.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MADISON, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. That as of the effective date of this Ordinance the following ordinances of the Village of Madison, Ohio of a general and permanent nature as arranged into component codes, titles, articles and sections are hereby approved, adopted and enacted as Chapter 111 of Part One – Administrative Code of the Codified Ordinances of Madison Village, Ohio:

111.01 MEETINGS.
- 111.011 Regular meetings.
- 111.012 Special meetings.
- 111.013 Committee of the whole.
- 111.014 Introduction of legislation.

111.02 ORDER OF BUSINESS.

111.03 RECEIVING MOTION WHEN QUESTION IS BEFORE COUNCIL.
- 111.031 Motion to reconsider.
- 111.032 Motion to take from the table.
- 111.033 Motion to postpone indefinitely.
- 111.034 Motion to amend.
- 111.035 Amending legislation.

111.04 PRESIDING OFFICER; SERGEANT AT ARMS.
- 111.041 Preserving order.
- 111.042 Control of the Council Chamber.
- 111.043 Members desiring to speak.
- 111.044 Transgression of rules.

111.05 USE OF ELECTRONIC DEVICES.

111.06 ROLL CALL OR VOTE OF COUNCIL.

111.07 COUNCIL EXECUTIVE SESSIONS.

111.08 NOTIFICATION OF COUNCIL MEETINGS; FEES.

111.09 STANDING AND SPECIAL COMMITTEES.
111.091 Quorum.
111.092 Committee meetings.
111.093 Reference to committees.

111.10 PERSONS BEFORE COUNCIL.
111.101 First hearing of persons before Council.
111.102 Second hearing of persons before Council.

111.11 PUBLIC HEARINGS.

SECTION 2. That the full, complete and accurate text of Chapter 111 of Part One – Administrative Code of the Codified Ordinances of Madison Village, Ohio is attached hereto as Exhibit "1" and incorporated herein as if fully re-written.

SECTION 3. That publication of these ordinances shall occur in book form containing the certification of the President of Council and Fiscal Officer of their correctness and same shall constitute the Codified Ordinances of Madison Village, Ohio, Part One – Administrative Code, Chapter 111.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including § 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect and be in force from and after March 17, 2016.

PASSED:

2-16-16

Kenneth D. Takacs
President of Council

Attested:

Kristie M. Crockett
Fiscal Officer / Clerk of Council

Approved:

Date: 2/16/16

Sam Britton Jr
Mayor

CHAPTER 111
Rules of Council

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111.01 MEETINGS.

111.011 REGULAR MEETINGS.

Unless otherwise ordered by vote of Council, meetings of Council shall be held in the Council Chambers of Village Hall located at 126 West Main Street, on the first and third Monday of each month, or, on the Tuesday immediately following same where the Monday falls on a legal holiday. Meetings shall be called to order at 7:30 p.m.

111.012 SPECIAL MEETINGS.

Upon written request of the Mayor, President of Council, or any three (3) members of Council, special meetings of the Council may be called. Notice thereof shall be given by the Clerk of Council by serving the same upon the President of Council and each member either by leaving a copy of such notice in a conspicuous location at their place of residence or by electronic transmission at least 24 hours before the time specified for such meeting. Electronic transmission shall be accomplished by e-mail communication sent to the Council member's designated Village e-mail account. In the event any member of Council will for any period of time not have accessible to them their e-mail account, then, it shall be that member's responsibility to notify the Clerk in advance and provide a telephone number where a message can be left. Notice is perfected on that member when they are either reached directly by telephone or a message is left on that number's answering service.

The President of Council and each member may waive such notice, and any defect or irregularity in the service of such notice shall be conclusively waived by attendance at such meeting. Only such matters as are set forth in such notice shall be considered and acted upon.

111.013 COMMITTEE OF THE WHOLE.

Unless otherwise ordered by vote of Council, Council shall hold a committee of the whole meeting in the Council Chambers of Village Hall located at 126 West Main Street, on the third Monday of each month, or, on the Tuesday immediately following same where the Monday falls on a legal holiday. The committee of the whole shall be called to order at 6:30 p.m.

The purpose of the committee of the whole shall be to allow additional time for the Mayor and Administration to update the Council on Village business and upcoming proposed legislation. There shall not be debate, deliberation, or expressions of position by the members on any issue during the committee meeting, however, the members may ask questions of the Mayor and Administration for informational and fact-finding purposes. Minutes of the committee of the whole meeting shall not be kept unless upon motion carried by a majority of the members of Council in attendance.

111.014 INTRODUCTION OF LEGISLATION.

Legislation may only be introduced and placed on the Council agenda by (i) the Mayor acting under the authority of § 3.6(a) of the Charter, (ii) upon sponsorship of three (3) members of Council, and (iii) upon referral from the Planning and Zoning Commission when authorized by applicable Code. The Law Director shall not be required to draft any Council-initiated legislation unless and until requested by the three sponsoring members of Council.

111.02 ORDER OF BUSINESS.

The order of business of the Council shall be as follows:

(a) Roll call.
(b) Approval of minutes.
(c) Public hearings.
(d) First hearing of persons before Council.
(e) Legislation before Council.
    (i) Pay ordinance.
    (ii) Old legislation.
    (iii) New legislation.
    (iv) Purchase orders and other approvals permitted by motion.
(f) Administrator's report.
    (i) Engineer's report.
    (ii) Fiscal Officer / Clerk's report.
(g) Commission and committee reports.
(h) Final hearing of persons before Council.
(i) New business.
(j) Mayor's report.
(k) Adjournment.

The Administration may be called upon by the presiding officer to present an overview, together with its recommendations, related to any item of legislation upon its reading or introduction, inclusive of purchase orders and other items submitted for the approval of the Council. In accordance with § 111.10, the presiding officer may also call upon the Administration to respond to any questions from members of the public related to that item.

Administrative, Mayoral, commission, and committee reports shall be presented in succinct fashion and avoid repetitiveness. Minutes of commission and committee meetings may be submitted in lieu of any formal report. Questions shall not be raised during the reports.

New business shall be the opportunity of the members of Council to address items of importance to the Village that are not otherwise on the legislative portion of the agenda. A Council member may pose a question to the presiding officer, who shall refer same to the appropriate Administrative officer for response or follow-up, which need not occur during the course of the meeting if time is required for response to same.

The order of business may be changed by the presiding officer when special circumstances warrant same, in his or her discretion.

111.03 RECEIVING MOTION WHEN QUESTION IS BEFORE COUNCIL.

When a question or a proposition is before Council or under debate, or when a motion has been made, no motions shall be received except the following:

(a) To adjourn.
(b) To table the motion (lay it aside until later).
(c) To request that discussion end and that any motion being considered be voted on (known as "previous question").
(d) To postpone any action on a motion until some stated future time.
(e) To refer the proposal to a standing or special committee.

(f) To amend the main motion.
(g) To postpone any action for an indefinite time.

These motions have precedence in the order in which they are arranged. Motions listed as (a), (b) and (c) above shall be decided without debate.

111.031 MOTION TO RECONSIDER.

A motion to reconsider a subject that may have been acted upon favorably must be made before the adjournment of that meeting of Council. The motion must be made and seconded by two members who voted favorably on the subject. A motion to reconsider any other subject may be brought not later than the next regular meeting after such action was taken. A motion to reconsider shall be in order at any time except when a motion on some other subject is standing.

No motion to reconsider shall be made more than once on any matter or subject, and, the same number of votes shall be required to reconsider the action of Council as was required to pass or adopt same.

111.032 MOTION TO TAKE FROM THE TABLE.

A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken-up was laid upon the table and such motion shall be decided without debate, provided the mover may be permitted to state briefly his or her reasons for the motion.

111.033 MOTION TO POSTPONE INDEFINITELY.

If a motion to postpone indefinitely be carried, the principal question shall be declared lost.

111.034 MOTION TO AMEND.

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

111.035 AMENDING LEGISLATION.

It shall be in order to amend an ordinance or resolution at any time. If such ordinance or resolution be of a general or permanent nature and the amendment materially changes the nature, terms, or provisions of the ordinance or resolution, if the amendment is made after the second reading it shall then be read again as amended, as the second reading, and laid over to the next meeting for final action.

111.04 PRESIDING OFFICER; SERGEANT AT ARMS.

Pursuant to § 3.6(a) of the Charter, the Mayor shall preside at all meetings of the Council and shall enforce the Rules of Council in the conduct of the meeting. In the absence of the Mayor, the President of Council shall serve as the presiding officer and carry out the duties of same in the conduct of the meeting.

The presiding officer may request the presence of a police officer be in attendance at any meeting whom shall perform the duties ordinarily performed by a sergeant at arms.

111.041 PRESERVING ORDER.

The presiding officer shall at all times preserve order and decorum. The presiding officer shall decide questions of order, subject to an appeal to the Council by any member, on which appeal no member shall speak more than once.

111.042 CONTROL OF THE COUNCIL CHAMBER.

The presiding officer shall have general direction and control of the Council Chambers in case of any disturbance or disorderly conduct in the Council Chambers or so near thereto as to disturb the orderly proceedings of Council, and may cause same to be cleared.

111.043 MEMBERS DESIRING TO SPEAK.

When any member of Council desires to address the body, the member shall address the presiding officer, saying, "Mr. / Madam Mayor," or "Mr. / Madam President," as applicable. The presiding officer shall then recognize the member by name. In the event two members desire to speak at the same time, the presiding officer shall name the member who is to have the floor. No member shall speak more than twice on the same question, except with permission of the Council. The member shall confine himself or herself to the question under discussion or debate. The member shall avoid personalities and not direct comments directly to any other member, officer, or member of the public.

No member shall speak upon one question, ordinance or resolution for more than a total of five (5) minutes at any meeting, unless additional time be granted by a majority of Council upon motion. No member shall be able to cede any of their time to any other member.

111.044 TRANSGRESSION OF RULES.

If any member, in speaking or otherwise, transgresses the rules of Council, the presiding officer shall call the offending member to order. Any member may, by raising the point of order, call the attention of the presiding officer to such transgression, and the point of order shall be decided by the presiding officer without debate.

111.05 USE OF ELECTRONIC DEVICES.

Members of Council shall not use any electronic device during the course any meeting for communication purposes. This prohibition does not apply to a member's use of a personal computer, tablet, or other such device to review files pertaining to matters on that meeting's agenda or to take personal notes.

In the event a member is expecting an emergency notification to arrive during the course of a meeting, the member shall inform the presiding officer of that circumstance prior to the meeting for permission of the presiding officer to use an electronic device during the meeting for purposes of the emergency notification and only for that limited purpose.

111.06 ROLL CALL OR VOTE OF COUNCIL.

The Clerk of Council shall call the roll of members of Council, for any purpose, commencing in alphabetical order of their last names, then, for each subsequent roll shall commence with the next name in alphabetical order from that name previously called first in the roll.

111.07 COUNCIL EXECUTIVE SESSIONS.

Executive sessions shall be called in accordance with the procedural requirements and for the reasons permitted by the Ohio Revised Code.

Discussions conducted during executive sessions shall be confidential and no member of Council shall violate said confidentiality unless same is waived by affirmative vote of the Council or pursuant to order of a court of competent jurisdiction. No waiver of executive session confidentiality by vote of the Council shall permit the disclosure of information independently made confidential by law.

111.08 NOTIFICATION OF COUNCIL MEETINGS; FEES.

An annual notice of regular meetings, as well as the committee of the whole meetings, shall be made once in the month of January by publication in a newspaper of general circulation within the Village. If there is no such publication in print, then, this publication notice is waived. Notice of regular and committee of the whole meetings shall also be (i) continuously posted to the Village's website, and, (ii) posted one week in advance of the meeting date on the freestanding reader board located in front of Village Hall.

Notice of special meetings shall be made as soon as the meeting is called by (i) posting the notice on the Village's website, including identifying the purpose of the meeting, until the date thereof and, (ii) posting notice of the meeting on the freestanding reader board located in front of Village Hall. Further, the Clerk shall immediately forward notice of the special meeting, including its purpose, to any news media that have requested notification.

Persons and/or or organizations desiring advance notice of regular and special meetings, including a copy of agenda items, may receive such notice electronically, provided that, the Clerk is given an e-mail address to which a PDF or other such electronic copy of the notice may be sent. The Clerk shall take no action in response to any failure of delivery except for reasons caused by the Village. There shall be no charge for this electronic transmission. In the event persons and/or organizations request a hard copy of any such notifications be sent to them, including agenda items, then it is the obligation of that person and/or organization to provide the Clerk sufficient numbers of self-addressed envelopes, full postage pre-paid, for purposes of mailing. Hard copies of any agenda items shall be processed as requests for public records for purposes of charging copying fees, if any, against the requestor.

111.09 STANDING AND SPECIAL COMMITTEES.

Standing committees shall consist of: Finance, Tax Incentive Review Council. Special committees for the consideration of special measures or matters, or for the performance of special legislative functions, may be appointed by the presiding officer.

111.091 QUORUM.

A majority of all members of a committee shall constitute a quorum.

111.092 COMMITTEE MEETINGS.

It shall be the duty of the chairperson to give notice of all committee meetings to members of the committee. Notice of meetings shall also be given to the Clerk by the chairperson prior to 3:00 p.m. the Thursday of the week preceding the meeting. Public notice of said meeting, including the date, time, and location, shall be (i) continuously posted to the Village's website until the date thereof, and, (ii) posted on the freestanding reader board located in front of Village Hall.

The affirmative vote of all members constituting such a committee shall be necessary to report any recommendation with respect to any subject referred to the committee. Three consecutive absences from committee meetings shall operate to suspend the member from such committee, unless excused by the remaining members thereof. All suspensions shall be reported to Council forthwith. No committee or member thereof shall be permitted to incur any expense without first receiving the consent of Council.

It shall be the duty of the chairperson, or a designee, to document the proceedings of said committee meeting by completing a form that includes the name of the committee, the date of meeting, the time of commencement and adjournment, the persons present and a brief description of the matters discussed. Any recommendation adopted pursuant to a committee meeting shall be reflected fully in writing in the minutes with the yes and no votes of persons voting thereon duly recorded. Said form shall constitute the minutes of the meeting and shall be submitted to the Clerk at the end of the meeting and maintained pursuant to duly adopted record retention schedules. Information required by law to be kept confidential shall not be included in the minutes.

111.093 REFERENCE TO COMMITTEES.

Any legislative matter brought to the attention of Council may be referred by the presiding officer to a standing or a special committee as will, in the officer's judgment and discretion, be proper. All such matters shall be investigated and a report made to Council as a whole within such time as is fixed by the presiding officer. A motion to discharge a committee of further consideration of any matter referred to it shall be in order upon the expiration of the time so fixed. Roll call shall be had on such motion and a majority of the members of Council must vote favorably upon the motion before the adoption thereof.

111.10 PERSONS BEFORE COUNCIL.

Persons before Council is defined as those parts of a regular meeting of Council where persons address Council concerning issues affecting the Village, which consists of a first hearing and a second hearing. No person shall be permitted more than five (5) minutes of speaking time, per hearing, at any meeting unless interrupted.

The person desiring to speak must approach the public lectern, state their name and address, unless their address is confidential pursuant to law in which case it may be withheld. In the event a person requires a special accommodation in order to be heard, they are requested to contact the Village Administrator in advance of the meeting and inform him or her of the nature of their need. The Administrator shall make all reasonable efforts to accommodate same in advance of the meeting.

The person before Council shall only address the presiding officer. The person shall avoid personalities and not direct comments directly to any Council member, officer, or other member of the public. The person may pose questions, however, the proceeding shall not be paused for answers. Once their speaking time is complete, the presiding officer may indicate that an answer to a question may occur during the applicable portion of the agenda, provided that such answer is susceptible of a succinct fact-based or procedural answer. The presiding officer may direct the Administrator to follow-up on questions following the meeting.

No handouts, displays, or other materials shall be received into the Council record, unless such are being offered as a reasonable accommodation by a person otherwise unable to speak during the meeting.

111.101 FIRST HEARING OF PERSONS BEFORE COUNCIL.

Members of the public desiring to be heard on any matters of legislation, including the pay ordinance, purchase orders and other Council approvals, may be heard during the portion of the agenda allotted to the first hearing of persons before Council. The person before Council shall confine himself or herself solely to items in the legislative portion of the Council's agenda.

111.102 SECOND HEARING OF PERSONS BEFORE COUNCIL.

Members of the public desiring to be heard on any non-legislative matters affecting the Village may be heard during the portion of the agenda allotted to the second hearing of persons before Council.

111.11 PUBLIC HEARINGS.

When a public hearing is required by law, it shall be conducted pursuant to the same rules of order as persons before Council under § 111.10.