

RESOLUTION NO. 13-2024

A RESOLUTION ADOPTING AND IMPLEMENTING THE RULES OF COUNCIL

WHEREAS, the Village of Plain City Council desires to adopt its own rules (the "Rules of Council") in accordance with the Plain City Charter Section 3.06; and

WHEREAS, the Rules Committee has formulated, through research and deliberation, the Rules of Council document and has recommended approval of such document; and

WHEREAS, the members of Council have reviewed the proposed Rules of Council and determined that such Rules of Council are in accordance with the provisions and directives of the Plain City Charter Section 3.06; and

WHEREAS, the Village of Plain City Council desires to adopt and implement the proposed Rules of Council, as shown in Exhibit A attached hereto and incorporated herein.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Plain City, Ohio, a majority of the members elected or appointed thereto concurring, as follows:

Section 1. The Village Council hereby approves and authorizes the implementation of the Rules of Council, as identified in Exhibit A, and attached hereto and incorporated herein.

Section 2. This Resolution shall be effective from and after the earliest period provided by law.

Passed: March 25, 2024

Attest: Austin Rucier
Clerk of Council

Jody Carney
Mayor

First reading: March 11, 2024

Vote: ___ yea ___ nay ___ abstain

Second reading: March 25, 2024

Vote: 6 yea 0 nay 0 abstain

Certificate of Publication

The undersigned, being Clerk of Council of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 4.15 of the Codified Ordinances. The posting was done from March 26, 2024 to April 11, 2024 at the Office of the Clerk of Council located at 800 Village Boulevard; being in the Village of Plain City, Ohio, and the Village of Plain City Website at www.plain-city.com.

Date: March 26, 2024

Austin Drexler
Clerk of Council



VILLAGE OF PLAIN CITY

RULES OF COUNCIL

Adopted by the Village of Plain City Council on _____, 2024

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1. AUTHORITY

A. Authority of the Rules of Council

- (1) *(Reference: Charter Section 3.06)*

2. POWERS AND DUTIES OF COUNCIL

A. General Provisions

- (1) Except as otherwise provided under the Charter and the Constitution of the State of Ohio, all legislative power of the Municipality shall be vested in the Council. The Council has the power to enact ordinances, resolutions, and other measures to carry out municipal functions. *(Reference: Charter Section 3.01)*
- (2) Councilmembers have power and may exercise that power only when Council is in session. Councilmembers and the Council itself are not bound by any statement or action taken by individual members, Municipal officials, or employees unless in accord with Council action. Individual Councilmembers shall not direct any Municipal official or employee to perform services or take action related to Municipal operations without the prior approval of the Village Administrator. Only as a body does Council have power to direct Municipal operations and that direction is executed through the Village Administrator. *(Reference: Charter Section 6.01 and Charter Section 6.02)*

3. COUNCIL MEMBERS

A. General Provisions

- (1) The members of Council are the six individuals elected or appointed as Members of Council as provided for in the Plain City Charter. *(Reference: Charter Section 3.02)*

B. Official Positions

- (1) President *(Reference: Charter Section 3.03)*
- (2) Presiding Officer
 - a. Designation: The Mayor shall serve as the Presiding Officer for Regular Meetings. In the absence of the Mayor, the President shall serve as the Presiding Officer for Regular Meetings. The President shall serve as the Presiding Officer for Special meetings. In the absence of the President, the Mayor shall serve as the Presiding Officer for Special meetings. In the absence of the President and Mayor, the Council may elect a Councilmember to serve as the Presiding Officer for any meeting provided a quorum of Council is present.
 - b. Duties: The duties of the Presiding Officer include, but are not limited to, the following:
 - i. Having ascertained that a quorum is present, to open meetings of Council at the scheduled time by taking the chair and calling the members to order.
 - ii. To announce the business before Council in the order in which it is to be acted upon.

- iii. To recognize members entitled to the floor.
- iv. To state and put to vote all questions which arise in the course of the proceedings, and to announce the result of the vote.
- v. To rule out of order any motion that conflicts with federal or state law, the Plain City Charter or any Plain City legislation, or a motion that is outside the scope of Council's powers and purpose, or a motion that conflicts with the provisions of these Rules.
- vi. To assist in the expediting of business in every way compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if advisable.
- vii. To restrain the members when engaged in debate, within the rules of order.
- viii. To enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to Council by any two members).
- ix. To inform Council, when necessary or when referred to for the purpose, on a point of order or practice pertinent to the pending business.

C. Forfeiture of Office

- (1) *(Reference: Charter Section 3.09)*

4. COUNCIL MEETINGS

A. General Rules

- (1) *(Reference: Charter Section 3.05)*
- (2) Minutes: Meeting minutes must be promptly prepared, filed, maintained and subject to public inspection. A draft version of the minutes is a public record and may be requested for public inspection by contacting the Clerk of Council. The minutes shall record actions taken at the meeting and shall not be a verbatim transcript of what is said at the meeting. Minutes shall be recorded by the Clerk of Council.

B. Regular Meetings

- (1) Regular Meetings will generally be held on the second and fourth Mondays of each month unless the day falls on a Municipal holiday. If such conflict occurs, the meeting schedule will be adjusted if determined necessary by Council. If a meeting date presents a conflict of schedule for a majority of Councilmembers due to reasons other than a holiday, an alternate date may be established, or the Regular Meeting may be cancelled. Regular Meetings will begin at 6:30 P.M. and will be held in the Council Chambers at the Municipal Building.
- (2) Notice of Regular Meetings, including the date, time, and location should be prominently posted on the Village website at least forty-eight (48) hours prior to the scheduled meeting, whenever practicable. In addition to the above, other means of communication may be used.

- (3) Any person may request to obtain reasonable advance notification of all Council meetings by email by contacting the Clerk of Council. This request should be made in writing to the Clerk of Council. Any such request will be effective indefinitely from the date of filing with the Clerk of Council or until the Clerk of Council receives written notice from an individual canceling or modifying such request.

C. Special Meetings

- (1) *(Reference: Charter Section 3.05(B))*
- (2) Notice of Special Meetings, including the date, time, and location should be prominently posted on the Village website at least twenty-four (24) hours prior to the scheduled meeting in accordance with O.R.C. 121.22(F). In addition to the above, other means of communication may be used.
- (3) Emergency Meetings: an emergency meeting is a type of Special Meeting that Council may convene when a situation requires immediate action. Advance notice is not required and such meeting is required take place in person. Any Councilmember may determine that an emergency exists and call for an emergency meeting. In an emergency or declared emergency:
 - a. Council must ensure that all media outlets that have requested notification are provided with the time, place, and purpose of the meeting.
 - b. At the next Regular Meeting, any action taken by Council during the Emergency Meeting must be ratified for the record by a vote as prescribed in the Charter.
- (4) Any person may request to obtain reasonable advance notification of all Council meetings by email by contacting the Clerk of Council. This request should be made in writing to the Clerk of Council. Any such request will be effective indefinitely from the date of filing with the Clerk of Council or until the Clerk of Council receives written notice from an individual canceling or modifying such request.

D. Organizational Meeting

- (1) *(Reference: Charter Section 3.06)*

E. Executive Session

- (1) Meetings in Executive Session shall be closed, private, and confidential; and shall be held in accordance with Ohio Revised Code 121.22(G), the Ohio Sunshine Law. These meetings are to be noted on the agenda of regular meetings, when practicable. Any individual Councilmember may motion that Council enter Executive Session when circumstances are such that satisfactory answers or useful discussion may be provided only in Executive Session. A motion, to include the general purpose of the Executive Session as specified in Ohio Revised Code 121.22(G) and passed by a majority or unanimous vote of members present is required for Council to recess to Executive Session.
- (2) Minutes of the Executive Session discussions shall not be kept. Neither shall any participant record the proceedings of the Executive Session by any electronic, mechanical, or other recording device.

- (3) The meeting minutes should reflect the general subject matter of discussion held in Executive Session authorized under Section 121.22(G) of the Ohio Revised Code by title only. In addition, the aforementioned minutes should reflect the vote on the motion to go into Executive Session and the commencement and termination times of the Executive Session meeting.
- (4) Discussion in Executive Session is confidential to the greatest extent possible and in line with the provisions of the Ohio Revised Code. No participant shall compromise the confidentiality of an Executive Session. Documents introduced in an Executive Session may be considered a public record and subject to public disclosure.

F. Location

- (1) All meetings of Council will generally be held in Council Chambers in the Administration Building at 800 Village Boulevard, Plain City, Ohio, unless otherwise provided in the notice of the meeting.

G. Quorum

- (1) The quorum required for any Council meeting is a majority of the members.

H. Recordings

- (1) Meetings of Council will generally be recorded electronically and placed on the Municipal website for public viewing.

I. Clerk of Council

- (1) *(Reference: Charter Section 3.04)*

J. Pre-Meeting Information

- (1) At least forty-eight (48) hours prior to scheduled Regular Meetings, Special Meetings, or other Council meetings, Councilmembers are to be furnished a meeting packet with information germane to the meeting agenda items. This meeting packet will include background information on the agenda items and/or copies of proposed ordinances and resolutions, historical information, and any additional relevant information on the agenda items. The agenda should be finalized at least forty-eight (48) hours immediately preceding each meeting. Such requirements are to be followed when practicable. Failure to adhere to these standards does not invalidate actions taken at any Regular Meeting or other Council meeting.
- (2) If it is determined that an emergency meeting is to occur according to the provisions of the Charter and these Rules of Council, and if it is determined to be impracticable to adhere to the required deadlines due to the emergency nature of the meeting, such emergency meeting will not be required to meet the timeframes listed above in Section 4(J)(1) of these Rules of Council.

5. CONDUCT OF MEETINGS

A. Order of Business

- (1) The order of business for a Council meeting shall be as specified in the Agenda that is distributed prior to each Council meeting. The order may be adjusted as needed by a majority vote of Council present or by unanimous consent.
- (2) Agendas: The Clerk of Council is responsible for preparing the agendas for all Council meetings in consultation with the Presiding Officer and Village Administrator. The Presiding Officer may also solicit input from Councilmembers for the agendas for all Council meetings.

B. Visitor Addressing Council

- (1) During any part of a Regular Council meeting where the public is granted the opportunity to address Council, the time allotted to each speaker shall be limited to three minutes.
- (2) The Presiding Officer will recognize persons requesting to be heard as outlined during a Regular Meeting. Council may invite individuals to speak at Special meetings to address topics relevant to the agenda. Members of the public desiring to speak at Regular Meetings must sign in prior to the meeting. Citizens who sign in to speak may do so following recognition by the Presiding Officer. Individuals that speak at any Council meeting are to abide by the following procedures:
 - a. Wait to speak until recognized by the Presiding Officer.
 - b. Approach the podium and state your name and address in a tone audible to the Clerk of Council for the record.
 - c. Address remarks to the Presiding Officer.
 - d. Limit comments to three (3) minutes. If Council chooses to engage in discussion with the speaker, such discussion shall not count toward the speaker's allotted time of three (3) minutes.
 - e. Members of the public are expected to act and speak in a courteous and professional manner when addressing Council.

C. Public Hearings

- (1) Public hearings shall be held in accordance with the provisions of the Plain City Charter and the Codified Ordinances of Plain City.

6. LEGISLATIVE PROCEDURE

A. General Provisions

- (1) All matters before Council shall be processed according to the following:
 - a. Matters may come before Council in any of the following methods:
 - i. By being in the approved Council agenda.
 - ii. By motion and second by any two members at any time there is no pending matters before Council, whether or not the subject of the motion is on the agenda.
 - iii. By being introduced by any Councilmember, Mayor, or the Village Administrator.

- iv. Except for what may be considered to be minor or routine matters, and prior to a public hearing or first reading, all proposed ordinances, resolutions, and non-routine matters should first be introduced as a Discussion Item on the agenda.
- b. Discussion: Discussion by Council may be conducted informally, without reference to the usual rules of formal debate. In the interest to maintain a semblance of order, members are obliged to observe the following rules:
 - i. A member obtains the floor by beginning to speak when no other member has the floor or is speaking.
 - ii. A member who has the floor and is engaged in a recitation is entitled to retain the floor until they indicate that they are finished, subject to the requirement that the member must only speak on the subject under discussion.
 - iii. A member is not considered to have lost the floor by either answering a brief question from another member, or by asking a brief question of another member.
 - iv. Discussion cannot be closed when there is a member wishing to speak who has not previously spoken as often as any other member during the current discussion.
 - v. If full discussion does not precede the making of a motion, discussion and debate shall have the opportunity to occur prior to voting. The maker of a motion, or the person introducing the subject, has the right to speak first in debate or discussion.

(2) Voting: *(Reference: Charter Section 4.06)*

B. The Legislative Process

- (1) General provisions: *(Reference: Charter Article 4)*
- (2) Legislation format: all legislation shall follow the format generally considered to be the standard within local governance, and shall be kept on file by the Clerk of Council. The prescribed format may be amended as determined necessary by Council.
- (3) When approved by Council, the legislation is assigned an index number. An annual indexing system is used. Ordinances are coded "Ordinance XX-YEAR" and Resolutions "Resolution XX-YEAR"; for example, "Ordinance 01-2023" and "Resolution 01-2023".
- (4) Authentication: *(Reference: Charter Section 4.09)*

C. Emergency Legislation

- (1) Required language: all emergency legislation shall state the basis for which the legislation requires emergency passage and shall recite that the legislation is necessary for the immediate preservation of the public peace, health, safety, and welfare of Plain City or its residents.
- (2) Voting requirements: *(Reference: Charter Section 4.08(B))*

7. BOARDS AND COMMISSIONS

A. General Provisions and Rules

- (1) *(Reference: Charter Article 8)*
- (2) Where not in conflict with the Charter, Codified Ordinances, or Ohio law, each Board or Commission shall adopt rules of procedure. A Board or Commission may use these Rules of Council as an example for which to compose their rules of procedure.
- (3) Whenever possible, immediate family members of Councilmembers should not be appointed to Boards and Commissions during that Councilmember's term.

B. Authorized by Charter

- (1) Personnel Board of Appeals: the Personnel Board of Appeals has the power and duty to hear appeals regarding administrative determinations on personnel matters. *(Reference: Charter Section 8.01)*
- (2) Planning and Zoning Commission: the Planning and Zoning Commission reviews plats, zoning amendments, development plans, and initiates planning activities. *(Reference: Charter Section 8.03)*

C. Authorized by Ordinance

- (1) Board of Zoning Appeals: the Board of Zoning Appeals hears appeals regarding zoning variances, conditional uses, and special permits as well as administrative determinations of the Zoning Inspector. *(Reference: Codified Ordinances Chapter 1138)*
- (2) Tree Commission: the Tree Commission focuses on the preservation, management, and enhancement of Plain City's urban forest and tree canopy. *(Reference: Codified Ordinances Chapter 145)*

8. COMMITTEES

A. General Provisions and Rules

- (1) Where not in conflict with the Charter, Codified Ordinances, or Ohio law, each Committee shall adopt rules of procedure. A Committee may use these Rules of Council as an example for which to compose their rules of procedure.
- (2) Whenever possible, immediate family members of Councilmembers should not be appointed to Committees during that Councilmember's term.

B. Authority to Create Committees

- (1) *(Reference: Charter Section 3.01(A)(4) and Charter Section 3.06)*

C. Appointment

- (1) Appointments to Committees shall be made by the Mayor with the approval of Council according to the process described in the Charter for appointments to Boards and Commissions. *(Reference: Charter Section 5.03(A)(7))*

D. Removal

- (1) Removal of a member appointed to a Committee shall be made by the Mayor with the approval of Council.

E. Standing Committees

- (1) Economic Development Committee: the Economic Development Committee advises on matters related to economic development and strategies related thereto, as well as matters relating to marketing, and tools and strategies related thereto.
- (2) Parks and Recreation Committee: provides recommendations regarding the development, maintenance, and operation of the parks, campgrounds, and recreational facilities of Plain City.
- (3) Personnel and Finance, Capital Improvement Planning Committee: reviews and provides recommendations regarding matters related to the budget, fiscal, personnel, and capital improvement planning.
- (4) Plain City Area Development Corporation: tasked with the ability and authority to apply for and administer grants, purchase and sell real property, and create special business programs.
- (5) Housing Council: reviews and oversees the Village of Plain City Community Reinvestment Area (CRA) Program and ensures compliance with the terms stipulated in each CRA agreement.
- (6) Tax Incentive Review Council: reviews all tax abatement agreements and performance/audit reports annually, determines if the property owner has complied with the agreement considering fluctuations in the business cycle, and provides written recommendations to the Village Council regarding whether each agreement should be continued, modified, or terminated.

F. Special Committees

- (1) The Mayor may appoint temporary special committees, with the consent of Council, as may be appropriate to gather information, conduct surveys, make findings and recommendations on proposed legislation, or perform other specified tasks. The work of the special committees shall be confined to specific assignments and these committees shall have only the authority granted by Council. These special committees shall be temporary and terminate upon presentation of their final reports to the Council, or as otherwise determined by Council.

9. ETHICS AND CONFLICTS OF INTEREST

A. General Provisions

- (1) *(Reference: Charter Article 11)*
- (2) Members of Council shall abstain from voting on and the formal discussion of any motion or issue wherein the member might have a conflict of interest. Members having conflicts are expected to notify other members of the conflict as soon as such conflict becomes evident.

10. INVESTIGATIONS

A. General Provisions

- (1) *(Reference: Charter Section 3.01(10))*

- (2) Criteria: Council may make investigations in coordination with the Village Administrator into the affairs of the Municipality and the conduct of any office, department, division, board, commission, or committee. Such investigations must be authorized by a majority of the Councilmembers present. Councilmembers who request such investigations shall bring the request and the reasons for the request to Council in Executive Session provided that the Executive Session is authorized under R.C. 121.22(G). Such investigations shall be carried out within parameters established by the Charter, federal and state law, and in consultation with the Director of Law.

11. SUSPENSION OR WAIVER OF THE RULES OF COUNCIL

A. General Provisions

- (1) Council may suspend or waive the adopted Rules of Council, in full or in part, for a specified time by a motion. The motion to suspend or waive the Rules of Council must be properly seconded and approved by a majority vote of Councilmembers present.
- (2) Rules contained in the Charter, state or federal law, Plain City Codified Ordinances, or those that are considered a fundamental principle of parliamentary law, may not be suspended.

12. AMENDMENT OF THE RULES OF COUNCIL

A. General Provisions

- (1) These Rules of Council may be amended during any Regular Meeting by a majority vote of Council present, provided that reasonable previous notice has been given to all Councilmembers.

13. PARLIAMENTARY AUTHORITY

A. General Provisions

- (1) The rules contained in the current edition of "Robert's Rules of Order Newly Revised" should be used as guidance for Council in all cases to which they are applicable.
- (2) In order to be applicable, the rules in the parliamentary authority must not be inconsistent with the Plain City Charter, Codified Ordinances of Plain City, previously approved legislation, or these Rules of Council.

14. MOTIONS

A. General Provisions

- (1) Where the Charter or these Rules of Council do not specify, the current edition of "Robert's Rules of Order Newly Revised" should be used as guidance during Council meetings.

15. COUNCIL AND ADMINISTRATION COMMUNICATIONS

A. General Provisions

- (1) Communications among Councilmembers must comply with the Public Meeting requirements of R.C. 121.22. Councilmembers are free to communicate among themselves however, Councilmembers must not deliberate, vote, or otherwise decide matters through a majority of its members outside of a public meeting. Round-robin emails, phone calls, and other forms of communication to deliberate or conduct polling among a majority of Councilmembers is forbidden.
- (2) Official communications between Council or its individual members and Municipal officers and employees are to be conducted solely through the Village Administrator.
- (3) Requests to the Village Administrator for routine information, which involve minimal extra work by Municipal Staff, can be handled without approval of Council as a whole (for example; a copy of existing information, brief project status reports, opinions, etc.).
- (4) The Village Administrator may determine that a request for information is not routine or will require more than minimal effort, in which case the requesting Councilmember will be informed and has the option of taking the matter before the entire Council for consideration. Similarly, routine complaints or requests received by the Village Administrator from elected officials will be handled promptly without Council approval.
- (5) On matters pending before Council, any new information that is developed by the Municipal Staff will be shared by the Village Administrator with all Councilmembers prior to the discussion of the matter. Additionally, all Councilmember inquiries to the Director of Law for non-routine requests (greater than one hour of work) shall be approved by a majority of Council present before the work begins and will be detailed on the Director of Law's billing statements.
- (6) If a request for new information on matters not presently before Council is received that would suggest the issue would be a policy matter for the entire Council to consider, the Village Administrator shall inform all members of Council and seek approval for the Municipal Staff work necessary to respond to the request (with majority approval of Council present necessary).