

ORDINANCE NO. 63-2008

Offered by Bobbie Beshara

AN ORDINANCE AMENDING SECTIONS 121.03, "RULES AND REGULATIONS;" 123.01, "OFFICIAL POSTING PLACES; REGULATIONS;" AND 133.01, "DUTIES OF CLERK OF COUNCIL" OF THE ADMINISTRATIVE CODE.

WHEREAS, this Council has studied the rules and regulations for Council and the duties of the Clerk of Council; and

WHEREAS, to provide more efficient processing and distribution of the work of Council, it is recommended that the rules of Council and the duties of the Clerk be amended.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That Sections 121.03, "Rules and Regulations;" 123.01, "Official Posting Places; Regulations;" and 133.01, Duties of Clerk of Council" of the Administrative Code be, and the same hereby are, amended as set forth in Exhibits "A," "B," and "C" attached hereto and incorporated herein fully as if by reference.

SECTION 2. That Sections 121.03 and 133.01 of the Administrative Code, as they existed prior to the effective date of this Ordinance be, and the same hereby are, repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1/20/09

Rick Oberkirk
President of Council

Mickey S. [Signature]
Mayor

Dated: 1/20/09

ATTEST:

Carolyn E. Sullivan
Clerk of Council

121.01 DUTIES OF PRESIDENT AND VICE-PRESIDENT.

- (a) The President of Council shall:
 - (1) Prepare the agenda for all regular and special meetings of Council;
 - (2) Preside at all regular and special meetings of Council and committee of the whole meetings;
 - (3) Be prepared to represent Council wherever possible and necessary;
 - (4) Supervise and direct the work of the Clerk of Council;
 - (5) Keep all board and commission members up to date on the action and work of Council relative to each member's particular board or commission;
 - (6) Appoint all committees of Council;
 - (7) In the absence of the Mayor, assume all duties and responsibilities prescribed by Section 3.04A. of the Charter; and
 - (8) Assume and perform all duties prescribed by Section 4.05 of the Charter.

- (b) The Vice-President of Council shall, in the absence or disability of the President of Council, perform all duties incumbent of the President of Council.

(Ord. 5-1971. Passed 1-4-71.)

121.02 MEETINGS.

- (a) Regular Meetings. See Section 121.03(b).
- (b) Special Meetings. See Section 121.03(b).
- (c) Organization Meeting. Council shall meet in Council Chambers for the purpose of organization at 8:00 p.m. on January 2 of each year as provided for and pursuant to the terms set forth in Section 4.04 of the Charter. (Ord. 1-1971. Passed 1-4-71.)

121.03 RULES AND REGULATIONS.

- (a) **Agenda.** The President of Council shall prepare an agenda to be brought before Council. The agenda shall be received by the Clerk of Council by 4:00 p.m. on ~~Wednesday-Friday~~ before the regular Tuesday Council meeting. The Clerk should have copies available prior to the Council meetings for the general public.

- (b) **Additional Matters.** The affirmative vote of four or more of the members elected or appointed to Council is required for any matter not on the agenda to be presented to or considered by Council.
- (c) **Ordinances and Resolutions.** All requests for ordinances and resolutions to be offered at a Council meeting shall be first submitted to the President of Council and the clerk of Council. The deadline for submitting requests for ordinances and resolution to the President of Council is 9:00 a.m. on the Wednesday-Friday before the regular Tuesday meeting of Council. All ordinances and resolutions shall be available in final form (by e-mail and paper copies) by 12:00 noon on the Saturday preceding the Tuesday meeting of Council. Copies of proposed legislation will be posted in the Lobby of Town Hall.
- (d) **Correspondence.** All communications and correspondence to Council shall be first submitted to the President of Council to determine whether it is germane to agenda items and should be placed on the agenda for reading. The President of Council's determination may be overridden by a majority vote of Council. Unless otherwise provided, the deadline for submitting correspondence to the President of Council is 9:00 a.m. on the Wednesday-Friday before the regular Tuesday meeting of Council. Unsigned letters will not be considered
- (e) **Caucus.** A scheduled caucus will be conducted by the President of Council at 7:30 p.m. preceding each Tuesday meeting of Council. Unless otherwise determined by the President of Council, the caucus will be conducted in the Council Caucus Room in order to familiarize members of Council with items on the agenda.
- (f) **Call to Order.** The President of Council, or in his or her absence, the Vice President, shall take the chair at the appointed hour for the meeting of Council and shall immediately call the Council to order. If the President or Vice President are not present, the remaining members shall choose a Chairman until the President or Vice President is in attendance.
- (g) **Roll Call.** The Clerk of Council shall call the roll of the members in alphabetical order, and the names of those present shall be entered in the minutes.
- (h) **Quorum.** Four members of Council shall constitute a quorum to do business but a lesser number may adjourn. For purposes of clarity, when the total number of elected or appointed Councilmen is seven, two-thirds of Council is five, and three-fourths of Council is six. (Charter, Section 4.10)

Formatted: Font: 9 pt

Formatted: Font: 9 pt

(i) Order of Business. All meetings of Council shall be open to the public. Promptly at the hour set by ordinance on the day of each regular meeting, the members of Council, the Clerk and the Law Director shall take their regular stations in the Council chambers, and the business of Council shall be taken up for consideration and disposition in the following order:

- (1) Pledge of Allegiance
- (2) Roll Call
- (3) Approval of Minutes
- (4) Communications and petitions
- (5) Mayor's Report
- (6) Department Head Reports
- (7) Report of Committees
- (8) Comments from floor on agenda items only
- (9) Ordinances and Resolutions

A. Council will allow for a period of discussion from the floor on all legislation on which a motion has been made to adopt,

Formatted: Justified, Indent: Left: 1.5", Hanging: 0.5"

- (10) Old Business
- (11) New Business
- (12) Comments from floor on any item
- (13) Adjournment

(j) Voting. A vote on any question shall be by a "yea" or "nay". The order of voting shall be alphabetical; however, the ~~last~~ first member to vote shall be the person who voted second on the last vote, and such a rotating order of voting shall continue for the duration of the meeting. (Res. 66-1996. Passed 8-20-96.)

121.03 (done 7-12-08)

(k) Reading of Minutes, Ordinances and Resolutions. The minutes (unapproved) of any meeting of Council shall be prepared by the Council Clerk and distributed to Council, The Mayor and Department Heads (121.03 (i)(6) and Secretaries of Boards within one week of the meeting at which such minutes were taken; provided, however, that in the event there is less time than one week between the meetings of Council, the minutes of the previous meeting shall be distributed to the persons named herein prior to any meeting of Council.

Unless a reading of the minutes of the Council meeting is requested by a majority of the members of Council, such minutes may be approved without a reading.

The approved minutes will be posted to the official postings places (123.01 (a) & (b)) and shall be posted on the Village website.

Formatted: Font: 8 pt

~~Ordinances and resolutions shall be read by title only for the first, second and third readings, unless a majority of Council requests that they be read in full. (Ord. 41-2000. Passed 4-4-00)~~

- (k) ~~Reading of Minutes, Ordinances and Resolutions. The minutes of any meeting of Council shall be prepared by the Council Clerk and distributed to the Mayor, members of Council, Municipal Engineer, Directors of Law, Finance and Service, and Department Heads, Secretaries and members of Boards and Commissions within one week of the meeting at which such minutes were taken; provided, however, that in the event there is less time than one week between the meetings of Council, the minutes of the previous meeting shall be distributed to the persons named herein prior to any meeting of Council.~~

~~Unless a reading of the minutes of the Council meeting is requested by a member of Council, such minutes may be approved without a reading.~~

~~Ordinances and resolutions shall be read by title only for the first, second and third readings, unless a majority of Council requests that they be read in full.~~

~~(Ord. 41-2000. Passed 4-4-00.)~~

- (l) **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:
 - (1) To adjourn (not debatable)
 - (2) To table the motion - lay it aside until later (not debatable)
 - (3) To request that discussion end, and then any motion being considered be voted on (previous question, as it is usually called) (not debatable)
 - (4) To postpone any action on a motion until some stated future time
 - (5) To refer the proposal to a standing or special committee.
 - (6) To amend the main motion
 - (7) To postpone any action for an indefinite time
- (m) **Motion to Reconsider.** A motion to reconsider a subject that may have been acted upon favorably must be made before adjournment of that session of Council. A motion to reconsider any other subject may be made no later than the next regular meeting after such action was taken. A motion to reconsider may be made only by any member who voted with the winning or prevailing side. A motion to reconsider shall be in order at any time except when a motion on some other subject is standing.

A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when Council is engaged in the transaction of new or miscellaneous business.

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 the same.

- (n) 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, or under the head of new or miscellaneous business and such motion shall be decided without debate, provided the mover may be permitted to state briefly his reasons for the motion.
- (o) Motion to Postpone Indefinitely. If a motion to postpone indefinitely be carried, the principal question shall be declared lost.
- (p) Motion for the Previous Question. The previous question shall be in the form, "Shall the main question now be put?" It shall be admitted only when demanded by two members, and until decided shall preclude further debate, and all amendments and motions if the previous question is demanded on an amendment. If the motion for the previous question is carried, the question shall be put without further debate.

However, if the motion for the previous question is carried, but before it is actually put in execution, the motion to which it is directed may be laid on the table.

The requirement that two members must be in favor of a motion for the previous question may be altered, as desired by Council.

- (q) 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.
- (r) Motion on Question of Privilege. Question of privilege shall be first: those affecting the rights of Council collectively, its safety, dignity, and the integrity of its proceedings; second: the rights, reputation, and conduct of the members of Council individually, in their capacity as such members. A question of privilege shall have the precedence of all questions except a motion to adjourn.
- (s) Special Committees. All special committees shall be appointed by the presiding officer, unless otherwise directed by Council.
- (t) Standing Committees.
 - (1) The standing committees of Council shall be as follows:
 - A. ~~Committee of the Whole (All Council Members)~~
 - B. Finance

- C. Public Works (Water, Sewers, Sidewalks, Electric, Gas and Telephone)
- D. Streets and Highways
- E. Public Safety (Police, Fire, Health, Emergency and Civil Defense)
- F. Mundialization
- G. Park Board Representative
- H. Insurance
- I. Township Liaison
- J. Buildings and Grounds

K. Cable

- (2) The President of Council shall appoint all Committees including the Chairperson thereof.
 - (3) Members of all Committees ~~except the Committee of the Whole,~~ shall be limited to a maximum of three members of Council.
 - (4) Robert's Rules of Order shall govern the conduct of business at all Committee meetings as far as the same may be applicable.
 - (5) A vote on a matter before a Committee shall not, necessarily, bind a member of the Committee if the matter is again considered by Council
 - (6) Committees shall act in an advisory capacity only and shall have no power other than to report to Council with recommendations and advice.
 - (7) The Chairperson of each Committee shall run the Committee and take minutes ~~unless the Clerk of Council is present to do so.~~
 - (8) The Chairperson of each Committee shall make all notifications to the news media of each Committee meeting. The Chairperson of the Committee shall post the agenda for the Committee meeting at least twenty-four hours in advance of the meeting. Posting is required on the bulletin board in the Village Hall ~~only~~ and website calendar only. A template of the proposed Committee agenda is attached to original Ordinance 66-1996.
 - (9) The audience and noncommittee members of Council may attend any Committee meeting but may not participate in any deliberations.
 - (10) Committee chair shall distribute all committee agenda to all members of Council in their ~~tray~~ mailbox or by e-mail.
- (u) Regular meetings shall be held on the first and third Tuesday of every month at 8:00 p.m. in the Council Chambers. If the first or third Tuesday falls on a holiday, then on the following Wednesday. Emergency and/or special meetings shall be in accordance with Section 4.09 of the Charter of the Village.
- (v) Absence and Vacancy. Section 3.04 of Article III of the Charter of the Village of Richfield.

Formatted: Font: 9 pt
Formatted: Font: 9 pt

- A. Same as in Charter.
- B. Same as in Charter.
- C. If the office of the President of Council becomes vacant, the Vice President of Council shall automatically become President for the unexpired term and Council shall proceed to elect a Vice President for the unexpired term in the manner provided in Section 4.05 of Article IV of the Charter of the Village of Richfield. If the Vice President declines to serve as President of Council, he shall not thereby cease to be Vice President of Council; Council shall then proceed to elect a President of Council in the manner provided in Section 4.05 of Article IV of the Charter of the Village of Richfield. If the office of Vice President of Council becomes vacant, Council shall proceed to elect a Vice President for the unexpired term in the manner provided in Section 4.05 of Article IV of the Charter of the Village of Richfield.

(w) Except as otherwise provided, Roberts Rules of Order, as they may be revised, shall govern the deliberations of Council.

~~(x) Council of the Whole Committee meetings require minutes, but do not require the Council Clerk to be present to take minutes. —~~

~~(y) At Committee of the Whole meetings the President of Council will run the meeting. —~~

~~(z) Any Council member can make a motion to call a Committee of the Whole meeting with a majority vote needed to approve the motion.~~

~~(aa) Unsigned letters to Council will not be read.~~

~~(bb) Cemetery property will come under the Building and Grounds Committee.~~

(aace) Active and Inactive Ordinances. Ordinances and resolutions are placed on the active agenda for first reading when they are first introduced. If an ordinance or resolution is referred to a committee or board for further study, or placed on hold for legal review or some other action, the item will remain on the active agenda for a second reading. An ordinance or resolution which is not ready for final Council action after its second reading **will may** be placed on the inactive agenda by motion and vote. The inactive agenda will list tabled ordinances and resolutions. The inactive agenda will be placed at the end of the agenda for each Council meeting.

(bbdd) Expiration of Ordinances. If an ordinance or resolution is not finally acted upon within one year of introduction, it shall automatically expire and be

Formatted: Font: 8 pt

Formatted: Font: 9 pt
Formatted: Font: 9 pt

removed from the inactive agenda. Council may extend the time of a particular ordinance or resolution to continue it on the agenda despite the expiration of one year from its date of introduction. The Clerk of Council shall notify Council at least two weeks before an ordinance or resolution is due to expire as a result of no action being taken within one year from the date of introduction.

(Res. 66-1996. Passed 8-20-96.)

(cc) Work Sessions Review Sessions of active items preceding Regular Council Meetings, shall begin at 7 p.m. and will cover old and new business of Council.

Formatted: Indent: Left: 0.5", Hanging: 0.5"

(dd) Work Sessions shall commence on the Thursday following the 2nd Tuesday at 7:30 in the Council caucus room unless the necessity to move the meeting is decided upon by the Council President and in his or her absence, the Council Vice-President.

Formatted: Justified
Formatted: Superscript

The Council President shall prepare the agenda.

The Clerk of Council shall distribute and post to the Village Hall bulletinboard and website at least 24 hours prior to Work Session. The Council President may cancel work sessions as deemed necessary and the cancellation notice shall be posted in the same manner as the agenda. Clerk to notify newspapers of any cancellations 24 hours to-prior to of the work session.

Formatted: Font: 8 pt

123.01 OFFICIAL POSTING PLACES; REGULATIONS.

(a) The following six places are hereby determined to be six of the most public places of the Village:

- (1) Richfield Town Hall (corridor), 4410 West Streetsboro Road;
- (2) Richfield Police Department, 4410 West Streetsboro Road;
- (3) United States Post Office, 3900 Broadview Road;
- (4) Giant Eagle, 4428 Broadview Road;
- (5) Richfield Senior Center, 4400 West Streetsboro Road; and
- (6) Richfield Library, 3761 S. Grant Street.

(b) Additionally, the Clerk of Council shall post ~~all legislation~~ on the Village website.

(c) All ordinances and resolutions, unless otherwise required by law or by the Charter, shall be published by placing one copy thereof at each of the six most public places determined in subsection (a) hereof. Ordinances and resolutions shall be posted by the Clerk of Council immediately upon passage thereof by Council and the signing by the Mayor, or upon expiration of the time allowed for the Mayor's disapproval of ordinances or resolutions.

(d) The agenda for all Council meetings shall be posted by the Clerk of Council at the six most public places determined in subsection (a) and (b) hereof by 1:00 p.m., Saturday of the week preceding each regular meeting of Council. Council may cause such statements, orders, proclamations, notices and reports to be published at the posting places as Council deems necessary or in the public interest.
(Ord. 44-2005. Passed 8-2-05.)

133.01 DUTIES.

In addition to the duties set forth in Section 4.06 of the Charter, the Clerk of Council shall have the following duties:

(a) **Minutes.**

(1) The Clerk of Council shall keep accurate and complete minutes of all proceedings of regular and special meetings of Council, and must sign all minutes.

(2) The Clerk of Council shall keep a Journal of all Council proceedings in which the “yea” or “nay” vote of each councilman voting on an ordinance or resolution or other measure shall be recorded.

(3) A copy of the minutes shall be ~~distributed mailed~~ to the Mayor, all members of Council, Law Director, Municipal Engineer, Finance Director, Service Director, and all department heads and board members within one week after a Council meeting and prior to any special meetings of Council. Minutes will be approved at Council meetings.

(4) An electronic version of the Council meeting is available upon request of the Council Clerk.

(b) **Attendance.**

(1) The Clerk of Council is required to attend all regular and special Council meetings, and Committee of the Whole meetings.

(2) The regular meeting date of Council is the first and third Tuesday of each month. Special meetings will be called when needed and as provided by Section 4.09 of the Charter.

(3) During the absence or disability of the Clerk, Council shall, by the affirmative vote of two-thirds of its members, appoint someone to perform all the duties of that office during such absence or disability.

(c) **Minutes of Boards and Commissions.** The secretaries of the Planning and Zoning Commission, Board of Zoning Appeals, Park and Recreation Board and any other boards or commissions shall prepare copies of the original minutes of meetings, and shall distribute such copies to the Clerk and to each secretary and to the Mayor and each member of Council, boards and commissions.

(d) **Agenda.** The agenda for each meeting of Council shall be prepared by the President of Council. The Clerk of Council shall type and make copies of the agenda as directed by the President. A copy of the agenda shall be received by the Mayor, members of Council, Municipal Engineer, Finance Director, Law Director, Service Director, and all department heads by the Friday preceding each regular Tuesday meeting of Council or before any special meeting of Council. The agenda shall be posted in accordance with 123.01 (d), at the six designated posting places within the Village by 12:00 noon Friday preceding each regular Tuesday meeting of Council.

(e) **Ordinances and Resolutions.** The Clerk of Council shall be responsible for and have custody of all laws, ordinances and resolutions of the Village. In addition, the Clerk shall be the custodian of all official documents, reports, papers, communications and files of Council. All records and documents shall be filed by the Clerk in the Village Office. The Clerk shall write letters or make phone calls concerning Village business for any councilman as the same may be requested.

(f) **Publication and Posting.** The Clerk shall be responsible for the publication of all ordinances and resolutions or other documents by posting the same as

directed and set forth in Section 123.01. The Clerk is also responsible for the publication of any ordinances, resolutions, enactments or documents in any manner other than by posting as the same may be required by law or by Council.

(g) **Vetoed Legislation.** In the event the Mayor, pursuant to Section 3.03C. of the Charter, vetoes an ordinance or resolution, and pursuant to the Charter returns the same to the Clerk within ten days together with his written objections to such ordinance or resolution, the Clerk shall enter the objections of the Mayor in full on the Journal.

(h) **Appointments and Terms of Office.** The Clerk shall keep a record on the Journal of Council of all appointments made by the Mayor or Council and the terms of office of the appointee thereto, including but not limited to the Planning Commission, Cemetery Board, Park and Recreation Board, Board of Zoning Appeals, Municipal Engineer, Director of Law and Service Director.

(Ord. 76-1975. Passed 12-2-75.)