

AN ORDINANCE ADOPTING RULES OF VILLAGE COUNCIL

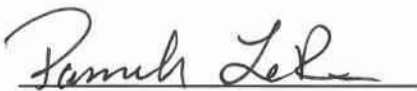
WHEREAS, the Village Council finds that passage of this ordinance is necessary because of the immediate need for the action authorized herein, in order to preserve the public peace, property, health, safety, and welfare of the community and its citizens, and to provide for the efficient and effective operation of the municipal government, and by reason thereof, this Ordinance shall take effect immediately upon its passage;

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of Beaverdam, with at least a majority thereof concurring, that:

1. The Rules of Village Council, Village of Beaverdam, Ohio as set forth in Exhibit A attached hereto, are hereby adopted effective on the date of passage hereof.
2. Council finds and determines that the above preamble contains specific findings by Council as part of and in support of passage of this Ordinance, and that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting and that all deliberations of this Council that resulted in those formal actions were in meetings held in compliance with the law.
3. The Fiscal Officer is authorized and directed to cause publication of this Ordinance to be made.
4. This Ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to Council at the first reading hereof. If it does not so pass at first reading, it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to Council at the second reading hereof. If it does not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to Council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED AND ADOPTED BY THE VILLAGE OF BEAVERDAM COUNCIL ON THIS 21TH DAY OF FEBRUARY 2023.

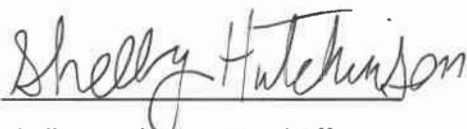
ATTEST:



Pamela LePine, Mayor



Anthony Myers, Council President



Shelby Hutchinson, Fiscal Officer

**RULES OF VILLAGE COUNCIL
VILLAGE OF BEAVERDAM, OHIO**

Effective 2-21-2023
Ordinance 2023-08

MEETINGS OF COUNCIL AND COMMITTEES

1. **Regular Council Meetings.** At 7:00 p.m. on the first Tuesday in January, unless that Tuesday falls on a legal holiday, the Village Council shall have an organizational meeting at the Council Chambers in the Beaverdam Town Hall, 101 West Main Street, Beaverdam, Ohio 45808, at which time any newly elected members of Council shall take the oath of office and assume the duties of their offices and the Council Members shall elect a Council President. Should the first Tuesday in January fall on a legal holiday, then the meeting shall take place on the first Wednesday after the first Tuesday in January. Thereafter, Council shall conduct regular meetings on the first and third Tuesdays of each month at 7:00 p.m. according to the schedule adopted and published by the Fiscal Officer which shall serve as the Notice for such regular meetings, or as otherwise determined by Council.
2. **Pre-Council.** Council may meet one-half hour before the start of a regular meeting as an informal organizational working session to review its agenda for the regular meeting and to review any other items of business of the Council; provided, that such a meeting is open to the public and no votes shall be taken in any pre-council meeting.
3. **Special Council Meetings.** The Mayor, the President of Council, or any three members of Council may call a Special Meeting of the Council, upon 24 hours' notice.
4. **Fiscal Officer Duties.** The Fiscal Officer of the Village shall attend all meetings regular and special, record all proceedings in the minutes, prepare an agenda for every meeting and attend to all correspondence incidental to the office, and perform such other duties as may be lawfully assigned to the Fiscal Officer by vote of Council.
5. **Council Committee Meetings.** The chairperson of each council committee is responsible for calling meetings of the respective committees in accordance with the applicable provisions in these Rules.
6. **Notice to Members of Meetings.** Notices for Special Council Meetings and Council Committee meetings shall be given as follows:
 - 6.1. Notice of Special Council Meetings and Council Committee meetings shall be given upon at least 24 hours' notice given to each member of the Council in one of the following methods:
 - 6.1.1. By personal delivery of a written Notice; or,
 - 6.1.2. By leaving the Notice at the place of residence or work of a member; or,
 - 6.1.3. By email sent to the Village email address of a member; or,
 - 6.1.4. By facsimile transmission to a fax number provided to the Fiscal Officer by a member.
 - 6.2. Members may waive such notice in writing and filed with the Fiscal Officer.
 - 6.3. Any Notice of Special Council Meeting and Committee meeting shall state the subjects to be considered at the meeting and no other subject shall then be considered at such meeting.

- 6.4. The Notice referenced herein for a Special Council Meeting may be given by the Fiscal Officer, Council President, Mayor, or one or more of the three members of Council who called a Special Council Meeting.
- 6.5. The Notice referenced herein for a Council Committee Meeting may be given by the Fiscal Officer, the chairperson of a council Committee, or one or more of the Council Committee Members calling for a meeting.

7. Quorum.

- 7.1. Council Meetings. The physical presence of a majority of the members elected to Council shall constitute a quorum to do business for any regular or special council meeting. The roll shall be called and the Fiscal Officer shall enter in the minutes the names of the members present.
 - 7.2. Committee Meetings. The physical presence of a majority of the members of a council committee shall constitute a quorum to do business for any authorized committee meeting.
 - 7.3. Every member present, when a question is put shall vote either “yes” or “no” (or using an equivalent term) or may abstain for special reasons. Any member may demand a call of the roll upon the vote upon any question before the Council at any time before the decision is announced by the President. Members shall not explain their vote during the call of the roll.
 - 7.4. No member of the Village Council shall leave the Council Chamber while in regular session without permission of the President.
8. **Meetings Public.** All meetings of Council and any committee established by Council shall be public meetings open to the public at all times, except those portions allowed for executive sessions in the Ohio Revised Code. No resolution, rule, regulation or formal action of any kind shall be adopted at any executive session of Council or any such board, commission, agency or authority. Strict confidentiality shall be maintained by all Council Members, Fiscal Officer, Mayor, Solicitor, and others present, regarding topics lawfully discussed in executive sessions.
9. **Public Notice.** The Fiscal Officer shall be responsible for providing public notice of all meetings of council and its committees. Such Notice may be posted on the official Village website, but shall also be delivered to local media via email or facsimile transmission at least 24 hours in advance for any special meeting of Council. The Fiscal Officer shall also notify the Mayor and Solicitor of all meetings.
10. **Minutes.** The minutes are the official record of Council proceedings. At each regular Council meeting, the minutes of the preceding council meeting (and of any preceding special council meetings) which have been prepared by the Fiscal Officer, shall be presented to Council for filing and approval by a majority vote of the members present.

ORDER OF BUSINESS

11. Council may transact business in the following order:
 - 11.1. Call to order
 - 11.2. Pledge of Allegiance
 - 11.3. Roll call to determine the presence of a quorum
 - 11.4. Scheduled Public Hearings
 - 11.5. Privilege of the Floor

- 11.6. Approval of minutes of previous meeting
- 11.7. Old business
- 11.8. New business
- 11.9. Authorization to pay bills
- 11.10. Mayor's Report
- 11.11. Reports of Council Committees
- 11.12. Village Administrator Report
- 11.13. Solicitor Report
- 11.14. Miscellaneous Business

The order of business, and presentation or grouping of items for vote, during any meeting may be modified by majority vote of the members of Council present.

12. **Tabled Issues.** Any matter to come before Council can be tabled indefinitely or tabled until the next scheduled regular or special meeting, by majority vote of Council members present. If tabled indefinitely, it remains tabled until it is brought back to the Agenda by direction of the President or by simple motion of a majority of Council members present. If a matter is tabled to the next meeting it automatically will appear on the Agenda for consideration at that meeting and will be discussed in the "Old business" portion at that meeting.
13. **Documents.** All communications, petitions, reports of officials, resolutions, ordinances, and other documents shall be filed with the Fiscal Officer not later than 5 p.m. on the Monday prior to a Tuesday council meeting. The Fiscal Officer shall include all timely submitted documents in the agenda for the meeting. Items may be added to the agenda prior to the meeting by a majority vote of the Council members present for the meeting.
14. **Violation of Rules.** The Council may punish or expel from a meeting any member for disorderly conduct or violation of its rules. No expulsion shall take place without the concurrence of two-thirds of all members present nor before the subject member has been given an opportunity to be heard.

LEGISLATIVE PROCEDURE

15. **Passage of Ordinances and Resolutions.** The following procedures shall apply to the passage of ordinances and resolutions of the Village:
 - 15.1. Each ordinance and resolution shall be read by title only, provided the Council may require any reading to be in full by a majority vote of its Members.
 - 15.2. Each ordinance or resolution shall be read on three different days, provided the Council may dispense with this rule by a vote of at least three-fourths of its members.
 - 15.3. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "yes" and "no" votes (or equivalent terms as determined by the president) and entered upon the minutes.
 - 15.4. Ordinances and resolutions shall be introduced in the Council only in written or printed format.
 - 15.5. The affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance or resolution.

- 15.6. All ordinances and resolutions, except ordinances making appropriations shall be confined to one subject which shall be clearly expressed in the title, except that ordinances making appropriations shall be confined to the subjects of appropriation.
- 15.7. Any ordinance or resolution passed by the Council shall be signed by the President or other presiding officer.

16. Reading; Effective Date of Legislation.

- 16.1. The reading of the caption of an ordinance or resolution shall constitute a reading of the legislation.
- 16.2. Ordinances and Resolutions shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading thereof. If it does not so pass on first reading it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading thereof. If it does not so pass on second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading thereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.
- 16.3. A motion to defeat legislation on first or second reading shall require a two-thirds vote of members elected to Council. A motion to defeat legislation on third reading shall require a majority vote of members elected to Council.

17. Publishing of Legislation. The Fiscal Officer shall publish all adopted resolutions and ordinances on the Village website. In publishing the codified ordinances, the Fiscal Officer is authorized to correct any clearly typographical or grammatical errors, which do not change the substance or meaning of the ordinance, as reviewed and approved by the Solicitor.

18. Amendment to Ordinance or Resolution. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed.

COMMITTEES

19. The standing committees of Council are:

- 19.1. Finance
- 19.2. Streets
- 19.3. Safety and Trees
- 19.4. Building
- 19.5. Recreation
- 19.6. Utilities
- 19.7. Property Maintenance

20. Prior to the annual organization meeting held by Council each Council Member shall, in writing, present the name of the committee or committees that he or she desires to be placed upon to the President. After due consideration of all requests the President shall appoint the members of all committees. The President shall also name the chairpersons of each committee.

21. The chairperson of each committee shall keep minutes of each meeting and shall so submit them in writing to Council as a whole.
22. Standing committee shall consist of three Council Members unless the amount of work presented to such committee requires that the committee be extended to such number of members as necessary. Village employees may be added as needed to a standing committee.

MISCELLANEOUS

23. Privilege of the Floor.

- 23.1. The regular and special meetings of the Council and its committees are open to the public, excluding executive sessions; however, no person except members of Council, the Mayor, or Village officials may speak at such meetings unless that person secures permission to address council (i.e., "Privilege of the Floor") by one of the two following methods:
 - 23.1.1. Contact with the Fiscal Officer at least twenty-four (24) hours prior to a regular meeting of Council and stating the name and home or business address of the person wishing to speak and the subject matter of his or her presentation.
 - 23.1.2. Presenting to the President of Council prior to the meeting a form (available from the Fiscal Officer by request) showing the name and home or business address of the person wishing to speak and the subject matter of his or her presentation.
- 23.2. Those receiving Privilege of the Floor must first give their name for the record at the Council meeting.
- 23.3. Those receiving Privilege of the floor will be permitted to speak only on matters which are related to Village of Beaverdam government or otherwise of public interest within the Village of Beaverdam. Remarks must be confined to one subject at a time and the speaker shall be provided a maximum of five (5) minutes, unless this requirement is waived by a majority of Council. Remarks from visitors must be directed to Council as a whole, and not any one Council Member or Village official in particular. Persons violating these Rules may be removed from the Council Chamber before any further business is conducted.
- 23.4. Councilors shall refrain from asking questions or engaging in comments, debate, or discussion in response to an issue raised by an individual speaking to council during the Privilege of the Floor segment of a council meeting. However, the President may exercise the discretion to make a brief response to, or briefly provide information to, or briefly answer a limited question from, the privilege of the floor speaker if the President determines it is simply a matter of courtesy or is otherwise appropriate to do so.
- 23.5. If a large group is present and each desires to speak, Council shall have the right to set a time limit on each speaker, by simple motion approved by a majority of the members present.

24. Executive Session.

- 24.1. Pursuant to O.R.C. § 121.22(G), Council may hold an executive session after a majority of a quorum of Council votes to hold an executive session for the sole purpose of the consideration

of any of matter set forth in O.R.C. § 121.22(G), as amended, including without limitation the following:

- 24.1.1. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing, but Council may not hold an executive session to consider the discipline of an elected official for conduct related to the performance of the official's duties or to consider that person's removal from office. A motion to adjourn into executive session under this section must specify which of the particular personnel matter(s) listed above the movant proposes to discuss, but need not include the name of any person to be considered at the meeting.
 - 24.1.2. To consider the purchase of property of any sort – real, personal, tangible, or intangible, or to consider the sale of real or personal property by competitive bid, or the sale or disposition of unneeded, obsolete, or unfit property under O.R.C. § 505.10, if disclosure of the information would result in a competitive advantage to the person whose personal, private interest is adverse to the general public interest.
 - 24.1.3. Council may adjourn into executive session with the Solicitor concerning disputes involving the Village that are the subject of pending or imminent court action;
 - 24.1.4. To prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
 - 24.1.5. To discuss matters that federal law or regulations or state statutes require the Village to keep confidential.
 - 24.1.6. To discuss details of security arrangements and emergency response protocols for the Village or a public office if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the Village or a public office.
 - 24.1.7. To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provide that both of the following conditions apply: (a) the information is directly related to a request for economic development assistance that is to be provided or administered under any provision set forth in O.R.C. § 121.22(G)(8)(a), as amended, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project, and (b) a unanimous quorum of the Council determines that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.
25. **Time Limits.** Council shall have the right to increase or decrease any of the time limits set forth herein, by simple motion approved by a majority of the members present.
26. **Majority.** Whenever the term “majority” is used in these Rules, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to Council or appointed to a Committee.

27. **Prohibited Conduct.** During meetings of Village Council and committee meetings, the use of profanity or personal insults directed to another person are prohibited.

28. **Location of Meetings.** All meetings of the Council shall be held in the Council Chambers, 101 West Main Street, Beavercreek, Ohio 45808, unless directed otherwise by the President for specific reasons. The Council chambers may also be used for the conduct of official Village business with priority for use being:


- 28.1. Regular or special called meetings of Village Council;
- 28.2. Committees of Council;
- 28.3. The Administrative Offices of the Village.

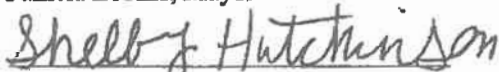
29. **Amendment.** These rules shall not be altered, amended or rescinded except by a majority vote of all members of Council as part of a written ordinance.

30. **Interpretation.** In the case of question on the Rules of Council, the President may confer with the Solicitor and the decision of the President shall determine the question.

Effective: 2-21-2023
Authorized by Ordinance: 2023-08


Anthony Myers, Council President


Pamela LePine, Mayor


Shelby Hutchinson, Fiscal Officer

Approved as to form:


Matthew Huffman, Solicitor