

NOTICE  
SPECIAL MEETING OF COUNCIL

Clerk's Office, Brook Park, Ohio

December 30, 2021

TO: COUNCIL MEMBERS TROYER, MENCINI, ROBERTS, SCOTT, COYNE, POINDEXTER,  
SALVATORE, COUNCIL PRESIDENT VECCHIO, MAYOR ORCUTT, FINANCE DIRECTOR CINGLE  
AND LAW DIRECTOR HORVATH.

YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF COUNCIL  
HAS BEEN CALLED FOR THE PURPOSE OF:

\_\_\_\_\_ COUNCIL MEETING

\_\_\_\_\_ CAUCUS MEETING

\_\_\_\_\_ EXECUTIVE SESSION

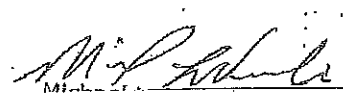
XX OTHER (Specify)  
**Organizational Meeting**

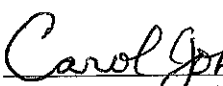
Such special meeting will accordingly be held on TUESDAY, the 4<sup>TH</sup> day of  
JANUARY, 2022 at 6:00 p.m. At the place of holding regular meetings. (\*Refer to Rules of  
Council, No. 4, if applicable.)

**ROLL CALL OF MEMBERS:**

**PLEDGE OF ALLEGIANCE:**

- SUBJECT:**
1. Appointments and Confirmations – Mayor Orcutt
  2. Appointment of Clerk of Council and any such officers as Council may deem necessary.
  3. Election of President of Council Pro-Tem.
  4. Acceptance of Rules of Council 2022-2023.
  6. Committee Assignments.
  7. Special Committee Assignments.

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Clerk of Council



**RULES OF COUNCIL  
GOVERNING THE COUNCIL OF THE  
CITY OF BROOK PARK, OHIO  
2022-2023**

The following rules of order shall govern the procedure of the City Council and the conduct of its members.

**RULE 1: MEETING PLACE**

All meetings of the Council shall be held in the John A. Poloyne Community Center in the Council Community Room, unless otherwise ordered by Council for the years 2022-2023. Amended/Verbal Approval 1/22/19

**RULE 2: MEETINGS PUBLIC – SUNSHINE LAW**

All meetings of Council are open to the public except for Executive Sessions, which are specifically exempted by law.

The Chairman will read the motion of the executive meeting and by what authority provided by the Sunshine Law this meeting can be called. At the conclusion of the executive meeting, Council shall return to the floor of Council to adjourn.

The Council may go into Executive Session only from a Regular or Special Meeting to consider: **Addition/Verbal Approval 4/21/20.**

- A. Certain Personnel Matters (must be specific)**
- B. Purchase and Sale of Property.**
- C. Pending or imminent court action**
- D. Collective Bargaining Matters**
- E. Matters to be kept confidential**
- F. Security Matters**
- G. Hospital Trade Secrets**
- H. Confidential business information of an applicant for economic development assistance.**
- I. Veterans Service Commission applications**

The general public and the news media may, upon written request, be notified of all meetings. A twenty-four (24) hour advance notice will be given for Special Meetings except in the event of an emergency requiring immediate official action. In the event of an emergency, the Member or Members calling the meeting shall notify the Clerk of Council who, in turn, will notify the news media or any person or persons who have requested notification immediately of the time, place and purpose of the meeting.

There will be a fee to cover the costs of providing the notification:

<b>Per Notice</b>	<b>\$ 1.50</b>
<b>Per Month</b>	<b>\$ 6.00</b>
<b>Per Year</b>	<b>\$70.00</b>

Any subscriber on the mailing list may supply the Clerk of Council with self addressed stamped envelopes for the convenience of receiving notices.

All minutes of Regular or Special Meetings, and records of the Council, shall be available for public inspection at all reasonable times (9:00 a.m. to 4:30 p.m. Mondays through Fridays, except legal holidays.) If copies of city records are requested, the Clerk of Council shall charge \$0.05 per page. Amended/Verbal Approval 2/1/05. Amended/Verbal Approval 1/22/19

### **RULE 3: REGULAR MEETINGS**

After the Council has been organized at the first meeting of the new year, regular meetings of the Council shall be held in the John A. Poloyne Community Center in the Council Community Room every first and third Tuesday of the month at 7:30 p.m. Amended/Adopted 1/4/16 - Organizational meeting. Amended/Verbal Approval 9/5/17. Amended/Verbal Approval 1/22/19 - coincides with Rule No. 1 - Meeting Place.

It shall take a majority vote (4) of the elected Members of Council to change the regular scheduled meeting date.

When any regular meeting of Council falls on a legal holiday, or on Election Day, the Council shall meet in regular session on a day and at the place and hour as set by Council at a previous meeting.

### **RULE 4: SPECIAL MEETINGS**

Special meetings may be called at any time by the Mayor, President of Council or any three (3) Members of Council, by a written notice, not less than twenty-four (24) hours in advance. Such notice shall be **given to each of them personally or electronically by the Clerk of Council. Text message with response will be sent to all Members and if no response is received within a certain time or end of day the Clerk will follow-up with a phone call.** The notice shall state the date, time and subjects to be considered. No other subjects shall be considered other than what is stated in the NOTICE OF SPECIAL MEETING. **Amended/verbal approval 1/21/20**

All Special Council Meetings shall provide for audience participation to allow the public to voice their concerns and/or opinions on only the subject(s) pending before Council, prior to Council's consideration.

Notices of Special Meetings shall be **given to each of them personally or electronically by the Clerk of Council. Text message with response will be sent to all Members and if no response is received within a certain time or end of day the Clerk will follow-up with a phone call.** of each Member of Council and any City Official requested to attend the meeting, by a member of the Police Department. The proof of notification form shall be signed by each member of Council and/or City Official, showing date and hour of delivery, and certified by the Delivering Officer. If the Delivering Officer is unable to obtain certification of delivery after two attempts, he may leave the notice in the mailbox at the residence of the Member of Council and/or City Official and indicate the date and hour with his signature, on the proof of notification form. The signed proof of notification form shall be returned to the Clerk of Council immediately after delivery of the notices. **Amended/verbal approval 1/21/20**

In the event of an emergency, the twenty-four (24) hour advance notification for Special Meetings may be waived with the signatures of all the Members of Council, as applicable under the Sunshine Law. (Amended 12/3/91 – Verbal Approval.)

#### **RULE 5: STANDING COMMITTEES**

All Regular Standing Committee Meetings shall be held at John A. Poloyne Community Center in the Council Community Room. No later than the second Regular Meeting of Council, the President of Council shall appoint a Chairman and an Acting Chairman for each of the Regular Standing Committees. In the absence of the Chairman, the Acting Chairman shall preside and, until the regular Chairman appears, shall discharge all of the duties of the Chairman during such absence. (coincides with Rule No. 1 - Meeting Place verbal approval 1/22/19)

All Regular Standing Committees shall be comprised of the Council of the Whole; namely, the four (4) Ward Councilmen and the three (3) Councilmen at Large.

The Order of Business shall be as follows:

- A. ROLL CALL**
- B. APPROVAL OF MINUTES OF PRECEDING MEETINGS**
- C. OLD BUSINESS**
- D. NEW BUSINESS**
- E. ADJOURNMENT-Required by a majority vote of Council.**

**Amended/Verbal Approval 9/20/16**

All Regular Standing Committees consisting of the Committee of the Whole shall hold their regular meetings on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Tuesday of each month at **7:00 p.m., or as per Council schedule**. Should additional meetings be required, they may be scheduled at the discretion of the **majority of the Members of Council**. Amended/Adopted 1/4/16 - Organizational meeting. Amended/Verbal Approval 9/5/17. **Amended /verbal approval 2/4/20.**

A majority (4) of the Members of the Committee of the Whole shall constitute a quorum for the transaction of business.

The Chairman of each Standing Committee shall submit to the Clerk of Council all requests from his committee to be placed on the agenda for the Committee of the Whole Meeting at least ninety-six (96) hours in advance.

The agendas for all Regular Council and Committee of the Whole Meetings shall be prepared by the President of Council and each member of the Committee of the Whole shall have a copy of the agenda at least seventy-two (72) hours in advance in his mailbox **in the Council office**. **Amended/verbal approval 2/4/20**

In the event of additions to the agendas for Regular Council or Committee of the Whole meetings, a supplement agenda, showing new additions only, shall be given to each member of Council prior to the meeting.

Complete minutes shall be kept by the Clerk of Council of all business discussed by the Committee of the Whole and the vote on all matters before the Committee shall be recorded in the minutes of each regular or specially called meeting.

Copies of these detailed minutes shall be available to all Members of Council, the Mayor and the President of Council in their **general** mailboxes and shall be accepted by a majority (4) vote of Council at the next regularly scheduled Committee Meeting. **Amended/verbal approval 2/4/20.**

THE STANDING COMMITTEES SHALL BE: (Eight)

**FINANCE**

To which all ordinances and resolutions shall be referred and other matters relating to finance, indebtedness, appropriations, the payment of monies not provided for by previous legislation taxation and all matters pertaining to the Department of Finance, the standardization of salaries and wages, civil service, pension of employees, and the sale and purchase of real estate.

**PUBLIC SAFETY**

To which shall be referred all ordinances, resolutions and other matters pertaining to police and fire, and matters pertaining to concession upon public streets, inspection of buildings, and enforcement of the Building Code.

**SERVICE AND DEVELOPMENT**

To which shall be referred all ordinances, resolutions and other matters pertaining to street and sewer improvements, switch track and pipe lines, elimination of grade crossings street cleaning, waste collection and disposal matters pertaining to streets, taxes and assessments pertaining to sidewalks and street improvements.

**CITY PLANNING**

To which shall be referred all ordinances, resolutions and other matters relating to City Planning, the City Planning Commission and new municipal buildings, proposals, etc.

**BOARD OF ZONING APPEALS**

To which shall be referred all ordinances, resolutions and other matters relating to

zoning issues, appeals, etc. (Amended per City Charter 11/7/01)

#### **LEGISLATIVE, PUBLIC UTILITY**

To which shall be referred all ordinances, resolutions and other matters pertaining to County, State and Federal legislation affecting the City, annexations, redistricting all initiative, referendum and recall petitions, all matters relating to courts, ordinances relating to license and those imposing fines penalties, forfeitures or imprisonment, printing and advertising; and the City's water supply, sewage disposal, ordinances and resolutions pertaining to rates to be paid by the City to any public utility for street lighting or other utility services, and to existing or proposed franchises.

#### **PUBLIC PARKS & RECREATION**

To which shall be referred all ordinances, resolutions and other matters pertaining to public parks, public places, public recreation, playgrounds, public buildings not specifically related or belonging to some department or division, and to the use of City property and land for public purposes.

#### **AVIATION AND ENVIRONMENTAL**

To which shall be referred all ordinances, resolutions and all other matters pertaining to airport; air and water pollution control; some abatement; and other environmental nuisances.

#### **REPRESENTATIVES IN AIRPORT-RELATED MATTERS AND AIRPORT NOISE CONTROL**

Council may elect a representative to represent the City of Brook Park and he/she shall serve at the pleasure of Council. He/She will present a report to Council through the President of Council.  
1/4/16 Amended /Adopted - Organizational meeting.

#### **SPECIAL, COMMITTEES**

### **HOSPITAL BOARD OF TRUSTEES - SOUTHWEST GENERAL HEALTH CENTER**

Council shall elect a Trustee to represent the City of Brook Park, and he/she shall serve at the pleasure of Council. He/She will present a report to Council through the President of Council when necessary.

### **REPRESENTATIVE TO BEREA SCHOOL BOARD**

Council may elect a delegate or committee to represent the City of Brook Park and he/she shall serve at the pleasure of Council. He/She will present a report to Council through the President of Council when necessary.

### **TECHNOLOGY AND INNOVATION APPOINTMENT**

Council shall elect one Member of Council to serve on this committee and he/she shall serve at the pleasure of Council. He/she will present a report to Council through the President of Council when necessary. **Addition/verbal approval 2/4/20.**

Persons desiring to be heard by any Standing Committee of the Whole, on any matter under consideration may, by consent of the Chairman and/or President of Council, be given an opportunity to be heard thereon.

Any legislation submitted to a Standing Committee must be placed on the agenda of the Committee of the Whole within a reasonable length of time. Any Council Member may request that legislation left in committee for sixty (60) days without official action of discussion be placed on the next regular Caucus agenda. **Under no circumstances shall legislation remain in committee for more than 60 days.** Amended/Verbal Approval 9/20/16. **Amended/Verbal Approval 9/20/17.**

Any legislation assigned to a Standing Committee shall be posted on the bulletin board in the Council Office and copies placed in the Committee Chairman's mailbox at City Hall within forty-eight (48) hours after assignment and shall also be posted to the City Council website for public viewing. Amended/Verbal Approval 9/20/16.

### **NOTE:**

Representatives of the Hospital Board, Berea School Board and **Technology and Innovation Appointment** shall be appointed by the majority Members of Council. Amended/Verbal Approval 6/7/11. **Addition/Verbal Approval 2/4/20.**

### **DESIGN REVIEW COMMITTEE**

The Council President may appoint a Council member to represent City Council. The term of the Council Member shall be for two (2) years. The majority Members of Council (4) may appoint two public members, who may be residents of the City of Brook Park. The term of the public members may be five (5) years each. No member may serve for more than two consecutive full five-year terms. 1/4/16 Amended/Adopted - Organizational meeting.

### **RULE 6: QUORUM**

A majority of all the voting members elected to Council (4) shall be a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent



members in the manner and under such penalties as shall be prescribed by ordinance. (R. C. 731.44) Ed. Note: (Ordinances to be drawn.)

#### **RULE 7: ORDER OF BUSINESS**

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council shall, by a majority vote (4), suspend the rule and change the order.

- A. ROLL CALL OF MEMBERS
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS
- D. REPORTS OF STANDING COMMITTEES
- E. REPORTS OF SPECIAL COMMITTEES
- F. REPORTS OF BOARDS AND COMMISSIONS
- G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION
- H. REPORTS AND COMMUNICATIONS FROM THE MAYOR
- I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS, COMMISSIONS AND OTHER PUBLIC OFFICIALS
- J. OTHER COMMUNICATIONS AND PETITIONS AND VERBAL APPROVAL (INTRODUCTION OF NEW LEGISLATION)
- K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS
- L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER  
*Amended/Verbal Approved 10/3/17 Council.*
- M. INTRODUCTION OF ORDINANCES AND RESOLUTIONS (FIRST READING)
- N. SECOND READING OF ORDINANCES AND RESOLUTIONS
- O. THIRD READING OF ORDINANCES AND RESOLUTIONS
- P. ADJOURNMENT 1/4/16 Amended/Adopted - Organizational meeting.  
REQUIRED BY A MAJORITY VOTE OF COUNCIL  
*Amended/Verbal Approval 9/20/16.*

#### **RULE 8: OFFICERS AND EMPLOYEES OF COUNCIL**

The President of Council and, in his absence, the President of Council Pro-Tempore, shall preside over the meetings of Council. In the absence of the President of Council, the President of Council Pro-Tempore shall call the meeting to order and, if after a Roll Call, a quorum is present, shall preside until the President of Council appears, but in no event beyond such meeting, and shall discharge all the duties and be clothed with all the powers of the President of Council as such presiding officer during his absence.

In the event of the absence of both the President of Council and the President of Council Pro-Tempore, the members of Council present shall elect a member of Council to serve in such capacity and be vested with all powers of the office.

The presiding officer shall call all meetings of the Council to order at the hour appointed and shall proceed with the "Order of Business". If a quorum be present, he shall give the members an opportunity for correcting the minutes of the preceding meeting, a copy of which shall be placed

in each Council member's mailbox at City Hall at least ninety-six (96) hours prior to the next regular meeting. In the absence of any objections or corrections, the minutes shall stand approved.

He shall preserve order and decorum, prevent personalities or the impugning of members' motives, confine members in debate to the question under discussion, shall decide all points of order subject to appeal to the Council on which appeal there shall be no debate, but the member making the appeal may briefly state his reasons for the same to Council, except that the President of Council shall have the right to speak to Council to explain and/or defend any said ruling he shall make before said vote upon appeal to the Council is taken.

He shall abide strictly by "Roberts Rules of Order", dealing with Parliamentary Procedure. He shall not address himself to Council, to express his opinion upon any issue, ordinance or resolution before the Council; except that he may present a point of information, a point of order, or that he may summarize all opposing views of such issues immediately prior to and at the time of final vote thereon at which time he may then express his own opinion of any said issue, ordinance or resolution then before Council.

He shall appoint all Standing Committee Chairmen and shall appoint all select Committees as may be authorized by Council from time to time.

The presiding officer of the Council shall be an ex-officio member of all Committees of the Council.

No candidate for President of Council Pro-Tempore shall be declared elected unless he shall have received a majority vote of all voting members elected to Council. No vacancy which Council is authorized to fill shall be filled except pursuant to a majority (4) vote of all voting members elected to Council. Amended/Adopted 2/6/90.

#### **RULE 9: CONDUCT OF ELECTED AND APPOINTED OFFICIALS AT COUNCIL MEETINGS**

All elected and appointed officials shall at all times during any Regular or Special Council meeting, conduct themselves in a professional manner. They shall not use offensive language to fellow elected or appointed officials or to the attending public. They shall not personally attack either physically or verbally any elected or appointed official. They shall adhere strictly to "Roberts Rules of Order", dealing with Parliamentary Procedure.

Electronic devices of all elected and appointed officials shall be turned off or set on airplane mode during City Council meetings; **except for the Clerk of Council using her cell phone or other electronic device(s) for livestreaming purposes.** Use of electronic devices for talking, texting, email or otherwise during City Council meetings is, except for emergency communications, prohibited. It is the City Council's intent to prohibit electronic communications between Members of the Council and other persons during City Council meetings. Prohibiting communications of this type enables the Council to operate with maximum transparency and to avoid any appearance or perception of engaging in discussions or deliberations not open to the public during City Council meetings. 1/4/16 Amended/Adopted - Organizational meeting. **1/21/20 amended/verbal approval**

The President of Council shall admonish any elected or appointed officials who shall violate the provisions of this Section by the following action:

1. He shall first call a point of order, so stating the said elected or appointed official is out of order, and in violation of this Section. A record of such violation shall be kept as part of the Council Journal.
2. In the case where such abuse and violation of this Section shall continue during a Council meeting, the President of Council shall request said elected or appointed official to leave the Council floor.
3. Should such elected or appointed official refuse to leave the Council floor, the President of Council shall be empowered to order his removal.

Any elected or appointed official so charged under the provisions of this Section shall have the right to appeal to the entire Council.

The provisions of this Section shall apply equally to the President of Council, except that enforcement of Subsections 1, 2 and 3 of Paragraph 2 of this Rule shall be preceded by a majority vote of the Council upon the action to be taken.

**NOTE:** Rule 9 shall not be so construed so as to limit or suppress discussion and debate upon motions, resolutions, or ordinances. Amended/Adopted 1/18/00.

#### **RULE 10: CLERK OF COUNCIL**

The Council shall choose a Clerk and Clerk Pro-Tempore and such other employees as may be deemed necessary, and fix their compensations.

The Clerk shall keep the records of the Council and he shall keep a proper file of all papers and documents which are a part of the transactions of the Council, all orders of the Council, and shall make such records available to the public.

For the convenience of the Clerk of Council, a device may be used to record meetings whether they be Caucus meetings or otherwise, but it is understood that such records are for the convenience of the Clerk of Council only and to assure the accuracy of minutes. The minutes need not be verbatim transcripts of such records but merely reflect the general topic of discussion and specific items of legislative business. After a six-month period, tapes shall be erased and reused with the exception of tapes that have been "Referred to" where no minutes were typed and the officially adopted minutes by the majority members of Council shall be Council's permanent record. Adopted 8/2/88.

No candidate for the office of the Clerk of Council, or Clerk of Council Pro-Tempore shall be declared elected unless he shall receive a majority (4) vote of all voting members elected to Council.

In the event of the absence of both the Clerk of Council and the Clerk Pro-Tempore, the Members of Council may elect any citizen in attendance to serve as Clerk for that particular meeting only.

The Clerk of Council shall not be a Member of Council.

### **RULE 11: PROCEDURE OF MOTIONS**

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

(Note: \*Can be amended; the others cannot.)

1. Fix the time to which to adjourn (when privileged)\*
2. Adjourn (when privileged) requires a vote of majority of Council) Amended/verbal approval 9/20/16.
3. Take a recess (when privileged)\*
4. Raise a question of privilege
5. Call for the Orders of the Day
  
6. Lay on the table
7. Remove from table
8. Previous Question 2/3 (5)
9. Postpone to a certain time\*
10. Commit or refer\*
11. Amend\*
12. Postpone indefinitely
13. Main Motion

These motions shall have precedence in the order indicated. The ordinary motions rank the lowest at the bottom and highest at the top of the list. When any one of them is immediately pending, the motions above it are in order and those below it are out of order.

The first three motions are not always privilege. To “Fix the time to which to adjourn” is privileged only when another question is pending, and in an assembly that has made no provision for another meeting on the same or the next day. To “adjourn” loses its privilege character and is a main motion if, in any way qualified or if its effect if adopted, is to dissolve the assembly without any provision for its meeting again. “To take a recess” is privileged only when other business is pending.

### **RULE 12: ORDINANCES AND RESOLUTIONS**

- a. **INTRODUCTION:** Ordinances and Resolutions shall be introduced in the Council only in printed form, with the name of the Committee introducing the same endorsed thereon, or by the Mayor, except if legislation is introduced by a Councilman on the floor of Council, then it shall carry his name. All ordinances and resolutions shall be read by title only on the day introduced and shall be referred to Committee by the Presiding Officer. Addition/Adopted 1/4/16 Organizational meeting.
  
- b. **DELIVERY TO COUNCIL:** All copies of Ordinances and Resolutions to be considered at any Council meeting shall be in the hands of, or delivered to, the regular place of delivery (mailbox) for each Member of Council, seventy-two (72) hours prior to the time the meeting commences.

- c. **DELIVERY TO LAW DIRECTOR:** In order that adequate time may be given to the preparation of legislation, Members of Council shall present requests, in writing, for legislation to the Law Director not later than 5:00 p.m. on the Tuesday preceding the meeting at which such legislation is to be introduced. Legislation to be introduced under suspension of the rules must be presented to the Law Director at least one (1) week preceding introduction to Council. Amended/Adopted 1/4/16 - Organizational meeting.
- d. **PREPARATION BY LAW DIRECTOR:** All proposed Ordinances shall be certified by the City Law Director that they are in correct form. The Mayor shall attach to each Ordinance proposed by him a brief digest of the provisions thereof, and where it is proposed to amend an existing Ordinance, such digest shall indicate the change sought to be made.
- e. **APPROVAL BY FINANCE DIRECTOR ON APPROPRIATION ORDINANCES:** The Law Director shall not prepare any Ordinances nor shall the Mayor approve any Ordinances providing for the appropriation of money, unless the same shall show fully the purpose of the appropriation and fund to which it is to be charged. Amended 2/3/98 – Verbal Approval.
- f. The procedures for enacting Ordinances or Resolutions shall follow the laws of the State of Ohio, any additional stipulations as may be found elsewhere in this Charter, and any provisions adopted by a majority vote of Council, provided, however, that each Ordinance or Resolution shall be read by title only three (3) different days unless six (6) of the Members of Council eligible to vote, vote to dispense with the rules to read Ordinances or Resolutions on three (3) different days, and no other provisions of this Charter nor the general laws of Ohio shall impair or limit this rule. It shall be the expressed intent of this Section that all Ordinances and Resolutions shall be read by title only, unless there is necessity to read an Ordinance or Resolution fully and distinctly at least once at any time before passage, as determined by a majority of Members elected to Council. Amended per City Charter 11/7/95.

Nothing in this Section shall preclude any Member of Council, the President of Council, or the Mayor of the City from introducing emergency legislation on the floor of the Council meeting. In addition, nothing shall preclude such an ordinance or resolution from being passed at said Council meeting; provided however that it shall be fully and distinctly read once and the rule of three readings shall have been dispensed with by a vote of six (6) of the Members of Council eligible to vote. Amended per City Charter 11/7/95.

- g. A motion to suspend the statutory rule requiring three readings on separate days shall be debatable.
- h. **EFFECTIVE DATE OF ORDINANCES:** All Ordinances, except emergency Ordinances shall take effect upon the earliest date allowed by law after the date of their passage and publication, unless a later date be indicated therein.

- i. **AMENDING ORDINANCES OR RESOLUTIONS:** It shall be in order to amend a Resolution or Ordinance at any time, but if such Ordinance or Resolution be of general or permanent nature, and such amendment is made after the second reading, it shall be read as amended, as the second reading, and laid over to the next meeting for final action. Amended 1/17/95 – Verbal Approval.
- j. Any item placed on the table at a Council meeting may only be taken from the table at a Council meeting. If on the table for 90 days, it must be returned to the floor for legal action at the next regular scheduled Council meeting.
- k. **ORDINANCES OR RESOLUTIONS TO BE PRESENTED TO THE MAYOR FOR FINAL APPROVAL:** The Mayor shall be entitled to a seat in Council, but shall have no vote therein. He shall have the right to recommend and introduce legislation and take part in the discussion of all matters coming before Council.

Every ordinance passed or resolution adopted shall be signed by the President of Council or other presiding officer and presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution he shall sign and return it to the Clerk of Council within ten (10) days after its passage or adoption by Council, but if he does not approve it he shall deliver it within ten (10) days together with his written objections thereto, to the Clerk of Council, who shall forthwith return it to Council. The Mayor's objection shall be read at the next Council meeting and be entered in full on the Journal of Council. The Mayor may approve or disapprove the whole or any section of an ordinance or resolution. When the Mayor disapproves any section of an ordinance or a resolution, it will not affect the remaining sections of such ordinance or resolution, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution.

If the Mayor does not return an ordinance or resolution within the time limit provided in this Section, it shall take effect in the same manner as if he had signed it. When the Mayor disapproves an ordinance or resolution, or any part thereof, and returns it to the Council with his objections, Council shall, but not later than its next regular meeting, reconsider it and, if such ordinance, resolution or section is approved by the vote of at least five (5) of all Members of Council it shall become effective notwithstanding the veto of the Mayor. Amended per City Charter 11/7/95.

### **RULE 13: EMERGENCY ORDINANCES AND RESOLUTIONS**

An emergency measure is any ordinance passed by the affirmative vote of five (5) of the elected Members of Council for the immediate preservation of the public peace, health, safety or welfare in which the emergency is set forth and defined in a preamble thereto. Amended per City Charter 11/7/95.

Emergency measure shall take effect immediately upon the passage and approval by the Mayor.

If any emergency ordinance or resolution fails to receive five (5) affirmative votes of Members elected to Council, such measure shall cease to be before the Council as an emergency

measure and shall have the standing that a measure would have, had it not been read as an emergency measure. (O. R. C. 731) Amended per City Charter 11/7/95.

#### **RULE 14: AGENDA**

Council hereby requires that all ordinances and resolutions to be placed on Council's agenda for consideration at regular meetings be presented to the Clerk of Council no later than 4:30 p.m. on Thursday prior to the regular meeting. Amended/Adopted 5/15/01.

An agenda shall be prepared and made available at each Council Member's mailbox at City Hall at least ninety-six (96) hours prior to the regular meeting of Council. This agenda shall be prepared by the President of Council. Council may by majority vote, add or delete any parts of the proposed agenda.

In keeping with the aforesaid provision, (Rule 12f) regarding the reading of ordinances and resolutions by title only, the Clerk of Council shall provide, forty-eight (48) hours, (two business days) prior to the Council meeting, the following:

1. Provide in a conspicuous place in or near the Council Chambers, a copy of all ordinances or resolutions to be read by title only, for inspection by the public.
2. Provide in a conspicuous place in or near the Council Chambers, a copy of all Council meeting agenda which shall contain a short synopsis, prepared by the Law Department, of each ordinance and resolution to be read by title only for inspection by the public.

#### **RULE 15: VOTING COUNCIL**

Every Member of Council present shall vote on all questions upon call of the Yeas and Nays, except that a Councilman may abstain from voting, where he so desires.

#### **RULE 16: DIRECTOR OF LAW**

The Director of Law is requested to attend all regular and special meetings of Council and all Standing Committee meetings of Council. Members of Council may ask the Director of Law for an oral or written opinion to decide any question of law. The Director of Law shall advise the Council orally, using his/her best knowledge of the law, when so requested. The Director of Law is requested to submit a monthly written report to Council of all major outstanding law cases pending involving the City.

#### **RULE 17: HEADS OF DEPARTMENT**

All Directors (Safety, Service, Tax, Building, Recreation) are requested to attend all regular meetings of Council. Council may, by majority vote, require any head of department, chairman/member of commission and/or other public officer to appear before the Council for the purpose of rendering information in connection with the duties of his department, commission or public office.

#### **RULE 18: THE COUNCIL CHAMBER**

The s John A. Poloyne Community Center in the Council Community Room shall be under the supervision and control of the Mayor when the Council is not in session. Except as herein provided, it shall be used solely by the Council and its committees for the transaction of public business. On special occasions, the Mayor may grant use of the John A. Poloyne Community Center in the Council Community Room to any local civic organization. Application for such use must be made to the Mayor in such manner as may be prescribed by him. Any permission so granted may be cancelled or revoked by the Mayor forthwith, where necessary for the protection of City property, the preservation of order, or other sufficient reason. Amended/Verbal Approval 1/22/19 - coincides with Rule No. 1 - Meeting Place.

#### **RULE 19: PERMISSION REQUIRED TO ADDRESS COUNCIL**

Persons other than Members of the Council and City Officers shall not be permitted to address Council except upon introduction by the presiding officer. Each citizen must identify himself, and his residential address, for purpose of the Public Record. Each citizen shall at all times during any Regular or Special Council meeting conduct themselves in a professional manner. They shall not use offensive or threatening language to elected or appointed officials or to the attending public. They shall comply with the Rules of Council 2018-2019. Verbal Approval 10/18/16.

#### **RULE 20: COMPLAINTS**

The procedure for complaints shall be:

- a. All complaints involving municipal policies shall be referred to the City Council for appropriate action, and except in the most unusual case, such action shall be proceeded by report and recommendation of the Mayor and/or his departments, who shall have been given ample time and opportunity in which to investigate and to render a report.
- b. All complaints involving charges of unfair hearings or improper hearings or inadequate hearings before advisory boards and commissions shall be referred immediately to the particular board or commission concerned for a re-hearing, provided, however, that such referral shall be accompanied by a written statement, from the person charging improper hearing, which statement shall delineate the specific charges in order that the particular board or commission concerned may be able to take appropriate action.
- c. All complaints with respect to the management of the City shall be referred to the Mayor for the necessary or appropriate action in each individual case. In the case of those complaints involving the management of the City wherein the Council desires further information, then the Mayor, when so requested by a majority of the Council, shall be given adequate time in which to make the necessary investigation and report. Any and all complaints submitted by Councilmen shall be processed as follows:



Two (2) copies of the complaint shall go to the appropriate Department Head;

1. One copy to be retained by the Councilman;
2. One copy to be submitted to the Mayor;
3. One copy to be kept on file by the Clerk of Council.

#### **RULE 21: COMMUNICATIONS, ANONYMOUS COMMUNICATIONS**

All communications requested to be read in Council meetings, copies shall be given to all members of Council not less than **ninety-six (96)** hours prior to the Council meeting. This ninety-six hour requirement may be waived by the majority members of Council for communications requesting to be read which are received less than ninety- six hours prior to the Council meeting. Communications not receiving the majority vote of Council may be read at the following Council meeting. Anonymous communications shall not be introduced in Council. Amended/Adopted 1/4/16 - Organizational meeting. Amended/Verbal Approval 8/15/17. .

#### **RULE 22: COUNTY, STATE OR FEDERAL CO-OPERATED PROCEDURE**

Copies of all proposals for projects which contemplate cooperation with, or financial participation in by the County, State, or Federal Government, shall be transmitted to Council by the Mayor in written form. If a City Board or Commission desires to propose such a project, the proposal shall first be filed with the Mayor.

All proposals shall be in approved form and accompanied by proper plans and specifications conforming to the requirements of respective County, State, or Federal Government. If Council approves the proposal it shall by resolution authorize the Mayor to make application to the proper authority.

#### **RULE 23: SUSPENSION OF THE RULES**

Any provision of these rules not governed by the Charter or Code may be temporarily suspended at any meeting of the Council, by a majority vote of all voting members elected. The vote on any such suspension shall be taken by Yeas and Nays and entered upon the record.

#### **RULE 24: TO AMEND RULES**

These rules may be amended or new rules adopted by a majority vote of all voting members elected to Council. Any such alteration or amendment shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda under the order of 'J Other Communications and Petitions'. This requirement shall be waived only by a unanimous consent, with a recorded vote of all members.

#### **RULE 25: PARLIAMENTARY AUTHORITY**

Any rule not specifically covered by these listed rules, shall be determined by referral to the **latest revision of "Roberts Rules of Order"**. Amended/Verbal Approval 2/1/00. Amended/Verbal Approval 9/20/16.

#### **RULE 26: NO SMOKING**

Ohio Revised Code (ORC) 3704 prohibits smoking in public buildings. Amended/Verbal Approval 3/6/18.

**RULE 27: OFFICE ADMINISTRATOR**

The Council President or appointed Administrator shall administrate the Office of the Council with the responsibility of directing the day-to-day operations of the office, in accordance with the policies established by the majority Members of Council. In addition, the Administrator shall follow the most current personnel policies and procedures available. All rules and regulations can be amendable or nullified by a majority of Council. All expenditures in excess of five hundred dollars (\$500.00) must be approved by Council. The administrator shall serve at the pleasure of Council. Amended/Verbal Approval 2/3/98. Amended/Verbal Approval 3/6/18.

Respectfully submitted,

Michelle Blazak  
Clerk of Council

Verbally Approved - January 2, 2020 - Organizational Meeting  
Rule No. 4 - amended/verbal approval 1/21/20  
Rule No. 5 - amended/verbal approval 2/4/20  
Rule No. 2 – amended verbal approval 4/21/20

## **STANDING COMMITTEES**

### **AVIATIONS & ENVIRONMENTAL COMMITTEE**

**CHAIRMAN**

CO-CHAIRMAN

MEMBER

### **FINANCE COMMITTEE**

**CHAIRMAN**

CO-CHAIRMAN

MEMBER

### **LEGISLATIVE COMMITTEE**

**CHAIRMAN**

CO-CHAIRMAN

MEMBER

### **PLANNING COMMITTEE**

**CHAIRMAN**

CO-CHAIRMAN

MEMBER

### **RECREATION COMMITTEE**

**CHAIRMAN**

CO-CHAIRMAN

MEMBER

### **SAFETY COMMITTEE**

**CHAIRMAN**

CO-CHAIRMAN

MEMBER

### **SERVICE COMMITTEE**

**CHAIRMAN**

CO-CHAIRMAN

MEMBER

### **BOARD OF ZONING APPEALS**

**CHAIRMAN**

CO-CHAIRMAN

MEMBER

**SOUTHWEST GENERAL HEALTH CENTER:**

**BEREA BOARD OF EDUCATION:**

**TECHNOLOGY & INNOVATION COUNCIL REPRESENTATIVE**

