VILLAGE OF YELLOW SPRINGS, OHIO

Resolution 2019-10

AMENDING RULES AND PROCEDURES FOR COUNCIL

WHEREAS, the Charter for the Village of Yellow Springs, Ohio, calls for Council to adopt rules and procedures governing its meetings; and,

WHEREAS, Council for the Village of Yellow Springs wishes to amend its Rules and Procedures to clarify permissible behavior during meetings and to amend the order of the regular agenda,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY RESOLVES THAT:

Section 1. The attached rules (Exhibit A) and procedures are hereby adopted with the requested changes and clarifications.

Section 2. These rules and procedures shall take effect at the earliest date permitted by law.

_____
Brian Housh, President of Council

Passed: 3-18-2019

Attest: _____
Judy Kintner, Clerk of Council

Roll Call:

Housh__Y___ MacQueen_Y__ Stokes_Absent___

Kreeger__Y__ Sanford__Y_

Exhibit A

March 18, 2019

VILLAGE OF YELLOW SPRINGS COUNCIL
RULES AND PROCEDURES

Ethics

Council Members shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced. Each member of Council, the Village Manager and Clerk of Council shall become familiar and comply with the most current version of the Ohio Ethics Laws (O.R.C. Ch. 102 summarized in Attachment 1) and Related Statutes (O.R.C. Ch. 2921 summarized in Attachment 2), specifically, as they apply to elected officials and public employees of Villages. The President of Council will ensure that each Council member receives a copy of the Ohio Ethics Laws and Related Statutes upon his or her election or appointment. Any Council member or Employee who believes that he/she may have a conflict of interest with a pending issue should seek the advice of the Village Solicitor or Ohio Ethics Commission prior to entering into any discussion or voting on that issue.

Meetings

All meetings of Council shall be properly advertised and, with the exception of executive sessions (see below), shall be open to the public regardless of whether they are regularly scheduled meetings, special meetings or emergency meetings. Three (3) Council members constitute a quorum, which is required to hold any meeting.

Regularly Scheduled Council Meetings will convene at 7:00 p.m. on the first and third Mondays monthly (except when Monday is a recognized holiday, in which case the meeting will be held on Tuesday of that week) in Council Chambers (unless otherwise advertised) located on the second floor of the John Bryan Community Center. The Clerk of Council will present a meeting schedule for the coming year at a regular Council meeting by December of the preceding year. Additionally, notice specifying time, place and agenda shall be published the week prior to the regularly scheduled meeting in a local newspaper of general circulation. Council will endeavor to conclude the regular meeting by 9:30 p.m.

Work Sessions may be called at times when Council wishes to hear more extensively from staff or advisors and wishes to facilitate additional citizen response and input than can be afforded in a Regular Meeting of Council. A Work Session agenda shall be noticed as is a Regular Meeting agenda, and may omit some agenda items seen on the Regular Meeting agenda in the interest of increasing time for participation regarding the topic of the Work Session. Legislation may be heard at a Work Session and must be noticed per Charter specification.

Special Meetings may be called by the President of Council, by two Council members, or by an affirmative vote of the majority of Council taken at any Regular or Special Meeting, to conduct non-emergency Council business that should be addressed before the next regularly scheduled meeting. All news media outlets that have requested such notification will receive 24-hour minimum advance notification of any Special Meeting with time, place and purpose of the meeting being stated. No other matters may be put to a vote after notice is given.

Emergency Meetings may be called by the President of Council to address issues that are time-sensitive and must be addressed immediately. All such meetings shall comply fully with the requirements of Ordinance 2009-20, which is summarized in Attachment 3.

Exhibit A

Emergency Meeting notices will posted on the Village Facebook and website locations within the same time period that news media notification is made.

All Council members will be notified of the time, place and purpose of each Special Meeting or Emergency Meeting. The President of Council, Village Manager and Clerk of Council may jointly coordinate the notification of Council members.

The Clerk of Council shall be responsible for ensuring that advance notification of all meetings is accomplished and notices are displayed as described above.

Executive Sessions may be called at any meeting on affirmative vote of the majority of Council members present to deal with matters relating to personnel, real estate, litigation and other such matters as permitted by the laws of the State of Ohio. (Charter, Section 14, summarized in Attachment 4, and Chapter 121.22 of the ORC: http://codes.ohio.gov/orc/121.22).

Additionally, state law permits the following reasons to hold executive sessions:
1. Preparing for, conducting or reviewing collective bargaining strategy.
2. Matters required to be kept confidential by federal law, federal rules or state statutes.
3. Specialized details of security arrangements in which disclosure of the information to be discussed in executive session might reveal information that could be used to commit, or avoid prosecution for, a violation of the law.

Council may invite such persons to Executive Session as may be required for advice and information.

Meeting Agenda & Materials

The Clerk of Council shall work with the President of Council and the Village Manager in constructing the agenda for each Council meeting. Items to be considered for the agenda will be accepted until 5:00 p.m. on the Thursday ten days prior to the next scheduled meeting.

The Clerk of Council shall cause to be placed into the possession of each member of Council and the Village Manager, seventy-two (72) hours in advance of the regular meeting, a packet containing the meeting agenda, minutes of the previous meeting, proposed/pending legislation, reports and communications. The same information will be placed in the Bryan Center lobby, online at www.yso.com, on the Village Facebook page, and at the Public Library, in advance of a regularly scheduled meeting.

The Clerk of Council will work with the Village Manager to provide comprehensive reports and other information as deemed appropriate to Council members by the most efficient means possible as soon as those items become available. When time allows, those materials will be added to the information available to the public. Meeting materials will also be available on a table outside Council Chambers on the day of the meeting.

Meeting Minutes

The Clerk of Council will prepare and maintain full and accurate minutes of all meetings. These minutes shall provide sufficient facts and information to permit an understanding of the rationale behind Council decisions.

Order of Business

1. Call to Order
2. Roll Call
3. Executive Session

4. Swearings In (Third Mondays)
5. Announcements
6. Consent Agenda
7. Review of Minutes
8. Review of Agenda
9. Review Petitions/Communications
10. Public Hearings/Legislation
11. Hear Special Reports
12. Hear Citizens' Concerns
13. Discuss Old Business
14. Discuss New Business
15. Village Manager's Report
16. Assistant Village Manager's Report
17. Clerk's Report
18. Standing Reports (Third Mondays)
19. Agenda Planning
20. Adjournment

Council may decide during the Agenda Review at the beginning of the meeting to vary from this order as needed.

Recess

The presiding officer may call for a seven (7) minute recess, for the convenience of the Council and citizen participants at his or her discretion, or at the request of another Council person or staff participant, especially when a regular meeting extends beyond two and one half hours and is expected to continue for more than one half (1/2) hour. The meeting will reconvene promptly after seven (7) minutes.

Decorum

While the Council is in session, order and decorum must be preserved. Therefore, Council members and citizen participants shall observe rules for debate and participation outlined below, and shall not, by conversation or other means delay or interrupt the proceedings or disturb duly recognized speakers. Council will endeavor to communicate Council rules during meetings, but persons who ignore or violate Council rules or refuse to follow the orders of the presiding officer may be asked to leave the premises.

Rules of Debate

Council meetings will be conducted using Robert's Rules of Order http://www.rulesonline.com/ as a general guideline. The President, Vice President or other member of the Council who may be presiding shall not be deprived of any rights and privileges of a Council member (move, second and debate, etc.) by reason of acting as the presiding officer.

Council members shall wait until the presiding officer has recognized them before speaking. A member, once recognized, shall not be interrupted except under the general guidelines of parliamentary debate.

Citizen Participation

Village Council, in convening its meetings, shall provide for, encourage and assist public participation. Procedures for public participation are intended to promote further dialogue, the full sharing of information and perspectives, and thoughtful analysis of the issues before Council.

Comments from the public are welcomed at two different times during the course of a regular meeting: (1) Comments on items not on the Agenda will be heard under Citizens

Concerns, and (2) Comments on all items listed on the Agenda will be heard during Council's consideration of said item, subject to the following guidelines:

1. The presiding officer must recognize citizens wishing to speak. When they have been recognized, they shall go to the microphone, give their name, and state the subject of their concern or comment.
2. Comments shall be addressed to the presiding officer. No conversations will be carried on between individual citizens in attendance or with individual Council members, except as recognized by the presiding officer.
3. The use of profane or threatening language or gestures while making comments will not be tolerated.
4. Individual comments should be limited to three (3) minutes with only one (1) comment per person. Persons with other views on the same subject will be given equal time for response. The presiding officer may terminate continued discussion at any point in the discussion after opposing views have been equally addressed.
5. In consideration of citizens speaking on any aspect of a matter, no clapping, verbal approval or disapproval or display of signs is permitted in Council Chambers.
6. A Sign-In sheet will made available outside Council Chambers. Please write your name and the topic you wish to discuss.
7. Citizens should address all staff and/or personnel matters to the Village Manager prior to coming to Council.
8. All cell phones shall be silenced during meetings.

Public Hearings

The second reading of each proposed ordinance is designated a Public Hearing, **the official opportunity for citizens to be heard**. Citizens are encouraged to comment and make inquiries as to the nature or impact of the ordinance or to offer their approval if that is their desire. The presiding officer will open the floor to public hearing after the second reading and following a motion to adopt and a seconding by Council. Following the public hearing, Council will hold a discussion and take appropriate action.

In time-sensitive situations, an ordinance may be declared an emergency, which means it will go into effect immediately rather than in thirty days as is standard for an ordinance. An Emergency Ordinance can have one or more readings with the final reading including a Public Hearing.

Resolutions will not normally require public hearing. However, the scope of the particular resolution may be such that it warrants such a hearing. When that is the case, the process will follow the same procedure for the second reading of an ordinance.

Reports to Council from commissions or task forces may also be designated public hearings, at which time the public is encouraged to express its views and opinions on the subject matter to Council.

Public comments should be limited to three (3) minutes with only one (1) comment per person. Persons with other views on the same subject will be given equal time for response. The presiding officer may terminate continued discussion at any point in the discussion after opposing views have been equally addressed.

Other Agenda Items

The presiding officer may recognize members of the public who are in attendance during discussion of other agenda items, when and to the extent it is appropriate.

Exhibit A

Letters to Council

Letters to Council must be received by the Clerk of Council by 10:00 a.m. on the Friday preceding a regularly scheduled meeting to be considered in that meeting. Items received after 10:00 a.m., unless having direct bearing on a topic slated for discussion, will be held without review or action until the following regularly scheduled meeting unless it is determined that such delay would create an emergency or require special action on the part of Council or Village staff. Regarding the aforementioned: Items having direct bearing on a topic of consideration for that meeting will be made available to Council Members at the Council table and by e-mail. To the extent possible, Council Members will endeavor to review all such material prior to the start of the Council Meeting.

Reserved Time Participation

Any group or individual wishing to make an oral presentation to Council may, by notifying the Clerk of Council not later than 10:00 a.m. on the Thursday ten days before the next regularly scheduled meeting, make a request to Council to be placed on the agenda. A short summary defining the intention of the presentation must be provided to the Clerk at that time.

Any such addition to the Agenda requires the approval of Council. Council may elect to defer the presentation to the following meeting, to request further information regarding the group or the presentation, or, if appropriate, to deny the request altogether. In the latter instance, the group or individual may still elect to speak during Citizen Concerns.

Any materials for inclusion in the Council packet must be delivered to the Clerk of Council not later than 5pm on the Thursday preceding the meeting.

Please contact the Clerk of Council regarding this procedure. Appropriate time periods for public review and comment will be determined for each report.