

VILLAGE OF WAKEMAN, OHIO
ORDINANCE NO.: 2018-O-1

AN ORDINANCE AMENDING SECTION 105.05 OF THE WAKEMAN CODIFIED CODE RELATING TO THE RULES OF PROCEDURE FOR CONDUCTING ALL PUBLIC MEETINGS AND HEARINGS IN THE VILLAGE OF WAKEMAN, OHIO, AND REPEALING ANY AND ALL OTHER ORDINANCES AND/OR RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, the Fiscal Officer has informed the Council that sections 105.05 and 123.01 of the Wakeman Codified Code relative to the posting places for the meeting minutes and the publication of ordinances and resolutions are currently inconsistent; and

WHEREAS, Council has determined that it is necessary to amend section 105.05 of the Wakeman Codified Code relative to the posting places for the meeting minutes of the Council and repeal and replace any and all other ordinances and/or resolutions inconsistent herewith; and

THEREFORE, BE IT ORDAINED, BY THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. Section 105.05 of the Wakeman Codified Code, is hereby amended as follows:

105.05 RULES OF PROCEDURE FOR CONDUCTING PUBLIC MEETINGS AND HEARINGS.

(a) Conduct of Meetings and Hearings. All public meetings and hearings shall be conducted by the appropriate official as prescribed by Ohio law or Village Ordinance as set forth below. The Mayor shall preside over the Council and in his or her absence the president pro tem shall be the presiding officer. In the event both the Mayor and the president pro tem of council are absent from any meeting or hearing, the remaining members of Council shall elect one of those present to preside over that meeting or hearing. In regard to the committees of Council and the other boards and commissions of the village, the chairperson shall preside and if he or she is absent from the meeting or hearing, the remaining members shall elect one of those present to preside over that meeting or hearing.

All meetings and hearings of the Council, and the various committees, boards and commissions of the Village shall be conducted in compliance with §121.22 of the Ohio Revised Code, the Ohio Sunshine Law.

(b) Parliamentary Procedure Authority. The general rules of Parliamentary Procedure utilized by the Ohio Legislature are hereby adopted for conducting all of the meetings and hearings of the Council, its committees, as well as the boards and commissions of the Village, with the special provisions provided in Sections (c) through (i) herein.

(c) Recognition of persons at Meetings or Hearings. All persons desiring recognition at any public meeting or hearing shall request recognition only through the presiding officer, but only after the floor of meeting is returned to said presiding officer and the person requesting recognition is recognized by the presiding officer. Interruptions from either the floor or by other members of the body in session shall not be tolerated.

(d) Speaking on the Floor. Upon recognition by the presiding officer, the person so recognized shall state and spell his or her name and address for the record and inclusion in the minutes of the meeting or hearing. The person so recognized may then state his or her business or testimony. All comments shall be directed through the presiding officer unless the presiding officer permits otherwise. The presiding officer is hereby authorized to terminate recognition of any person when, in the presiding officer's discretion, the discussion at hand has reached a logical conclusion, or that the person so recognized has become either disruptive or unruly and further discussion of the matter would be of no value.

(e) Disturbing a Lawful Meeting. Failure of any person to follow these rules shall result in that person being removed from the meeting or hearing at the request of the presiding officer. In the event the person refuses to remove himself or herself from any meeting or hearing as requested by the presiding officer, the presiding officer shall request that any police officer of the village police department in attendance or, if no officer is in attendance, the presiding officer will contact an available police officer to escort the person from the meeting. In the event the person requested to leave fails to obey the police officer, then the person requested to leave may be charged with Disturbing a Lawful Meeting, a violation of either §2917.12 of the Ohio Revised Code or §509.04 of the Codified

Ordinances of Wakeman, Ohio. Said police officer is hereby authorized to arrest said offender, physically remove the offending person from the meeting room, and proceed with filing a charge of Disturbing a Lawful Meeting in a court of competent jurisdiction.

(f). Absence. In the event that any member of Council is unable to attend either a regular or special Council meeting or hearing, he or she shall notify any one of the following: the Mayor, Clerk or Village Fiscal Officer, or any other member of Council at anytime prior to the meeting or hearing. Thereafter, proper procedures shall follow at the Council meeting or hearing to excuse said member from the meeting or hearing.

(g). Agenda. Visitors and/or subject matters to be inserted into the Council meeting agenda. Anyone who desires to be recognized or wanting subject matter inserted into the agenda must notify the Clerk or Fiscal Officer not later than 4:30 p.m., five (5) days prior to the Council meeting or hearing. Therefore, if a person wants to submit a topic for the agenda of a regular Council meeting, the person must contact the Clerk or Fiscal Officer not later than 4:30 p.m. of the Thursday prior to the second Monday of the month.

The agenda shall consist of the following order of business:

Pledge of Allegiance to the Flag of the United States;

Prayer;

Citizens participation for items not on the agenda

Old Business;

New Business;

Reports from: the Mayor; Council; Village Administrator; Chief of Police; Zoning Inspector; Village Solicitor; Clerk or Fiscal Officer, and comments from visitors; and

Citizens Participation.

(h) Logging Visitors at Meetings or Hearings. The Clerk or Fiscal Officer will circulate a register sheet for visitors to sign their name, address, and reference to the subject matter of importance to that person. The register sheet shall be deposited with the presiding officer early in the order of business for that meeting or hearing.

(i) Minutes. Minutes are required for all regular and special Council meetings or hearings, as well as for Council committee meetings.

Committee Meetings: At each meeting of any committee of Council, one person shall be appointed to take minutes relative to what business was discussed and transacted at that committee meeting. After the minutes are prepared, copies shall be distributed to the Mayor, Clerk or Fiscal Officer, and the other members of Council for their reference and records.

Council Meetings or Hearings: The Clerk or Fiscal Officer shall prepare, in writing, the Minutes of each meeting or hearing or Council pursuant to section 733.27 of the Ohio Revised Code. In the event the Clerk or Fiscal Officer is absent from any meeting or hearing of Council, the Council shall elect one its members to take and prepare the minutes. All meeting or hearing minutes are required to be in written form. The minutes of each meeting or hearing of Council shall be prepared and placed in each councilperson's mailbox at the village five (5) days prior to the next regular meeting of the council. After the minutes are presented and approved by Council, they shall be posted at the following places: ~~Mickey Mart; Wakeman Food Center; Wakeman Post Office; Key Bank; and Wakeman Public Library.~~ **AS SET FORTH IN SECTION 123.01 OF THE WAKEMAN CODIFIED CODE.**

SECTION 2. Any and all other ordinances and/or resolutions inconsistent herewith are hereby repealed rescinded and replaced.

SECTION 3. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this Ordinance/Resolution shall take effect at the earliest period allowed by law.

PASSED AND ADOPTED on this _____ day of _____, 2018.

AUTHENTICATION and ATTESTATION

(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.

MAYOR

FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: _____ NAYS: _____ ABSTAIN: _____

First Reading: _____

Second Reading: _____ (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

Third Reading: _____ (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

APPROVED AS TO FORM:

Steven Palmer, Village Solicitor

CERTIFICATE OF POSTING

(RC 731.21 and 731.25)

In a municipal corporation in which no newspaper is generally circulated, I hereby certify pursuant to R.C. 731.24, that a summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days at the following locations:

1)Wakeman Public Library, 18 East Abbott Street; and 2) Key Bank, 11 West Main St.; and 3)Wakeman Post Office, 17 West Main St.; and 4) Village of Wakeman Municipal Building, 59 Hyde Street; and 5) Mickey Mart, 52 West Main Street.

FISCAL OFFICER