

RECORD OF ORDINANCES

ORDINANCE 01-2022

ORDINANCE APROVING TITLE THREE-LEGISLATIVE CHAPTER 121 OF THE GENOA CODIFIED ORDINANCE TITLED COUNCIL FOR THE YEAR 2022 AND DECLARING AN EMERGENCY.

WHEREAS, the Genoa Village Council has reviewed the prior Council Rules and desires to adopt these rules for the year 2022;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GENOA, OTTAWA COUNTY, OHIO:

SECTION 1. That Genoa Village Council adopts the Council Rules as provided in Title Three-Legislative Chapter 121, for the year 2022.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the Village of Genoa and the State of Ohio.

SECTION 3. That this Ordinance constitutes an emergency measure because the proper and efficient operation of the Village government is necessary for the preservation of the public peace, safety, and welfare of our citizens. This ordinance shall be in full force and effect immediately after its passage by the Mayor.

Vote to suspend rules: For: 5 Against: 0

Vote on emergency clause: For: 5 Against: 0

Vote on final adoption: For: 5 Against: 0

ADOPTED 1.3.2022 As an emergency measure.

ATTEST:


Clerk of Council


President of Council

APPROVED AS TO FORM:


Village Attorney

APPROVED:


Mayor

FISCAL OFFICER'S CERTIFICATE AS TO PUBLICATION

This is to certify that publication was duly made as provided in Ordinance 67-2017 adopted by the following method:

By posting certified copies thereof in the six (6) public places specified in Section 105.01 of the Codified Ordinances of the Village of Genoa, and by Ordinance 67-2017, said posting having been accomplished on the following date: 1-7, 2022.


Fiscal Officer

CHAPTER 121

Council

EDITOR'S NOTE: Pursuant to Ordinance 1-2020, passed January 6, 2020, Council adopts the Council Rules as provided in Title Three - Legislative Chapter 121, for the year 2020.)

- 121.01 Meetings.
- 121.02 Applicability of rules.
- 121.03 Rules of Council.
- 121.04 Use of Village stationary and communication facilities.
- 121.05 Public participation.
- 121.06 Temporary chairperson.
- 121.07 Power of chair to vote.
- 121.08 Attendance at meetings.
- 121.09 Special committees.
- 121.10 Passage of ordinances and resolutions.
- 121.11 Amending rules.
- 121.12 Suspension of rules.
- 121.13 Duties of Solicitor.
- 121.14 Vacancies.
- 121.15 Effective date of legislation.
- 121.16 Committee meetings.
- 121.17 Declaring vacancy.

CROSS REFERENCES

- General powers - see Ohio R.C. 715.03, 731.47
- Composition and term - see Ohio R.C. 731.09
- Qualifications - see Ohio R.C. 731.43
- Vacancy - see Ohio R.C. 731.43
- Meetings - see Ohio R.C. 731.44, 731.46
- Rules and journal - see Ohio R.C. 731.45
- Misconduct - see Ohio R.C. 733.72 et seq.
- Open meetings - see Ohio R.C. 121.22; ADM. Ch. 105

121.01 MEETINGS.

(a) Regular Meetings. Regular meetings of Council, commencing April 4, 2016, shall be held in the Council Chambers at 7:00 p.m. on the first and third Mondays of each month. Should any holiday fall upon the date for a regular meeting, Council shall appoint another date within the same month in lieu thereof. Council may, by majority vote, change the day and hour of holding any regular meeting or adjourn the same to a day and hour determined by a like vote of the members present, if constituting a quorum.
(Ord. 11-2016. Passed 4-4-16.)

(b) Special Meetings. Council shall hold such special meetings as may be found necessary, which meetings may be called by the Clerk, upon the written request of the Mayor or upon the written request of three members of Council. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered thereat, and no other subject or subjects shall be considered. The Clerk-Treasurer shall give twelve hours' notice, in writing, of such special meeting to each member of Council and to the Mayor by personal service or by delivery thereof at their usual place of residence. Such written notice shall contain an agenda of the subject matter to be considered at such special meeting.

(c) Notice to Media. At least twenty-four hours prior to a special meeting the notice of such meeting, including an agenda of legislation to be considered, shall be posted by the Clerk-Treasurer according to Section 123.01 and given to the media who have so requested notification. (Ord. 17-00. Passed 3-6-00.)

121.02 APPLICABILITY OF RULES.

The rules and regulations in Section 121.03 are established for all meetings of Council. (Ord. 17-00. Passed 3-6-00.)

121.03 RULES OF COUNCIL.

(a) Open to Public. All meetings of Council and any other board or commission 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. Strict confidentiality shall be maintained by all Council Members, Clerk-Treasurer, Mayor and other present, regarding topics lawfully discussed in executive sessions.

(b) Organization. The organization of Council shall be as follows:

(1) Council Members shall at the first regular Council meeting of each year have an organizational meeting including the election of Council President. The vote for Council President shall be by ballot.

(2) The Council President presides in the absence of the Mayor.

(3) The Clerk-Treasurer of the Municipality shall attend all Council meetings, regular and special, record all proceedings in the minutes and have minutes available within forty-eight hours after a meeting. The minutes shall be done on the Village computer and backed up regularly. The Clerk-Treasurer shall prepare an agenda for every Council meeting and attend to all correspondence incidental to the office, including the acknowledgment of donations and perform such other duties as may be lawfully assigned to the Clerk-Treasurer by vote of Council. Such duties, however, may not exceed the range of duties and powers contained in the Ohio Revised Code including, but not limited to, Sections 733.27, 733.28 and 733.29.

(c) Standing Committees.

(1) The standing committees of Council are:

A. Streets and Sidewalks. The purpose of the Streets and Sidewalks Committee is to monitor the issues pertaining to maintaining streets, alleys, and sidewalks within the Village, including but not limited to:

1. Streets, Alleys and Curbs:
 - a. Maintenance
 - b. New Construction
 - c. Curbs and driveway aprons
 - d. Weight limits
 - e. Parking
2. Sidewalks:
 - a. Maintenance
 - b. New Construction
 - c. Inspection

B. Utilities. The purpose of the Utilities Committee shall be to monitor all issues pertaining to electric, water, and sanitary/storm sewer matters, including but not limited to:

1. Electric:
 - a. Fee arrangements
 - b. Expansion
 - c. System requirements
 - d. Contract review
2. Water:
 - a. Fee arrangements
 - b. Expansion
 - c. System Requirements
 - d. Contract Review
3. Sanitary and Storm Sewers:
 - a. Fee arrangements
 - b. Expansion
 - c. System Requirements
 - d. Contract Review.

C. Finance/Insurance.

1. Finance. The purpose of the Finance Committee shall be to monitor all issues pertaining to Village finances, including, but not limited to:

- a. Appropriations;
- b. Review and make recommendations on methods to finance capital improvement projects;
- c. Review of financial and budgetary procedures.

2. Insurance. The purpose of the Insurance Committee shall be to monitor all insurance issues in the Village, including but not limited to:

- a. Employee health and life insurance policies;
- b. Insurance on all Village owned properties;
- c. Liability insurance on Village owned properties.

D. Safety. The purpose of the Safety Committee shall be to monitor all issues pertaining to the Police Department and safety in the Village.

E. Ad-Hoc. The purpose of the Ad-Hoc Committee shall be to monitor all issues presented to it that are not covered under the other Committees, including, but not limited to:

- 1. Senior Citizens' Building and old hardware;
- 2. Matters concerning citizens' understanding and involvement in Village issues, the promotion of civic pride and other matters of similar nature to be determined by the Mayor.

F. Economic Development Committee. The purpose of the Economic Development Committee shall be to work with the Village to promote economic development growth, and monitor all issues related to economic development, including, but not limited to:

- 1. Soliciting businesses to establish themselves in the Village retail, commercial, and industrial.
- 2. Utilize the Village web site, and other available means to promote the benefits the Village can offer new businesses.

3. Maintain communications with other local agencies, i.e. township, county, CIC, etc.
(Ord. 17-00. Passed 3-6-00.)

G. Personnel. Council does hereby establish a Personnel Committee of Village Council, and will consist of three members of Council appointed by the Mayor, and approved by Council. The purpose of the Personnel Committee shall be to work with the Village Administrator to update and amend policies and procedures relevant to the Personnel Policy Manual and ensure that annual employee evaluations are conducted.

(Ord. 10-08. Passed 4-7-08.)

H. Parks and Public Grounds Committee. The purpose of the Parks and Public Grounds Committee is to review issues regarding all parks, recreational issues, and management of municipal owned properties.

(2) Council Board Representatives appointed by the Mayor and approved by Council:

- A. Regional Planning Commission;
- B. Planning Commission;
- C. Income Tax Review Board;
- D. Records Commission;
- E. Firemen Indemnity/ Fire District Board;
- F. Downtown Design Review Board.

(3) Other Representatives appointed by the Mayor and approved by Council:

- A. CIC Trustees;
- B. Audit Committee.

(4) 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 Mayor. After due consideration of all requests, the Mayor shall appoint the members of all committees, with approval by Council. The Mayor shall also name the chairpersons of each committee.

(5) The chairperson shall keep minutes, or shall appoint a person to take the minutes, of each meeting and shall so submit them in writing to Council as a whole. Minutes shall be given to the Clerk-Treasurer by noon at least two business days prior to each Council meeting.

(6) Standing committees 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.

(d) Conduct of Meetings.

(1) Agenda. The Clerk-Treasurer shall prepare an agenda to be brought before Council. The agenda shall be given to the Council Members and officers and the Solicitor at least one business day prior to the meeting. Council Members shall inform the Clerk-Treasurer at least four business days prior to the meeting of ordinances or resolutions that require preparation and for items, known to them at the time, to be discussed. Introduction, discussion and action on new ordinances, resolutions or proclamations is not limited to these prepared items.

(2) Call to Order. The Mayor, or in his absence, President of Council, shall take the chair at the hour appointed for the meeting and shall immediately call the Council to order.

(3) Roll Call. The Clerk-Treasurer shall call the roll of the members and the names of those present shall be entered in the minutes.

(4) Minutes. Minutes of the previous meeting shall be sent to all Council Members at least one business day prior to each Council Meeting. Such minutes may be approved without reading by a majority vote of Council.

(5) Quorum and Procedure. Four Council Members shall constitute a quorum for the transaction of any business at any meeting of Council, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or the Revised Code. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted and any other action by the affirmative vote of four Council Members, unless a larger number is required by the laws of Ohio.

A. Whenever the term "majority" is used in this chapter, unless otherwise expressly indicated, it shall mean a majority of those members elected or appointed to Council.

(6) Order of Business. All meetings of Council shall be open to the public, except those portions allowed for executive session in the Ohio Revised Code. Promptly at the hour set by law on the day of each regular meeting, the Council Members, Clerk-Treasurer, and Mayor 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:

- A. Call to Order
- B. Pledge to the Flag
- C. Roll Call
- D. Approval of the Minutes
- E. Engineer's Report

- F. Administrator's Report
- G. Clerk-Treasurer's Report - Payment of bills;
- H. Recreation Board
- I. Zoning Administrator's Report
- J. Mayor's Report
- K. Committee Reports:
 - Streets and Sidewalks
 - Utilities
 - Finance
 - Safety
 - Ad Hoc
 - Insurance
- L. Anyone wishing to address Council
- M. Ordinances/Resolutions
- N. Adjournment.

(e) Motions. Receiving a motion when a question is before Council: When a question or a proposal 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 that 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.

(f) Correspondence. All correspondence requested by the Mayor or Council shall be noted in the minutes and copies provided to all Council Members prior to the next scheduled Council meeting.

(g) Roberts Rules of Order. Except as otherwise provided, Roberts Rules of Order shall govern the deliberations of Council. The Mayor, Clerk-Treasurer, Solicitor and Council Members shall be provided with a copy of the Roberts Rules of Order.
(Ord. 01-2018. Passed 1-2-18.)

121.04 USE OF VILLAGE STATIONARY AND COMMUNICATION FACILITIES.

Council members are hereby to be provided with and authorized to use official Village stationary and postage when sending correspondence only when the content of the correspondence is concerning action taken by either committee of Council, acting as a committee, or by Council, as a body. Council members shall have similar use of all Village communication facilities (telephone, facsimile, Website, etc.) for similar purposes. Any form of correspondence/communication shall be approved by a majority of the committee requesting the correspondence/communication.

(Ord. 17-00. Passed 3-6-00.)

121.05 PUBLIC PARTICIPATION.

All regular Council meetings shall contain a time for public participation. Comments from the visitors, unless requested by a majority vote, shall be limited to that portion of every council meeting set aside for visitors in Section 121.03(d), (6)K. Persons desiring to address the Council must first secure recognition of the chairperson before they speak. All persons securing permission to address Council must first give their names and home addresses for the record. Remarks must be confined to one subject at a time and the speaker shall be provided a maximum of five minutes, unless the requirement is waived by a majority of Council. All personalities must be avoided and the Chair's call to order must be obeyed. Persons violating this order may be removed by the Sergeant of Arms from the Council Chamber before any further business is conducted.

(Ord. 17-00. Passed 3-6-00.)

121.06 TEMPORARY CHAIRPERSON.

In case of the absence of the Mayor and the President of Council, the Clerk-Treasurer shall call the Council meeting to order. The Clerk-Treasurer shall call the roll and if a quorum is found to be present, the Council shall then proceed to elect by a majority vote the president pro-tem of the meeting until the appearance of the Mayor or President of Council.

(Ord. 17-00. Passed 3-6-00.)

121.07 POWER OF CHAIR TO VOTE.

The Mayor shall have no voting power and shall have no vote except in the event of the tie vote of Council Members present. In such a case, the Mayor shall have the power to vote and his vote shall have the same legal effect as the vote of a Council Member. Any Council Member serving as chair person shall have the same power to vote as other members.

(Ord. 17-00. Passed 3-6-00.)

121.08 ATTENDANCE AT MEETINGS.

(a) Absence. Council Members shall make every effort to notify the Mayor or Clerk-Treasurer of their absence prior to a Council meeting.

(b) Excused During Meeting. No Council Member shall be excused while Council is in session except by permission of the Chair.

(Ord. 17-00. Passed 3-6-00.)

121.09 SPECIAL COMMITTEES.

The Mayor may appoint special committees, as he deems necessary. However, no topic may be assigned to a special committee that is already before or the province of a standing committee unless the members of the standing committee unanimously agree.

(Ord. 17-00. Passed 3-6-00.)

121.10 PASSAGE OF ORDINANCES AND RESOLUTIONS.

(a) The following procedures shall apply to the passage of ordinances and resolutions by Council:

(1) Each ordinance and resolution shall be read by title only, provided Council may require any reading to be in full by a majority vote of its members.

(2) Each ordinance or resolution shall be read on three different days, provided Council may dispense with this rule by a vote of at least three-fourths of its members.

(3) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the minute book.

(4) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of Council.

(b) Action by the Council, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

(c) Emergency ordinances and resolutions require a vote of two-thirds of all members elected to Council, and must set forth the reason for the emergency in one section of the ordinance. If the emergency ordinance or resolution fails to receive the required two-thirds affirmative vote, but receives the necessary majority for passage as a non-emergency ordinance or resolution, it shall be considered passed as such and shall become effective as provided in the case of a non-emergency ordinance or resolution.

(Ord. 17-00. Passed 3-6-00.)

121.11 AMENDING RULES.

A majority vote is required to alter, amend, rescind or supplement these rules. Any proposed alterations or supplements shall be submitted in writing at a regular meeting placed upon the calendar for presentation at the next regular meeting under the order of new business. By three-fourths recorded vote of all members elected or appointed to Council, such proposed alterations, amendments or supplements shall be adopted at the meeting at which they are presented.

(Ord. 17-00. Passed 3-6-00.)

121.12 SUSPENSION OF RULES

No rule shall be suspended except by three-fourths vote of all members, elected or appointed to Council, except as may be otherwise provided in the Council Rules.

(Ord. 17-00. Passed 3-6-00.)

121.13 DUTIES OF SOLICITOR.

(a) In addition to the duties outlined in Revised Code Section 705.11 the Solicitor may, when requested by a Council Member, give a verbal opinion on any question of law concerning municipal affairs in open Council, which shall be recorded in the minutes. The Mayor, Council Members and the Village Administrator may request written legal opinions from the Solicitor.

(b) Ordinances and resolutions may be prepared and reviewed by the Solicitor before final passage. Any Council member, the Mayor or Clerk-Treasurer may request preparation of an ordinance, resolution or proclamation.

(c) The Solicitor shall attend all regular sessions of Council and any special session or committee meeting as requested by the Mayor or a majority of the Council members assigned to the committee.

(Ord. 17-00. Passed 3-6-00.)

121.14 VACANCIES.

The Council of the Village of Genoa has adopted as Policy Section 731.43(A) of the Ohio Revised Code. Pursuant to Section 731.45 of the Ohio Revised Code the following rules apply to filling a vacancy on Council.

(a) The vacancy will be posted as well as advertised in the local newspaper(s) for a period of not less than three days.

(b) The posting/advertising will ask perspective candidates to send a resume to the Clerk-Treasurer before a specific date that will be identified in the posting/advertisement.

(c) Upon Council reviewing all resumes received, Council shall determine an interview schedule, if needed, and the Clerk-Treasurer shall inform the necessary candidates.

(Ord. 17-00. Passed 3-6-00.)

(d) At a scheduled Council meeting, Council members may place in nomination perspective candidates to fill the vacancy. Council will then vote to fill the vacancy. A majority vote of the remaining Council members is necessary for election. In case of a tie vote, Council may waive the rules to allow the Mayor to break the tie.

(Ord. 30-12. Passed 9-4-12.)

(e) The Clerk-Treasurer shall certify the results of the voting and attach the ballots to the official minutes of the Council meetings.

(f) If Council fails to, within thirty days, fill such vacancy the Mayor shall fill it by appointment except that, when the vacancy occurs because of operation of R.C. Section 733.25, the successor shall hold office only for the period the president pro-tem of the Council holds the office of Mayor.

(g) The Clerk-Treasurer shall notify the Ottawa County Board of Elections, in writing, of all vacancies caused by death, resignation or otherwise in elective Village offices not later than ten days after a vacancy occurs.

(h) The Clerk-Treasurer will send out letters notifying all candidates of the selection and thanking them for their participation.

(i) All other sections of the Ohio Revised Code concerning legislative vacancies will be followed.

(Ord. 17-00. Passed 3-6-00.)

121.15 EFFECTIVE DATE OF LEGISLATION.

(a) Ordinances and resolutions which are passed as nonemergency ordinances and resolutions shall take effect and be in force thirty days after passage unless the ordinance or resolution contains a later date.

(b) Emergency ordinances and resolutions shall take effect immediately upon passage and will be posted in the required places within twenty-four hours of passage.
(Ord. 17-00. Passed 3-6-00.)

121.16 COMMITTEE MEETINGS.

Notice of each committee meeting shall be filed with the Clerk-Treasurer and each meeting shall be open to the public. All committee meetings shall be posted as required by law. To ensure adequate access, all Council Members shall be provided with keys for an outer Town Hall door and to the Council Chambers as well as to a metal file cabinet.
(Ord. 17-00. Passed 3-6-00.)

121.17 DECLARING VACANCY.

(a) Council does hereby adopt procedures for declaring vacant a Council member's seat when such Council member has been absent from Council meetings without an excuse as follows:

(1) The Village Clerk of Council will send a certified letter to the absent Council Member after four consecutive, unexcused absences stating that he/she has four consecutive, unexcused absences from Council meetings.

(2) After six consecutive, unexcused absences, the Clerk of Council will send another certified letter setting a date for a required hearing before Village Council to be ten days from the date of the certified letter.

(b) No expulsion shall take place without the concurrence of two-thirds of all Council members elected.

(c) The required hearing shall consist of all elected Council members, and a court stenographer if needed, and shall be conducted by the Village Solicitor.

(Ord. 13-04. Passed 2-17-04.)