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2018 COUNCIL RULES - VILLAGE OF BREWSTER

Rule 1 - Legislative Authority

The legislative power of the Village shall be vested in, and exercised by, the legislative authority, composed of six members, who shall be elected by the electors of the Village at large, for terms of four years. (ORC 731.09)

Each member of the legislative authority of the Village shall have resided in the Village one year immediately preceding the member's election, and shall be an elector of the Village. No member of the legislative authority shall hold any other public office, be interested in any contract with the Village, or hold employment with the Village, except that such member may be a notary public, a member of the state militia, or a volunteer fireman of the Village, provided that such member shall not receive any compensation for his services as a volunteer fireman of the Village. Any member who ceases to possess any of such qualifications or who removes from the Village shall forfeit the member's office. {ORC 731.12}

A member of the Legislative Authority who is a volunteer firefighter is prohibited from participating in the following areas: matters that have a definite and direct impact upon the individual officials and employees of the fire department; voting, discussing, deliberating, or taking any other action on matters that affect the individual interests of any member of the Village Fire Department personnel (i.e., the council member would be prohibited from discussing, deliberating about or otherwise participating in decisions before Council affecting the employment, compensation, or benefits for the Fire Chief or other fire personnel); matters such as changes in compensation or benefits determined by individual working conditions, the assignment of duties, evaluations, and actions involving promotions, discipline, lay-offs, termination, the signing of warrants and checks, that directly involve the individual interests of any official or employee of the fire department.

A member of the Legislative Authority who is a volunteer firefighter may participate in matters that affect all fire department personnel, uniformly and without unique or special benefit to any particular fire official or employee. The Council member may participate in the following matters: general budgetary matters and appropriations of funds to the fire department; and the purchase of equipment so long as there is no definite and direct unique or particular benefit for the individual members of the fire department.

The legislative authority of the Village shall determine its own rules and keep a journal of its proceedings. (ORC 731.45)

Rule 2 - Discipline of Council Members

The Council may punish or expel any member for disorderly conduct or violation of its rules, and declare his or her seat vacant for absence without valid excuse, where such absence has continued for two months. No expulsion shall take place without the concurrence of two thirds of the members elected and until the delinquent member has been notified of the charge against him or her and has had an opportunity to be heard. (ORC 731.45)

Rule 3 - Presiding Officer

The Mayor shall be the president of the legislative authority and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie. (ORC 733.24)

When the Mayor is absent from the Village or is unable, for any cause, to perform his duties, the president pro tempore shall be the presiding officer. (ORC 733.25)

The Mayor or presiding officer may, during the Council meeting, call any member of the Council to the Chair to serve as Presiding Officer, but this substitution shall not continue beyond adjournment.

In the absence of both the Mayor and president pro tempore, the Council shall appoint a temporary presiding officer by a majority of the members present not to continue beyond adjournment.

The Mayor or Presiding Officer shall take the chair at the hour appointed for the Council meeting to start, and shall immediately call the Council members to order. The Presiding Officer shall then determine if a quorum is present and the Clerk-Treasurer shall enter on the minutes the names of the members present.

The Presiding Officer shall preserve order and decorum and confine members in debate to the question, subject to an appeal to the Council. In case of an appeal being taken, the question is: "Shall the decision of the chair stand as the decision of the Council?" If any member transgresses the rules of the Council, the Mayor shall, or any Council member may, call him or her to order, in which case the member called to order shall take their seat, unless permitted to explain.

In the case of an appeal, the member called to order and the Presiding Officer shall have the same right to make a statement. A majority vote of Council members present shall decide the appeal.

Rule 4 - President Pro Tempore

At the first regular meeting in January of each year, the Council shall immediately proceed to elect a president pro tempore from its own number. who shall serve until the first meeting in January next after his or her election. When the Mayor is absent from the Village or is unable, for any cause, to perform his duties, the president pro tempore shall be the acting mayor, and shall have the same powers and perform the same duties as the Mayor. (ORC 731.10)

When the president pro tempore becomes the mayor. the Council shall elect another president pro tempore from its own number who shall serve until the first meeting in January next after their election and have the same rights, powers, and duties as his predecessor. (ORC 731.11)

ORC 731.43(A) (1) provides that under this circumstance, "the successor shall hold office *only* for the period the president pro tempore of the legislative authority holds the office of mayor." Therefore, if the president pro tempore is not elected mayor, that individual would return to their former council seat and the person appointed to fill the position when the president pro tempore became mayor would no longer be a council member.

Nominations from the floor do not require a second. (RRO 182)

In the case of a tie vote by Council on its annual election of a President Pro Tempore of Council, the Mayor shall be obligated to cast the deciding Vote for the office.

Rule 5- Precedence

The order of precedence is as follows: Ohio Revised Code, Rules of Council, and Robert's Rules of Order. The Solicitor or in his or her absence the Clerk-Treasurer shall serve as parliamentarian during Council meetings.

When Robert's Rules of Order are mentioned in this document they refer to Webster's New World Robert's Rules of Order Simplified and Applied, copyright Sept. 9, 2014 by Robert McConnell Productions.

The Council may suspend Robert's Rules of Order by a two-thirds vote.

Rule 6 - Council Meetings

Council meetings may be held at such time and place as is prescribed by ordinance and shall, at all times, be open to the public. (ORC 731.46)

The first meeting of Village Council in January of the new year shall be considered an organizational meeting. During this meeting Council shall adopt by motion the Rules of Council for the following calendar year. The Rules of Council must be in compliance with applicable Ohio Revised Code and Ohio Attorney General Opinions. Council shall also proceed to elect a president pro tempore from its own number, who shall serve until the first meeting in January next after his or her election. Also during this meeting, the Mayor shall announce new committee assignments and the times and dates for the Council meetings during the upcoming year.

Council shall meet in regular session at the Council Chambers at 7:00 p.m. on the first and third Mondays of each month. Whenever the date of a regular meeting of Council falls on the following legal holidays as defined by O.R.C. 1.14 (or any statute hereafter adopted by the Ohio Legislature) then the regular meeting shall be held on the Tuesday following such legal holiday: New Year's, Memorial Day, Independence Day, Labor Day and Veteran's Day (Ord. 82, passed 11-30-1915; Ord. 104, passed 11-27-1917; Ord. 19-1970, Ord. 21-2011)

Special meetings may be called by the Mayor or any three members of Council providing at least twelve hours' notice is given to each member, served personally or left at their usual place of residence. (ORC 731.46)

When the business of council is not completed within the available time (until 9 pm) at a given meeting, the meeting, by motion, may be adjourned to a definite time. When the council reconvenes at the appointed time, if a quorum is present, it takes up the business where it left off at its former meeting. An adjourned meeting is merely a continuation of the meeting from which it was adjourned and not for the introduction of new business.

While under the main obligation of conducting its scheduled business within normal time limits, Council customarily accommodates visitors by providing a time of five minutes to each individual to hear their concerns or requests.

When electors, or any other persons, desire to address Council and the time required may exceed the time usually available, Council may schedule a public hearing for such by arranging for a special time and place therefore.

Any member of the public desiring to be heard before Council or to introduce any business before Council, must notify the Clerk-Treasurer in writing by the Friday prior to the Regular or Special Council meeting in order to be placed on the agenda for the meeting. When visitors are present who wish to address Council, the Clerk-Treasurer will circulate a register sheet that must show the name, address, and the subject matter to be presented.

The Mayor or Presiding Officer may at their discretion recognize members without prior notification. Members of the audience shall rise to be recognized, state their name and address, ask their question, or make a statement in a direct manner. Members of the audience shall speak only during the audience time of the agenda. Discussion by any individual shall be limited to five minutes, or longer at the discretion of the Mayor or Presiding Officer or Council by vote of a majority of those present.

The Chair of Council or the Council members shall not direct questions to the audience other than at the Audience Time segment of the meeting unless it is pertinent to discussion being held at another time on the agenda. Council members must be recognized by the chair so that any questions required by Council

may be directed to the proper Municipal Officers or Village employees in attendance at the meeting.

The Clerk/Treasurer shall keep a record of the proceedings, and of all motions, rules, by-laws, ordinances and resolutions passed or adopted. Absent extenuating circumstances, a draft of such record, also referred to as the minutes, shall be prepared within five calendar days of the meeting and shall indicate the preparer of such draft minutes. Upon completion of the draft minutes, the Clerk/Treasurer shall promptly arrange for them to be made available for public inspection and a copy placed in the mailbox of each member of Council. The Clerk/Treasurer shall provide public documents for inspection by interested members of the public. In the case of the absence of the Clerk/Treasurer during a Council meeting, such legislative authority may appoint an alternate person to record minutes of the meeting.

The Clerk/Treasurer shall be notified by committee chairmen of matters to be presented, including ordinances and resolutions, in order that they may be listed on the meeting agenda, and placed in Council packets prior to the Council meeting. It is the intent of Council that it will consider only those items included in the agenda on the Friday prior to the Regular Council meetings. Items received later than the Friday prior to the Regular Council meetings may be added to the agenda by verbal resolution of Council.

The Presiding Officer may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order for the same unless it is objected to by a majority of the Council members present.

When a motion is made and seconded, it shall, before debate, be stated by the presiding officer. Every motion shall be reduced to writing, if the Mayor or any members require it, and cannot be withdrawn after acknowledgment by the presiding officer without the consent of the Council

This section does not apply to meetings called for purposes specially named. At those meetings, no other business except that specifically named in the call will be in order.

The presiding officer shall avoid appearance of partisanship on any question. His or her function is solely to see that the business properly brought before council is conducted in an orderly manner, and that the members of Council observe the rules of procedure.

Courtesy Prevails at all Times

Presentation of Guests- Members of Council, the Village Administrator, and the Mayor may schedule individuals to address Council on a specific topic. Unless waived by Council, that individual is limited to five minutes to address Council

Rule 7 - Method of Voting

All votes shall be by roll call vote.

The only exception to this is the use of secret paper ballots used by Council when voting for President Pro Tempore at the first meeting in January of each year.

Roll Call voting shall be in alphabetical order and be rotated by one place at each Council Meeting.

All questions are to be stated and put by the chair, who shall decide all votes. In doubtful cases he or she may direct, or any member may call for, a division, which shall be taken by a rising vote.

The mayor shall preside at all regular and special council meetings thereof, but shall have no vote except

in cases of a tie vote. {RC 733.24}

Rule 8 - Acceptable Motions; Order of Precedence

When a question or motion is before council or under debate, no motion shall be received except the following:

- To adjourn (unqualified)
- To lay, matter of business on the table
- For the previous question (request that discussion end and vote taken)
- To postpone definitely to a certain time or day
- To commit (to refer back to standing or special committee)
- To amend the motion on the floor
- To postpone indefinitely
- To recess

These motions shall have precedence in the order in which they are herein arranged.

Rule 9 - Majority Defined; Three-Fourths Defined

Each ordinance or resolution shall be passed, except as otherwise provided by laws, by a vote of at least a majority of all the members of the Council. Actions by 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. (RC 731.17)

Whenever the term "majority" is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected; likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected to Council. Thus, in a council of six members, a majority shall be four, two-thirds shall always be four, and three-fourths shall always be five.

Rule 10 -- Attendance at Council Meetings

A majority of all the members elected shall be a quorum. but a less number may adjourn from day to day and compel attendance of absent members in such manner and under such penalties as are prescribed by ordinance. (RC 731.44)

Attendance at all regular and special Council meetings is imperative

No Council member shall be excused from attendance at more than three council meetings per calendar year except upon request and permission of a roll call and a vote of the majority of the Council members present. No member is to leave the Council without the consent of the majority of those present. Emergencies being the exception to the rule.

Council members shall notify the Mayor or the Clerk/Treasurers office if they will be unable to attend a meeting.

In addition to Council members and the Mayor, attendance at regular Council meetings shall ordinarily include the Clerk-Treasurer, Village Administrator, Solicitor, Police Chief, and Fire Chief. It is encouraged that any people not able to attend a Council meeting notify the Mayor or the Clerk/Treasurer at least 5 days prior to the meeting.

Rule 11 - Order of Business

The business of regular council meetings shall be transacted in the following order unless agreed to

by a majority of Council members:

- Call to order/Council Roll Call/Establish a Quorum Invocation
- Pledge of allegiance
- Approval of Minutes from previous meeting Presentation of Village Bills
- Audience Time
- Presentation of Council Guests
- Consideration of Ordinances and Resolutions
- Municipal Departments Reports (Police Dept./Fire Dept./Street Dept.)
- Solicitors Report
- Communications
- Village Administrator's Report
- Mayors Report
- Clerk/Treasurers Report
- Committee Reports
- Expenditure Requests
- Proposals Pending
- Old or New Business
- Village Speaks - Communications Received by Council members from Village residents
- Audience comments on agenda items only---three (3) minute time limit
- Adjournment

Rule 12 - Adjournment-Unqualified-Qualified

A motion to adjourn shall always be in order except upon immediate repetition or when a member has the floor, or when the previous question has been ordered, or when the Council is engaged in voting. When any business is pending the motion must be made in its simplest form, and is not subject to amendment or debate, but if made when no other business is pending, it can be amended the same as other questions.

When the consideration of a question is interrupted by an adjournment it is removed from before the Council and must be brought forward in the usual way. A motion to lay on the table shall preclude all debate or amendments. If the motion prevails, the consideration of the subject cannot be resumed, except as unfinished business, without the consent of a majority of the members present.

Rule 13 - Referral to Committee

Any new business brought before Council shall be referred to the proper committee, if such referral is deemed necessary or proper. If such referral is not needed, and the matter can be disposed of quickly, then such action should be taken at once. When communications are read, they may if necessary be referred to committee immediately after being read by the Clerk/Treasurer. **Prolonged argument, discussion and debate shall be avoided in the Council meeting.** If the matter under consideration requires investigation and study or is of such a nature that long discussion may be required, it shall be referred to committee promptly by the Presiding Officer.

When there is a question of referring a given subject to a standing committee or to a special committee, the question of reference to a standing committee shall be first.

A motion to refer shall preclude debate or amendment of the main question. A motion to refer it to a standing committee shall have preference.

All petitions shall be presented and read by the Mayor or Clerk/Treasurer, or by a member in his place, and the contents being briefly stated, shall be referred to a committee.

If any matters referred by the Council to any committee or officer are to be reported upon at the next regularly scheduled meeting as old business, such matters shall be brought by the Clerk-Treasurer to the attention of the Council by inclusion in the next meeting's agenda.

Council may accept or reject any committee report in whole or part.

Rule 14 - Referral to Committee of the Whole

There are times when a matter brought before Council will be referred to the Committee of the Whole. The Committee of the Whole is a meeting of the entire Council as a committee, but instead of the usual presiding officer in charge, a chairman of the Council, chosen by Council, will preside. The designated chairman shall inform the Clerk/ Treasurer who shall inform the public in advance of the time and place of the meeting. Referral to this committee may take place when a major situation or problem arises on which it is felt that every member of the Council should have an opportunity to express themselves and debate the issue; discussion in the Regular Council meeting would consume too much time and interfere with the regular order of business; and the Council wants to ensure the participation of all Council members.

The Committee of the Whole shall be governed by the rules of Council in deliberations, except that no limit is placed on time or frequency of speaking, that the previous question cannot be moved, and that the yeas and nays cannot be demanded.

The Committee of the Whole will report its recommendations or findings to Council. If the committee believes that further study or investigation is indicated, it may recommend to Council that the matter be referred to a standing or special committee. Any report of this committee shall be presented to Council, just as in the case of any other committee report.

Rule 15 - Standing and Special Committees

There shall be six standing committees consisting of all members of Council. All standing and special committee chairmen shall be appointed by the Mayor or the Presiding Officer. The Mayor shall appoint the chairman of each committee from the members of Council so that each member has chairmanship over one committee. The assigned committee chairman will be responsible for the actions of that committee until such time as a new chairman is appointed.

The standing committees are as follows:

- Finance/ Purchasing/ Appropriations
- Personnel/ Rules of Council/ Insurance
- Buildings/ Parks/ Grounds
- Police/ Fire Department/ Public Safety
- Streets/ Alleys/ Curbs/ Sidewalks
- Public Utilities

Special committees shall be formed whenever deemed appropriate by the Mayor or Council.

Rule 16 - Committee Responsibilities

A committee shall:

Follow Council direction in matters referred to it

Normally be expected to investigate or study a given problem or need, taking no decisive action itself but to submit a report and recommendations to Council

Within its area of responsibility assume both short and long-range study plans and needs, work to establish desirable economic, budgetary, and workstandards

Act in an advisory capacity, reporting to Council for action. The committee shall assume no direction nor issue any orders in conflict with the executive officers of the Village, or the law.

The members of a committee shall meet on the call of the chairman, who shall be the named person on the committee assignment listing appointed by the mayor. In the case of the absence of the chairman, a member chosen by the majority vote of Council shall be recognized as chairman. A majority shall constitute a quorum to do business.

The chair of the committee shall designate someone to keep a record of the proceedings, and of all motions and other matters passed or adopted. Absent extenuating circumstances, a draft of such record, also referred to as the minutes, shall be sent to the Clerk/Treasurer within five calendar days of the meeting and shall indicate the preparer of such draft minutes. Upon receipt of the draft minutes, the Clerk/Treasurer shall promptly arrange for them to be made available for public inspection and placed in each of Councils mailbox.

The reports of all committees shall be in writing, shall be agreed to in committee assembled, and shall not be presented unless signed by a majority of the committee, and the papers referred shall be returned with the report. Nothing in this section shall be construed to prevent the introduction of minority reports.

A Special Committee shall be given direction by Council when appointed, and will be discharged on receipt of its report or completion of its assigned task.

All matters and documents referred to Council Committees shall be returned to Council promptly with a report by the Committee Chair.

Rule 17 - Rules of Council

The legislative authority of the Village shall determine its own rules and keep a journal of its proceedings. (RC 731.45)

At the January organizational meeting of Council each year, the Council shall adopt by motion Rules of Council for the calendar year. The Rules of Council must be in compliance with applicable Ohio Revised Code and Ohio Attorney General Opinions.

The Solicitor shall serve as parliamentarian during Council meetings

Rule 18 - Suspension of Rules of Council

Council shall have the authority to suspend Rules of Council at any time they feel it is necessary by a vote of three-fourths of the members which shall be considered without debate. Passages marked with an underline are from the Ohio Revised Code and may not be suspended unless authorized to do so in the Ohio Revised Code itself.

Rule 19 - Council Vacancies

When the office of a member of Council becomes vacant, the vacancy shall be filled by election by

Council for the unexpired term. If Council fails to act within thirty days to fill such vacancy, the Mayor shall fill the vacancy by appointment. (RC 731.43)

The thirty-day period commences either on the effective date of the member's resignation, the date of the member's expulsion or the member's date of death.

Whenever a vacancy exists in the membership of Council, the Clerk/Treasurer shall notify the local newspaper within five days that such vacancy exists and that the Mayor and Council will accept applications from qualified citizens who desire to fill the vacancy. Such notification shall also be posted on all public bulletin boards in the Village. Council may, at its discretion, conduct individual public interviews for the position at a special meeting in executive session with candidates called by the Council as a Committee of the Whole prior to the thirty-day deadline.

Rule 20 - Council Resignations

Any member of Council who desires to resign their term of office shall submit their resignation in writing to the Mayor and Council and such resignation shall take effect when the same has been accepted by a vote of the majority of the members present, exclusive of the person tendering their resignation.

The effective date of the resignation is either the date the resignation is accepted by the Council or the date the member indicates in writing that their resignation is effective, whichever is later.

Rule 21 - Hearings before Council

When the Council is about to decide on an important issue, it may invite the public to appear and offer their views on the subject being discussed. They can also invite non-residents who have expertise in the subject. This is usually referred to as a hearing or town meeting.

While under the main obligation of conducting its scheduled business within normal time limits, Council customarily accommodates visitors by providing a time of five minutes to each individual to hear their concerns or requests. When electors or any other persons desire to address Council and the time required may exceed the time usually available, Council may schedule a public hearing for such by arranging for a special time and place therefore.

Rule 22 - Emergency Ordinances or Resolutions

Ordinances or other measures providing for appropriations for the current expenses of the Village, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be especially assessed for the cost thereof, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health¹ or safety in such municipal corporation, shall go into immediate effect.

Such emergency ordinances or measures must, upon a yea and nay vote, receive a two-thirds vote of all the members elected to the legislative authority, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure. (RC 731.30)

Rule 23 - Amending Resolutions or Ordinances

It shall be in order to amend a resolution or ordinance at any time, but if such ordinance or resolution is of a general or permanent nature and such material amendment is made after the second reading it shall again be read as amended as the second reading and laid over to the next meeting for final action.

Rule 24 - Limitations on debate

No member of the Council, while Council is in sessions, shall engage in debate or discussion with anyone save another member of the Council or the Mayor or a person who has either been granted by the Council or Presiding Officer the privilege to address the Council or is present at a Council meeting on invitation of the Council. It is the intent that all such debate or discussion shall be limited to a maximum of five minutes and guided by Roberts Rules of Order.

Every member when about to speak on a question, or make a motion, shall respectfully address the Mayor or presiding officer, who shall pronounce the name of the member entitled to the floor. The member shall confine himself to the question under debate and shall avoid personalities.

No member shall be allowed to speak, except from his own desk, nor more than once until every member choosing to speak shall have spoken, nor more than twice on the same subject without consent from the Council.

Rule 25 - Legislation Presented to Council

The legislative authority may amend or change the number, shape, area, or regulations of any zoning ordinance, but no such amendment or change shall become effective unless the ordinance proposing it is first submitted to the planning commission and the commission is allowed a reasonable time, not less than thirty days, for consideration and report. (RC713.10)

Before any zoning ordinance, measure, regulation, or amendments thereto, authorized by the Revised Code, may be passed, the legislative authority of the municipal corporation shall hold a public hearing thereon, and shall give at least thirty-days notice of the time and place thereof. (RC 713.12)

The Village Solicitor has the primary responsibility of preparing legislation for Council consideration in the manner prescribed by law.

Usually ordinances and resolutions will be introduced during a Council meeting by the Mayor. Members of the Council present may also introduce ordinances and resolutions. In addition, ordinances and resolutions may be presented to the Council upon written recommendation of a committee of the Council.

When ordinances and resolutions are prepared they may be referred directly to Council or to the committee concerned with the subject matter of the ordinance or resolution. When they are submitted directly to the Council for action, the Council may refer the pending legislation to the appropriate committee or take action at the Council meeting. When applicable, the committee will only determine whether the subject matter has been fully covered. The committee will then report on the ordinance or resolution at the next Regular Council meeting under Committee reports. The committee will also furnish a copy of the ordinance or resolution to the Clerk-Treasurer for review and inclusion of the agenda for the next meeting.

Rule 26 - Passage of Ordinances and Resolutions

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

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

The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.

Each ordinance or resolution shall be passed, except as otherwise provided by laws. by a vote of at least

a majority of all the members of the Council.

Actions by the Council, not required by law to be by ordinance or resolution, may be taken by matron approved by at least a majority vote of the members present at the meeting when the action is taken. (RC 731.17)

No ordinance, resolution, or bylaw shall contain more than one subject, which shall be clearly expressed in its title. No bylaw or ordinance, or section thereof, shall be revived or amended, unless the bylaw, ordinance, or section so amended shall be repealed. Each such bylaw, resolution and ordinance shall be adopted or passed by a separate vote of the legislative authority of the Village and the yeas and nays shall be entered upon the journal. (RC 731.19)

Ordinances, resolutions, and bylaws shall be authenticated by the signature of the presiding officer and Clerk of the legislative authority of the Council. Ordinances of a general nature or providing for improvements shall be published as provided by sections RC 731.21 and 731.22 of the Revised Code before going into operation. No ordinance shall take effect until the expiration of ten days after the first publication of such notice. As soon as a bylaw, resolution or ordinance is passed and signed, it shall be recorded by the Clerk in a book furnished by the legislative authority for that purpose. (RC 731.20)

Each Village ordinance or resolution or a succinct summary of each ordinance and resolution and all statements, orders, proclamations, notices, and reports required by law or ordinance to be published shall be published as follows: (RC 731.25)

- By posting on the designated bulletin boards identified in Rule 32
- By posting in the Village Website

The publications required shall be for the following times: (RC 731.22)

- Ordinances and resolutions, or Summaries of Ordinances or Resolutions, and proclamations of elections, once a week for two consecutive weeks
- Notices, once a week for two consecutive weeks
- All other matters shall be published once

In municipal corporations in which no newspaper is generally circulated, publication of summaries of ordinances and resolutions, and publication of all statements, orders, proclamations, notices, and reports, required by law or ordinance to be published, shall be accomplished by posting copies in not less than five of the most public places in the municipal corporation, as determined by the legislative authority, for a period of not less than fifteen days prior to the effective date thereof.

Where such publication is by posting, the clerk shall make a certificate as to such posting, and as to the times when and the places where such posting is done, in the manner provided in section 731.24 of the Revised Code, and such certificate shall be prima-facie evidence that the copies were posted as required. (ORC 731.22)

Every member present when a question is put shall vote, unless the member notifies the Council of their intention and reason for abstaining before the Council is divided or the call of yeas and nays commenced.

Any member may demand the division of a question when the sense will admit thereof.

Any member shall have the liberty to dissent from and protest against any ordinance, resolution, or order of the Council, and have the reason for their dissent, upon request, entered upon the minutes.

Each motion shall be seconded before discussion or further action thereon. (RRO 255)

RULE #26A - INFORMAL RESOLUTIONS

Informal resolutions are resolutions which are differentiated from formal resolutions and ordinances in that they do not require the statutory formalities of three readings and advertisement following adoption as required by the Ohio Revised Code. Informal resolutions include, but are not limited to, resolutions of congratulation, commendation, condolence, confirmation of appointments, recommendations to other governmental bodies and agencies, and other matters pertaining to Village government which require or on which it may be desirable to obtain Council's approval. Informal resolutions shall be in writing and sponsored by a member or members of Council. Informal resolutions may be adopted upon their first reading.

Informal resolutions shall be read by title only; provided, however, that any member of Council may request that the informal resolution be read in its entirety. Informal resolutions may be debated and shall require a majority vote of all members present and voting for passage; resolutions which receive passage shall be effective immediately without any further legal requirements.

Any informal resolution which requires further review or action prior to adoption by Council may be referred by the Mayor, or by motion as a majority of Council, to an appropriate Council committee for its consideration. Such resolution shall not be eligible for adoption until it has received a majority of the committee members' signatures and has been resubmitted to the Council Agenda.

Added by Council on 01/03/2017

Rule 27 - Reading of Ordinances and Resolutions

When ordinances and resolutions are presented by members of the Council present or by written recommendation of a committee, they may be given a first reading at the Regular Council meeting or a special meeting called for such purpose. Resolutions shall be voted and acted upon in the same manner as ordinances.

When an ordinance or resolution is presented, it shall be read by title by either the Solicitor, the Mayor, the Clerk-Treasurer, or a Council member, and it should be set aside for a second reading at the next meeting.

The first reading of an ordinance shall be for information, and if objection be made to it, the question shall be: "Shall the proposition be rejected?"

If at the third reading an ordinance shall be ordered to be laid on the table, it shall not be taken up, except by a two-thirds vote of all the members elected. After a member moves for passage, a vote will be taken. If a two-thirds majority approves the passage of the ordinance, it shall be signed by the Clerk and the Mayor.

Rule 28 - Executive Sessions

The Council may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a Regular or Special Council meeting for the sole purpose of the consideration of any of the following matters:

A. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no

public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

B. To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

C. Conferences with an attorney for the public body concerning disputes involving the public body that is the subject of pending or imminent court action;

D. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment:

E. Matters required to be kept confidential by federal law or regulations or state statutes;

F. Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office.

G. To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. Or sections 701.07. • 3735.67., 3735.70., 5709.43., 5709.61., 5709.69., 5709.73 to 5709.75., or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

If a public body holds an executive session to consider any of the matters listed in this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the

public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated this section. (RC 121-22)

The topic must be clearly stated in the meeting minutes. Prior to commencing the executive session, a motion will be made and seconded to adjourn the Regular Council meeting, all in attendance, including audience members, Village Administrator, Police Chief and Fire Chief will be excused from the meeting unless authorized to attend by a majority of Council members. At the conclusion of the executive session be made and seconded to resume the Regular Council meeting.

There will be no audio or video recordings or minutes of the executive session's proceedings. All matters discussed are to remain confidential including statements made by participants.

Rule 29 - Mayor

The mayor of the Village shall be elected for term of four years, commencing on the first day of January next after his or her election. The mayor shall be an elector of the Village and shall have resided in the Village for at least one year immediately preceding his or her election. The mayor shall be the chief conservator of the peace therein and shall have the powers and duties provided by laws. The mayor shall be the president of the legislative authority. The mayor shall preside at all regular and special council meetings thereof, but shall have no vote except in cases of a tie vote. (RC 733.24)

The Mayor shall be sworn into office on or prior to the beginning of his or her term.

When the mayor is absent from the Village, or is unable for any cause to perform his or her duties, the president pro tempore of the legislative authority shall be acting mayor. In the case of the death, resignation or removal of the mayor, the president pro tempore shall become the mayor and shall hold the office until his or her successor is elected and qualified. Such successor shall be elected to the office for the unexpired term, at the first regular municipal election that occurs more than forty days after the vacancy has occurred: except that when the unexpired term ends within one year immediately following the date of such election, an election to fill such unexpired term shall not be held and the president pro tempore of the Council shall hold the office for such unexpired term. (RC 733.25)

When the president pro tempore becomes the mayor, a successor shall be appointed to Council to hold office only for the period the president pro tempore of the legislative authority holds the office of mayor. (RC 731.43)

Rule 30 - Clerk-Treasurer

The Clerk-Treasurer shall be elected for a term of four years, commencing on the first day of April next after his or her election. The Clerk/Treasurer shall be an elector of the Village. (RC 733.26)

The Clerk/Treasurer shall be sworn into office on or prior to the beginning of his or her term.

The positions of Village Clerk and Treasurer have been combined into one position known as the Clerk/Treasurer. (RC 733.261)

The Clerk-Treasurer shall attend all meetings of the legislative authority and keep a record of its proceedings and of all rules, bylaws, resolutions, and ordinances passed or adopted, which shall be

subject to the inspection of all persons interested. In case of the absence of the Clerk-Treasurer, such legislative authority shall appoint one of its members to perform the Clerk-Treasurer's duties.
(RC 733.27)

In the case of the absence of the Clerk-Treasurer during a Council meeting, such legislative authority may appoint an alternate person to record minutes of the meeting.

The position of "Village Clerk Trainee" is hereby created for the Village of Brewster for the purpose of training the Village Clerk-Treasurer Elect during the period between the month after election day thru the end of the current Clerk-Treasurer's term, which ends on March 31, of the year following the election.
(Ordinance No. 47-2003)

Rule 31 - Village Administrator

In those villages that have established the position of Village Administrator, as provided by section 735.271 of the Revised Code, the Village Administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the Administrators supervision involving not more than fifty-thousand dollars. When expenditure, other than the compensation of persons employed by the Village, exceeds fifty thousand dollars the expenditure shall first be authorized and directed by ordinance of the legislative authority of the Village (ORC 731.141)

The Legislative authority of a Village may provide by Ordinance for central purchasing for all offices, departments, divisions, boards. and commissions of the Village, under the direction of the Village Administrator. (ORC 731.141)

See Ordinance No. 06 - 2013 for more information concerning the Village Administrator of the Village of Brewster

Rule 32 - Sunshine Law; Open Meetings

Public officials are required to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law. Meetings mean any prearranged discussion of the public business of the public body by a majority of its members.

This section does not apply to an audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit.

Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, 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 news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person. (RC 121.22)

The Clerk/Treasurer shall post a statement of the time and place of Regular and Special meetings of

Council, or any other public meetings being held not later than forty-eight hours preceding the day of the meeting in the designated posting places in the Village for the public to be notified.

The Clerk/Treasurer shall post a statement of the time and place of any organizational meeting of the Council at least twenty-four hours before the time of such organizational meeting.

Upon qualified adjournment of any regular or special meeting to another day, the Clerk-Treasurer shall promptly post notice of the time and place of such adjourned meeting.

Except in the case of emergency special meetings, the Clerk/Treasurer shall, no later than twenty-four hours before the time of a special meeting, post a statement of the time, place and purpose of such special meeting in the designated posting places for the public to read.

Any news media organization that desires to be given advance notification of special meetings of any municipal body shall file with the Clerk-Treasurer a written request thereof. Except in event of an emergency requiring immediate action, a special meeting shall not be held unless at least twenty-four hours advance notice of the time, place and purpose of such meeting is given to the news media requesting advance notification.

News media requests for such advance notification of special meetings shall specify; the municipal body that is the subject of such request; the name of the medium; the name and address of the person to whom notification may be sent or delivered; the names, addresses and telephone numbers (both during and after business hours) of at least two persons, to either of whom oral notifications to the media may be given and at least one telephone number which the request identifies as being manned and which can be called at any hour for the purpose of giving oral notification to such medium.

Such request shall be effective for one year from date of filing with the Clerk/Treasurer. Each news medium shall be informed of such period of effectiveness at the time it files its request. Any notification provided herein to be given by the Clerk-Treasurer or other official may be given by or under authority of the Clerk/Treasurer and a reasonable attempt at notification shall constitute notification in compliance with these rules.

The Community bulletin boards at:

- Brewster Municipal Services---310 Wabash Ave. S
- Belloni Foods-258 Wabash Ave. S
- US Post Office. Brewster Branch---120 Main St. SW
- Brewster Laundromat-245 Wabash Ave. S
- Brewster Credit Union---105 Wabash Ave. S

are declared to be the five most public places in the Village for the publication of ordinances, resolutions, statements, orders, proclamations, notices, and reports.

All ordinances, resolutions, statements, orders, proclamations, notices, and reports now and hereafter requiring publication shall be published by posting copies thereof at the designated bulletin boards and the Village Website, unless otherwise required by law or directed by Council.

Rule 33 - Public Records

It is the policy of the Village of Brewster that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of this Village to adhere to the State's Public Records Act, R.C. §149.43. As required by the Ohio Revised Code, records will be organized and maintained so that they are available for inspection and copying. The Village shall have a copy of its current records retention schedule readily available to the public at its administrative office and shall post a summary of the policy in that office. The Village recognizes that failure to comply with a request

may result in remedies and damages according to ORC 149.43

Rule 34 – Meeting Audio/Video Recordings

For security reasons, the photographing or the video-taping by the Public of Council or Council Committee meetings is prohibited.

Rule 35 – Appointment of Village Solicitor

Whenever the Village Solicitor desires to resign his or her term of office, he or she shall submit their resignation in writing to the Council and such resignation shall take effect on the effective date of the resignation letter.

When appropriate the Council may notify the local newspaper; as well as, post a notice on the designated bulletin boards in the community and Village Website that such vacancy exists and that the Council will accept applications from citizens who desire to fill the vacancy for the remaining appointed term. The Council may at its discretion conduct individual interviews for the position at a committee of the whole in executive session.

Rule 36 – Social Media Policy (Ordinance 20-2014)

At this point and time the Village of Brewster prohibits the use of any Village computer or internet connection for personal use. Any use of a Village computer is to be confined to that of conducting Village business. That said the Village realizes as the social media on the internet evolves, there will be instances that official Village business may involve the use of said social media sites. The social media policy outlined on the following pages are intended to address that use.

As with all technologies, there are challenges inherent to their use. In order to address these challenges the following guidelines have been created to help our employees use social media tools both in and out of the Village work day. The Village expects all employees who participate in social media on behalf of Brewster to understand and follow these guidelines. This policy is not intended to be all encompassing. As technologies change, the application of this policy will be evaluated on a case- by-case basis.

BASIC GUIDELINES

- **Be accurate:** Before posting content or responding to comments, ensure that the information or response is accurate. Accuracy is critical/ because content on social media platforms is extremely visible and can be replicated in multiple locations within minutes.
- **Correct mistakes:** If a mistake or inaccuracy is found, correct the mistake and communicate its subsequent correction clearly and quickly.
- **Be considerate:** Ensure that all communication is professional, respectful and factual. Remember that all content represents Brewster.
- **Misrepresentation:** Only employees who are authorized to speak on behalf of their respective departments and/or areas of expertise should do so. Concealing or misrepresenting one's name or affiliation to mask unauthorized, fraudulent, irresponsible or offensive behavior in electronic communications is strictly prohibited.
- **Protect sensitive or personal information:** The Village is entrusted with a variety of sensitive and personal information. When sharing content on social media platforms, do not share confidential or personal information. If there is a question as to whether the information is appropriate, consult with the Village Administrator or Village Solicitor
- **Avoid advertisements, sponsorships and endorsements:** When possible, avoid advertisements, endorsements or sponsorships on social media platforms. Context-sensitive ads may appear on some platforms that do not reflect the views or positions of Brewster
- **Respect copyrights and trademarks:** When posting content do not infringe upon copyright or trademark protections.

- **Use Village email addresses and strong passwords:** Village email addresses should be used to confirm to users that the content provided is official. Personal email accounts should not be used for official Village communications through social media platforms. Strong passwords (letters, numbers, etc.) will reduce possible security breaches.
- **Remember:** The Village restricts the use of Village computers to “Business only” use, and reserves the right to monitor and review the use of all Village computers. All material and information created, sent, saved, reviewed, accessed, or stored are the property of the Village.

APPROPRIATE CONTENT

All content represents the Village of Brewster and its departments. Unacceptable usage of social media platforms includes content which violates or supports/encourages the violation of local, state and federal law. Content which solicits money for or supports political causes is strictly prohibited. All content must be factual, credible, professional and useful to Brewster’s residents and functions.

Use the guidelines below to manage the appropriateness of social media content. Also, please include a disclosure link which explains that Brewster reserves the right to delete or block the following types of content:

- Vulgar or offensive language
- Content (or a user) that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, genetic testing or sexual orientation
- Spam
- Content that advocates illegal activity
- Promotion of particular goods and services
- Content which supports or opposes political campaigns or ballot measures
- Infringement upon copyrights or trademarks
- Information that may compromise the safety or security of the public or public systems

The following is a list of issues to consider regarding implementation of social media communications:

- **Use common sense:** Do not post any content that would not be appropriate in other forms of media. Apply the same rules to social media platforms applied to traditional forms of communications, such as emails, press releases and Web sites.
- **Correct misinformation:** It is important that users correct misinformation disseminated by employees or external users. Village employees should identify themselves and correct the mistake with respect and factual information. Most users won't mind being corrected and will most likely distribute the correction.
- **Do not violate confidentiality rule:** Know what information can be shared with the public. Do not violate the Village's privacy, confidentiality or legal guidelines. Never comment on anything related to legal matters, litigation or any parties the Village may be in litigation with, without appropriate approval.
- **Public records:** Employees should be aware that any content posted on social media platforms could be considered a public record, and therefore original content must be retained in accordance with the appropriate State and Village record retention schedules.

Village Administrator/Social Media Role:

The Village Administrator shall oversee any social media communication involving Village Departments and employees. The Village Administrator will coordinate all social media activity within all Village departments. His role should include determining if content is appropriate, relevant, and disseminating corrections and ensuring that all social media platforms remain current and up-to-date. He should

establish a management process to release and retire content, as well as monitor user comments if enabled. If your department wishes to use social media for your department's business please contact the Village Administrator to discuss such use. Only authorized participants should contribute and represent the Brewster.

Representing Brewster

It is important to remember social media can blur the lines of "on duty" and "off duty." When an employee self-identifies as, or is otherwise reasonably understood or represented to be a Brewster employee on a social media platform they should consider their behavior to be a reflection of the Village of Brewster at all times. Employees are advised that all Village related content offered on social media platforms, either on work or personal time, may be evaluated for a reasonable connection to the policies and function of the Village. Any content offered that is found to be contrary to the policies of the Village, harm, or bring disrepute to the Village of Brewster may be grounds for discipline.

It is imperative that employees involved in social media activities adhere to all guidelines presented here. Department heads will ultimately be held accountable for all content disseminated by their department's staff.

The following are some additional guidelines for employees related to the professional content sharing:

Public servants are held to a higher standard. Always be honest and respectful.

- Use the guidelines outlined in this policy to determine what content is appropriate to disseminate. If you are unsure, it is always best to seek approval from your supervisor, the Village Administrator, or the Village Solicitor.
- Unless you have prior approval, you are not authorized to speak on behalf of the Village or your department, nor represent that you do. Employees will be held accountable for misrepresenting the Village on the Internet.
- Refrain from commenting on the work of colleagues in this or other organizations that are outside of your field of expertise. When commenting on your area of expertise, always disclose your professional credentials.
- When you post to outside networks, consider adding a disclaimer to your post that your views do not necessarily represent the Village's views.

PRIVACY AND SECURITY

As with any type of communication, there is a certain degree of risk associated with participation on social media platforms. Just as privacy and security are carefully accounted for and monitored on Village Web sites and personally identifiable information is not shared through traditional communication mediums, such as press releases, the same approach applies to social media engagement.

When sharing content on social media platforms, make sure it is public content and not confidential, critical, or personally identifiable information. Ohio Revised Code Chapter 1347 provides guidance on what is considered personally identifiable information.

Rule 37 - Payment of Village Bills

All bills for payment at a Council Meeting will be submitted to the Village Clerk no later than 12 noon on the Wednesday prior to the Council Meeting.

Rule 38 – Requests for Expenditures

A request for expenditure will not be considered or approved by Council until the next meeting unless deemed an emergency by Council. All Expenditure requests shall be in writing and shall include an estimated cost and suggested funding source

Rule 39 - Mayors State of The Village Address

At the first Regular Council meeting in January of each year, and at such other times as the Mayor deems expedient, the Mayor shall report to Council concerning the affairs of the Village and recommend such measures as seem proper to him. (RC 733.41)

Rule 40 - Council Confirmation of Appointments

Whenever the Council is required to confirm any Mayor's appointment for Fire Chief, Police Chief, or Village Administrator, the Council may at its discretion, conduct an interview with the selected appointee prior to confirmation of the appointment.

Rule 41 - Ethics Policy

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other government entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee. (ORC 102.04)

See Village Ordinance (38-2014 Brewster Village Ethics Policy for Officials and Employees - Sept. 15, 2014)

Rule 42- Continuation in office until successor elected or appointed and qualified.

A person holding an office of public trust shall continue therein until his successor is elected or appointed and qualified, unless otherwise provided in the constitution or laws of this state. ORC 3.01

In the event that there is a council seat that no person has been elected to fill, and there is more than one council person who has the right to continue to serve as a council person pursuant to ORC 3.01, the council person who shall continue to serve shall be determined by a majority vote of the council persons who have been qualified and elected or duly appointed to a council seat. The vote shall take place at the first council meeting of the year following the election in which no person was elected to fill the seat.