

Village of Mantua, Ohio
ORDINANCE 2012-22

AN ORDINANCE AMENDING SECTION 951.01(a) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA RELATING TO THE APPOINTMENT OF AN ALTERNATE MEMBER TO THE BOARD OF PARK COMMISSIONERS, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has previously provided for the appointment of alternates to the various Village Committees, Boards and Commissions in its Council Rules; and,

WHEREAS, this Council now wishes to amend section 951.01(a) in order to ensure consistency among the relevant sections of the Codified Ordinances.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Mantua, two-thirds or more of the members elected thereto concurring that:

SECTION 1. Existing section 951.01(a) of the Codified Ordinances of the Village of Mantua is hereby repealed.

SECTION 2. Section 951.01(a) of the Codified Ordinances of the Village of Mantua is hereby enacted as follows:

951.01 BOARD OF PARK COMMISSIONERS.

- (a) There is hereby created a Board of Park Commissioners, consisting of five members, to be selected by the Mayor with the approval of Council, two of whom shall be members of Council, whose terms of office shall coincide with their term of office as councilmen. The other three members shall be residents of the Village, and shall serve for period of two years beginning on the first day of January of the odd numbered years. There shall also be one alternate member appointed annually by the Mayor, who shall serve when required to constitute a quorum in the event of member absence or vacancy of one or more seats.

SECTION 3. All other provisions of the Village of Mantua Codified Ordinances, including the remainder of Section 951.01, shall remain in full force and effect.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and 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 Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure, in order to permit these changes to the Codified Ordinances of the Village of Mantua to be included in the annual update to be performed by the W.H. Drane company within the next weeks, and shall take effect immediately upon the affirmative vote of two-thirds of the members of the Mantua Village Council, and to further ensure the health, safety and morals of the Village of Mantua.

PASSED AS AN EMERGENCY in Council this 17th day of April, 2012.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk of Council

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I hereby certify the above Ordinance was posted at the public notice locations in the Village of Mantua, Ohio.

Jenny August, Clerk of Council

Approved as to Legal Form:

Michele A. Stuck
Solicitor, Village of Mantua

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EXHIBIT A

CHAPTER 121
Council

- | | |
|---|------------------------------------|
| 121.01 Meetings. | 121.03 Rules. |
| 121.02 Bids, contracts and purchasing. | 121.04 Hours; compensation. |

CROSS REFERENCES

- Open meetings - see Ohio R.C. 121.22
- Composition and term - see Ohio R.C. 731.09
- President pro tempore - see Ohio R.C. 731.10 et seq., 733.25
- Qualifications - see Ohio R.C. 731.12, 731.44
- 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.
- Contract interest - see GEN. OFF. 525.10

121.01 MEETINGS.

Council shall conduct their regular and special meetings at such times and in such manners as are provided for in Council's Rules. See Section 121.03, Article IV.

121.02 BIDS, CONTRACTS AND PURCHASING.

(a) In the preparation of any bid or other contract on behalf of the Village, Council herewith expresses their preference that the document not mandates that the Village participate in any alternative dispute resolution process.

(b) In obtaining any type of construction or other contract work for the Village in the amount of not less than three thousand dollars (\$3,000.00) nor more than fifty thousand dollars (\$50,000.00), the Village must obtain written quotes on the work from not less than three contractors to be submitted on standard form information quote forms promulgated and provided by the Village.

(c) No purchase or construction or other contract involving an expenditure of more than fifty thousand dollars (\$50,000.00), other than contracts for professional services, shall be made except from or with the lowest or best bidder as determined by Council after advertising for bids once a week for a period of at least two weeks in a newspaper of general circulation within the Municipality, provided, however, that Council may authorize purchases or enter into contracts involving an expenditure of more than fifty thousand dollars (\$50,000.00) without advertising for bids if it determines and declares by affirmative vote of more than two-thirds of the total number of its members that it is in the best interests of the Village, or that an emergency exists affecting the public health, safety or welfare, specifying the nature thereof in its minutes.

(d) Expenditures exceeding twenty-five thousand dollars (\$25,000.00) for the performance of professional design services shall be exempt from the competitive bidding requirement but shall require Council approval following selection of the design professional to whom such contract is to be awarded in accordance with the statutory procedures of Ohio R.C. 153.65 - 153.71.

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(e) The policy described in subsection (b) hereof may be waived by Council upon a vote by the majority of members elected thereto that there exists an emergency requiring immediate action to preserve the public health, safety, and welfare of the citizens of the Village.

121.03 RULES.

Introduction

Ohio R.C. 731.45 authorizes the Council to determine its own rules.

Such rules may not conflict with statutory procedures for the enactment of municipal legislation.

The Village of Mantua Council Rules need not be, but may be adopted by ordinance or resolution form. If adopted by motion, they do not continue from term to term, but be readopted by succeeding councils.

**ARTICLE I.
Presiding Officer**

- (1) The Mayor is the President of the Legislative Authority of the Village of Mantua, and presides at all regular and special meetings of Council, however, has no vote except in the case of a tie. Ohio R.C. 733.24.
- (2) The President Pro-Tempore of the Council of the Village of Mantua is generally referred to as the President of Council. The President Pro-Tempore may vote upon measures coming before Council while he/she is presiding in the absence of the Mayor.

**ARTICLE II.
Rules of Conduct**

- (1) All meetings of Council shall be called, held and conducted as prescribed by:
 - (a) The Ordinances and Resolutions of the Village of Mantua;
 - (b) The Rules of Council.
- (2) Council may, by a two-thirds vote of its members, suspend the operation of any rules either as to any meeting or any measure pending before it. Except as otherwise provided, the proceedings of Council shall be governed by Robert's Rules of Order.

**ARTICLE III.
Council Officers**

- (1) At the first meeting in January of each year, Council shall immediately elect from its own members, a President Pro-Tempore of Council who serves for a one-year term. The President Pro-Tempore is the acting Mayor upon the absence of the Mayor, and becomes the Mayor upon the office being vacant. In the absence of the President of Legislative Authority (Mayor), and the President Pro-Tempore of Council, the Council member who has the longest consecutive tenure of office shall preside. The presiding officer of Council shall have the right to participate in the proceedings, and shall have the same voting rights as all other regular members of Council.
- (2) The President of Council shall preserve order and decorum, prevent involvement

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of personalities or the impugning of member's motives, confine members in debate to the question under discussion, shall decide all points of order subject to an appeal to the Council.

- (3) Expulsion of Councilperson: Council may punish or expel any member for disorderly conduct or violation of its rules, and declare his seat vacant for absence without valid excuse, where such absence has continued for two months, and has not been excused by a majority vote of Council. No expulsion shall take place without the concurrence of two thirds of all the members elected, and until the delinquent member has been notified of the charge against him and has had an opportunity to be heard.

ARTICLE IV.
Council Meetings

- (1) Dates and Times: Except as otherwise provided, regular meetings of Council shall be on the third Tuesday of each month at 7:00 p.m.; however, when such meeting date falls on a holiday, such meetings shall be held on an alternative date as determined by Council, unless otherwise announced in accordance with law.
- (2) Workshops: Council may hold a workshop as needed, which may be called for the purpose of education and acquaintance with issues that may or may not come before Council in regularly scheduled session. They are open to the public, governed by the sunshine law, and no binding decisions may be made during these workshops. Such workshops shall be announced as early as possible, preferably at the preceding month's regular scheduled meeting, or as part of the yearly calendar.
- (3) Special Meetings: Special meetings of Council may be called in order to address matters which, by their nature or issues of timeliness, should not be postponed until the regular monthly meeting of Council. Such meetings shall at all times be open to the public. Special meetings of Council may be called by the Mayor, or any three members of Council, upon at least twelve hours' notice to each member, served personally or left at his usual place of residence. It is the preference of this Council that special Council meetings be announced and published as early as possible, but in no event shall any special Council meeting be held unless at least twenty-four hours' advance notice has been given to the news media that have requested notification. No issue shall be addressed at any special Council meeting unless that issue has been included in the required notification to the news media and on the advance-prepared agenda for such meeting.
- (4) Emergency Meetings: Emergency Council meetings are only those of such an urgent nature that the regular procedure for calling a Special Council meeting cannot be followed. Such meeting may only be called 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.
- (5) Rescheduling of Regular Meetings: From time to time it may be necessary and expedient to reschedule the regular monthly meeting of Council and/or of any of its sub-committees. In such cases, the news media having requested such notification shall be notified no less than five (5) business days in advance of the new date or the regular date, whichever is earlier. Notice of the rescheduling shall also be caused to be published on the Village's web-site, mantuavillage.com.

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**ARTICLE V.
Order of Business**

- (1) The business of regular meetings of the Council of the Village of Mantua shall be transacted in the following order:
 - (a) *Pledge of Allegiance;*
 - (b) *Roll call;*
 - (c) *Mayor's report;*
 - (d) *Correspondence*
 - (d) *Clerk's report;*
 - (e) *Reading and disposal of minutes of previous meetings;*
 - (f) *Bills of resolution;*
 - (g) *Legislation;*
 - (h) *Reports of committees of Council (reports on file with the Clerk of the Village of Mantua);*
 - (i) *Citizens;*
 - (j) *Any other business;*
 - (k) *Adjournment.*
- (2) The President of Council may permit any matter to be introduced out of regular order unless objected to by a majority of the members present.
- (3) When the Mayor of the Village of Mantua is present, the President Pro-Tempore of Council shall yield to the Mayor (President), and allow him or her to preside over regular scheduled Council meetings; in accordance with and enforcement of Council Rules, as provided herein, and as provided by law in accordance with Ohio R.C. 733.24.
- (4) These Rules shall serve as the Agenda in the absence of a prepared agenda for the regularly scheduled meetings of Council.

**ARTICLE VI.
Division of Question**

Any question shall be divided if it comprehends a question so distinct that if one is taken away, the other will stand as an entire question for decision. Any member may call for, or the President may direct, division of any question when it is believed such division will make for expedition or clarity.

**ARTICLE VII.
Official Reports**

- (1) Whenever any officer or employee of the Village of Mantua makes any report or communication to Council, such report or communication shall be typed or prepared in a manner suitable for reproduction on document reproduction equipment in use by the Village of Mantua. Committee Chairpersons should distribute agendas and reports to committee members two days prior to the committee meeting. Amendments may follow.
- (2) The Clerk shall refuse to transmit to Council, or to receive on its behalf, any such report or communication which is not so submitted by 5:00 p.m. on the Thursday prior to the Council meeting.
- (3) The original report or communication shall be retained by the Clerk and placed on

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the permanent record of Council.

**ARTICLE VIII.
Permitting Non-Member to Speak**

The President may recognize any non-member for the purpose of addressing Council on any questions then pending, or on any matter on which Council action is desired. In such cases, the person recognized shall address the chair, state his or her name and address the subject matter he or she desires to discuss. Remarks must be confined to the merits of the subject at issue. Speakers must be courteous and avoid discussion of personalities.

Except by permission of Council, speakers shall be limited to five minutes, unless profanity is used, or personality challenged, in which case, the non-member's time shall cease immediately, and the President and/or the President Pro-Tempore shall intervene. Upon exception, the President Pro-Tempore will delineate the additional time allotted. No citizen shall be heard more than once.

The time allotted will be monitored by the Clerk, or his/her appointee, or monitored by the speaker himself, or herself, as deemed necessary by the President of Council.

A non-member may yield the floor to another; however, in contrast to Robert's Rules or Order, a non-member who yields the floor to another, only yields the floor for the remainder of his or her allotted original speaker's time.

No person who has had the floor shall be recognized until all others desiring an opportunity to speak have been given the opportunity to do so.

**ARTICLE IX.
Emergency Ordinances**

If an emergency ordinance or resolution fails to receive a two-thirds (2/3rds) affirmative vote of all members elected or appointed to Council, such a measure shall cease to be before Council as an emergency measure, and shall have the standing that such measure would have had if it had been similarly read or voted upon as an ordinary measure instead of an emergency measure. (Ord. 2007-02. Passed 1-16-07.)

**ARTICLE X.
Reading of Legislation**

As required by Ohio R.C. 731.17, no ordinance or resolution shall be passed until it has been read by title on three (3) separate days, unless the reading on three (3) separate days has been dispensed with by a three-fourths (3/4ths) vote of all members of Council. (Ord. 2009-60. Passed 2-16-10.)

**ARTICLE XI.
Amendments to Council Rules**

The Council Rules set forth may be amended or altered, or new rules adopted, by a vote of the majority of all members elected or appointed to Council, present at any meeting of the Council. In the absence of a special committee appointed by the President of Council, the issue shall be referred to, and report to the Finance Committee. (Ord. 2007-02. Passed 1-16-07.)

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ARTICLE XII.
Committees

It is usual for Council to divide itself into committees to study matters that come before Council; however action must be taken on proposed legislation by the Council as a whole.

- (1) Committees. At no later than the first regular meeting of Council after its organization, the President Pro-Tempore of Council, with approval of a majority of Council, shall appoint standing committees of the following named subjects.
 - (a) Service Committee, which will consider the topics of water, sewer, streets and maintenance of Village Properties, as well as the evaluation as per Section 2.5 of the employee handbook. The Service Committee shall consist of three (3) members of Council appointed by the President Pro-Tempore unless otherwise determined by vote of Council, and approved by Council.
 - (b) Finance Committee, which will consider the topics of finance, debt, rules and ordinances. The Finance Committee will also serve as the Audit Committee. The Finance Committee shall consist of three (3) members of Council appointed by the President Pro-Tempore unless otherwise determined by vote of Council, and approved by Council.
 - (c) Safety Committee, which will consider the topics of traffic and safety within the Village, dispatch services provided by the Village, the interrelation of the Village and the Joint Fire District serving Mantua Village, as well as the evaluation as per Section 2.5 of the Village Employee Handbook. The Safety Committee shall consist of three (3) members of Council appointed by the President Pro-Tempore unless otherwise determined by vote of Council, and approved by Council, as well as one representative appointed by the Mantua-Shalersville Fire Department and one representative appointed by the Village of Hiram.
 - (d) MSFD Fire District Board member appointed by Council President Pro-Tempore, who shall attend all Fire Board meetings and submit all approved minutes, and agendas, to the Clerk of Council for the Council meeting packets. In the absence of the appointed member the President Pro-Tempore of Council shall attend.
 - (e) The Village Administrator and Chief of Police shall attend committee meetings as needed.
 - (f) The President Pro-Tempore of Council shall also appoint such other committees with the approval of a majority of Council as he/she deems necessary for the efficient handling of Council business.
- (2) Termination of Committee Referrals. All referrals to committees which are more than six (6) months old shall be automatically terminated and considered discharged at the end of each biennium or term of Council.
- (3) Committee Reports. The committee to which any ordinance, resolution, petition or other matter has been referred for consideration shall report to Council the status of such referral by the following regular Council meeting from such referral. Such status report shall be given by the chairperson of the committee and may be either oral or written, including solicitor and zoning reports.
(Ord. 2009-60. Passed 2-16-10.)

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- (4) Committee Meetings. All committee meetings shall be held in the Council Chambers of the Village Hall. Committees shall determine the time of day of their own committee meetings.

**ARTICLE XIII.
Other Boards and Commissions
(for clarity only)**

(The following is provided for clarity only.)

- (1) Planning Commission, in accordance with the Village of Mantua Code of Ordinances Section 143.01, was established in accordance with Ohio R.C. 713.01. (Ord. 2007-02. Passed 1-16-07.)

The Planning Commission shall consist of the Mayor, one member of Council, to be elected thereto for the remainder of the term of such member of council, and three citizens of the Village, as provided for in Section 143.01(b), which three citizens of the Village are appointed by the Mayor with the approval of Council.

- (2) Cemetery Board is in accordance with Ohio Revised Code and Village of Mantua Code of Ordinances Chapter 145.
- (3) Shade Tree Commission is in accordance with Codified Ordinances of the Village of Mantua, Chapter 147.

In accordance with Mantua Code of Ordinances Section 147.03, the Shade Tree Commission shall be made up of five (5) persons, as follows:

- (a) Three (3) citizens of the Village of Mantua appointed by the Mayor with the approval of Council;
- (b) One (1) member of Village Council appointed by Council President; and
- (c) A member of the Parks Board designated by that Board.
- (4) Parks Board of Commissioners is in accordance with the Village of Mantua Code of Ordinances Chapter 951.

The Parks Board of Commissioners in accordance with Village of Mantua Code of Ordinances Section 951.01 shall consist of five (5) members appointed by Council, two (2) of whom shall be members of Council, with the other three (3) members being residents of the Village.

The Parks Board of Commissioners shall have the control and management of the Village Park and its facilities and all improvements and additions thereto, in accord with Section 951.02 of the Village of Mantua Code of Ordinances.

**ARTICLE XIV.
Clerk of Council**

- (1) Assistant. The Village Clerk-Treasurer shall appoint an Assistant Clerk-Treasurer with the confirmation of Council, who shall perform any duties of Clerk of Council as directed by the Clerk-Treasurer. The Assistant Clerk-Treasurer shall also be subject to all general rules and regulations governing employees of the Village of Mantua. The Clerk of Council shall be evaluated annually by the Clerk-Treasurer.

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- (2) Absence from Meetings. In the absence of the elected or appointed Clerk of Council, the duties of the Clerk of Council shall be assumed by the Assistant Clerk-Treasurer of the Village of Mantua. In the absence of both the Clerk of Council and the Assistant Clerk-Treasurer, the President Pro-Tempore shall appoint a member of Council to take the minutes of any scheduled Council meeting. Said member shall have at his/her disposal, within reason, all facilities and personnel available to assist him/her in the taking, preparation, and submittal of minutes of the Council of the Village of Mantua.
- (3) Duties.
- (a) In addition to the duties usually and customarily performed by the Clerk of Council, and as such further duties may be required by law or by resolution of Council, it shall be the duty of the Clerk-Treasurer's Office to prepare a docket and agenda of the business proposed to be transacted at any regular or special Council meeting, and to cause a copy thereof to be delivered to the mailbox of each member of Council, the Mayor, and each department head, not less 5:00 p.m. on the Friday before the meeting. No document, not included in the docket, or otherwise called to the attention of all members of Council at least 12 hours before the meeting, shall be submitted to Council if objected by two (2) present.
- (b) In preparing the docket and agenda for each regular Council meeting, the Clerk's Office shall only place thereon all matters received for such purpose by 5:00 p.m. the Thursday prior to the meeting for which the docket and agenda pertain. The Clerk's Office shall save until the next regular meeting, all matters received after 5:00 p.m. of the previous Thursday. The docket and agenda for special meetings shall only include those matters designated by the person calling the meeting. Supplemental dockets will only be prepared upon the approval and instructions of the President Pro-Tempore of the Village of Mantua Council.
- (c) The Clerk of Council and/or Clerk-Treasurer shall be responsible for attesting to posting, publishing, advertising, and certifying any legislation as required by law.
- (d) The following kinds of meeting notice shall be given by the Clerk of Council: Notice of the time and place of all regularly scheduled meetings; notice and time, place and purpose of all special meetings. A special meeting may not be held unless at least twenty-four (24) hours advance notice is given to the news media that have requested notification. In the event of an emergency requiring immediate official action, the member or members calling the meeting shall notify the news media (requesting notification of special meetings) immediately of the time, place and purpose of the meeting. Notice to the news media requesting notification should be considered as being jurisdictional. 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 notice include, but are not limited to, mailing the agenda of meetings to all subscribers in self-addressed stamped envelopes provided by the person. The Clerk of Council will establish the reasonable fee and minimum quantity of self-addressed, stamped envelopes required to effect efficient operations of his/her office.
- (e) The Clerk of Council shall be responsible for the custody, maintenance, distribution and sale, according to the instructions of Council, of all copies

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of the Codified Ordinances, and for the sale of copies of ordinances, resolutions, and other public documents of the Village where no provision for sale is otherwise made by ordinance.

- (f) The Clerk of Council shall be responsible for recording Council meetings and for the care and custody of the recordings which shall be kept for a period of four (4) years. These minutes shall list within the body thereof, an accurate tracking of all legislation either before Council, in committee, tabled or otherwise awaiting activity before it returns to Council for consideration.
 - (g) The Clerk of Council may receive funds for services and sales offered by the office of Council, and shall account therefor to the Clerk-Treasurer of the Village of Mantua and the chairperson of the Finance Committee at least monthly.
- (4) Inclusion of Verbatim Transcripts. Any Council person or Village official desiring specific remarks to be included verbatim in the minutes must make such request therefore by motion at the meeting at which the remarks were made. A majority vote of Council shall be sufficient to authorize such verbatim transcript. (Ord. 2007-02. Passed 1-16-07.) Members of the audience shall not be permitted to request that their comments be included verbatim in Council minutes.

121.04 HOURS; COMPENSATION.

- (a) The position of Village Council Member and Village Council President are designated as part-time positions.
- (b) All elected or appointed Council Members and Council President are exempted from eligibility for employee medical benefits set forth in Section 9.03 of the Village of Mantua Employee Handbook.
- (c) Regardless of the number of meetings of Council or of Committees of Council attended, compensation for the position of Council Member shall be fifty dollars (\$50.00) per month and for the position of Council President, ninety-five dollars (\$95.00) per month.
- (d) The Village of Mantua shall also contribute the appropriate employer's contribution towards OPERS. (Ord. 2009-39. Passed 7-14-09.)