

22-250

BILL #22-247

ORDINANCE # _____

BY: MS. BURNS

Re-appointing Councilwoman Cheryl Meier to the Richland County Regional Planning Commission.


WHEREAS, the Bylaws of the Regional Planning Commission requires one individual representing Mansfield City Council who shall serve during their tenure as a voting member of the Commission.

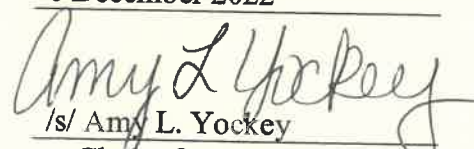
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

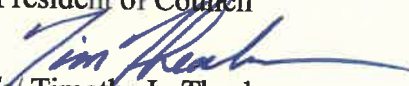
SECTION 1. That pursuant to Section IV of the Bylaws of the Richland County Regional Planning Commission, this Council does hereby re-appoint Councilwoman Cheryl Meier to the Richland County Regional Planning Commission for the duration of her current Council term.

SECTION 2. That this measure shall take effect and be in force after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus	<u>6 December 2022</u>
1 st Reading	<u>6 December 2022</u>
2 nd Reading	_____
PASSED	<u>6 December 2022</u>

SIGNED 
 /s/ David Falquette
 President of Council

ATTEST 
 /s/ Amy L. Yockey
 Clerk of Council

APPROVED 
 /s/ Timothy L. Theaker
 Mayor

APPROVED AS TO FORM: John R. Spon
 Law Director
 City of Mansfield, Ohio

22-251

BILL #22-248

ORDINANCE # _____

BY: MS. BURNS

Appointing Councilmembers Stephanie Zader and Aurelio Diaz to the Metropolitan Planning Organizations (MPO) Coordinating Committee of the Richland County Regional Planning Commission.


WHEREAS, the Bylaws of the Regional Planning Commission requires the establishment of a Transportation Section and prepare for approval of the Coordinating Committee in accordance with the current guidelines set forth for designated Metropolitan Planning Organizations (MPOs).

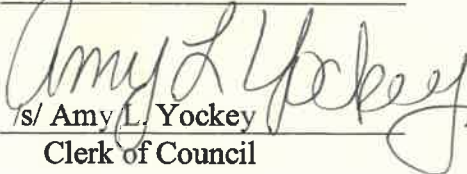
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:


SECTION 1. That pursuant to the Bylaws of the Richland County Regional Planning Commission, this Council does hereby appoint Councilmembers Stephanie Zader and Aurelio Diaz to the Metropolitan Planning Organizations (MPO) Coordinating Committee of the Richland County Regional Planning Commission for the duration of their current Council terms.

SECTION 2. That this measure shall take effect and be in force after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 6 December 2022
1st Reading 6 December 2022
2nd Reading _____
PASSED 6 December 2022

SIGNED 
/s/ David Falquette
President of Council

ATTEST 
/s/ Amy L. Yockey
Clerk of Council

APPROVED 
/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

BILL #22-249*

ORDINANCE #

22-252

BY: MS. BURNS

Amending portions of Chapter 121 of the Codified Ordinance of the City of Mansfield regarding the rules of Council to change meeting dates that conflict with elections.

WHEREAS, the first meeting in May is often on Primary Election Day which often conflicts with Council and other City elected officials' schedules, and

WHEREAS, moving these meetings would be beneficial to the members of Council and the public by reducing conflicts and increasing participation.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF MANSFIELD, STATE OF OHIO:**

SECTION 1. That Section 121.01 of the Codified Ordinances of the City of Mansfield be amended to read as set forth:

121.01 RULES OF COUNCIL.

(a) Meetings of Council.

(1) Rule A1. Regular and caucus meetings of Council. Regular and caucus meetings of the Council. Caucus meetings of the Council shall be held on the first and third Tuesday of each month at 7:00 p.m., to be followed by the regular meeting of the Council except in July, when the regular and caucus meeting of Council on the first Tuesday will not be held, and except ~~November when the regular and caucus meeting of Council on the first Tuesday conflicts with Election Day,~~ **on Primary, General and Special Election Days** in which case the meetings shall be held on the following Wednesday.

(2) Rule A2. Special meetings of Council. The Mayor or any three members of Council may call special meetings upon at least twelve hours' notice to each member, served personally or left at his usual place of residence.

(3) Rule A3. Public meetings. All regular and caucus meetings of Council and meetings of its standing and special committees shall be held as public meetings in strict accordance with Article XIII of the City.

(4) Rule A4. Attendance by members of Council. Members of Council shall attend all meetings of Council as prescribed by Rule A1. Upon any member of Council being absent from all regular meetings of Council for two consecutive months, or four consecutive regular meetings, without

valid excuse, the Clerk of Council shall cause to be placed on the agenda of Council for its next regular meeting a bill declaring the seat of such member to be vacant for absence without valid excuse. The Clerk shall immediately notify in writing such member that a bill under Rule A4 of Council will be considered at the next regular meeting of Council declaring his seat vacant by reason of absence without valid excuse and that such member will have the opportunity to be heard at such regular meeting prior to consideration of the bill by Council. Such bill may be enacted by Council but shall require the concurrence of two-thirds of all members elected to Council for its adoption, and it shall not be subject to the Mayor's veto. Council may impose a lesser penalty under this rule. For the purpose of this rule a "regular meeting" of Council shall not include a caucus meeting.

(b) Officers and Committees of Council.

(1) Rule B1. President of Council. The President of Council shall preside at all Council meetings but shall have no vote, except in the case of a tie. He shall see that all meetings are conducted in a proper, efficient, and fair manner and should not speak on issues from the chair. He may, however, relinquish the chair and speak on issues as any citizen may. The President of Council is part of the executive branch of the City and as such helps provide liaison between the executive and legislative branches.

(2) Rule B2. President Pro Tempore of Council. A President Pro Tempore is elected by Council within ten days of the commencement of their term. He shall serve for two years but may be removed at any time for cause at a regular meeting of Council by a two-thirds vote of members elected. The President Pro Tempore serves as acting President of Council in the absence of the elected President or when the elected President is serving as Acting Mayor. In such a role the President Pro Tempore may vote in all matters coming before Council, but he cannot vote again in the case of a tie. In the event that the President of Council succeeds the Mayor of the City, the President Pro Tempore becomes the President of Council and a new President Pro Tempore is elected.

(3) Rule B3. Appointment of temporary chairman. In the event of the absence of both the President of Council and the President Pro Tempore, Council shall elect by majority vote an acting chairman who shall perform the duties of the President Pro Tempore.

(4) Rule B4. Committees of Council. Council shall establish by resolution at the first regular meeting of their term such standing committees as it deems necessary. Additional standing committees or special committees may be established at any regular meeting by resolution of Council. The appointment of members to either standing or special committees and the selection of chairman and vice chairmen thereof shall be made by resolution of Council.

(c) Employees of Council.

(1) Rule C1. Clerk of Council. The members of the majority political party of Council shall designate the Clerk of Council who shall serve at their pleasure. Council shall provide by resolution for the employment of the Clerk indicating the name of person designated, compensation and such other information as needed. The Clerk will attend all regular and special meetings of Council, will manage the operation of the office of the Clerk of Council, and will supervise the activities of the Assistant Clerk of Council. The Clerk will receive such fringe benefits, including vacations and insurance, as any employee of the City serving in an equivalent position.

(2) Rule C2. Assistant Clerk of Council. The members of the second ranking political party of Council shall designate the Assistant Clerk of Council who shall serve at their pleasure. Council shall provide by resolution for the employment of the Assistant Clerk of Council indicating the name of the person appointed, compensation and such other information as needed. The Assistant Clerk of Council, while working with all members of Council, shall work under the supervision of the Clerk of Council. In the event the Clerk of Council is absent from work, the Assistant Clerk will perform all functions of the Clerk including attending all regular and special meetings of Council. The Assistant Clerk of Council will receive such fringe benefits, including vacation and insurance, as any employee of the City serving in an equivalent position.

(d) General Conduct of Council Meetings.

(1) Rule D1. Quorum. Five members of Council shall constitute a quorum.

(2) Rule D2. Order of business. At all meetings of Council, business shall be transacted as far as practical in the following order:

- A. Pledge of Allegiance.
- B. Roll call.
- C. Reading and disposition of journal of previous meeting.
- D. Reading and referring communications and petitions.
- E. Citizen comments.
- F. Reports of Council committees.
- G. Reports of City officials.
- H. Introduction, first reading and reference of ordinances and resolutions.
- I. Second reading of ordinances and resolutions.
- J. Third reading of ordinances and resolutions.
- K. Other business.
- L. Adjournment.

(3) Rule D3. Roll call. A roll call will be conducted orally in alphabetical order at the beginning of each meeting to determine if a quorum is present.

(4) Rule D4. Reading of journal, communications; dispensed with. The reading of the journal of the previous meeting and any communications or petitions received are to be dispensed with unless a motion is made and passed specifying that they be read. The presiding officer should state "Unless there is an objection, the reading of the journal and correspondence is dispensed with." Any correspondence received is to be referred by the President to the Rules Committee for determination of Committee assignment.

(5) Rule D5. Obtaining privilege of floor by members. For all purposes, save that of seconding motions, no member shall be entitled to any of the privileges of the floor until he addresses the

presiding officer by proper title, and is recognized by him. No member shall be privileged to disturb or interrupt another member having the floor except by a call to order.

(6) Rule D6. Taking of yeas and nays. The yeas and nays shall be taken on each question by electronic vote and thereafter entered upon the journal. The final vote shall not be displayed by the presiding officer until all votes have been registered.

(7) Rule D7. Voting required. Upon every call of the yeas and nays, every member present shall vote; except if any member feels that he has a personal interest in the matter, he may be excused by a two-thirds vote of the members present.

(e) **General Procedures for and Enactment of Legislation.**

(1) Rule E1. Preparation and distribution of legislation. No legislation, except for informal resolutions of Council shall be read or considered at any regular meeting of Council unless it has been made available for discussion at the caucus meeting of a previous regular meeting of Council. The request for the preparation of such legislation shall have been filed in the office of the Clerk of Council not later than 4:00 p.m. on the Monday of the week preceding the date of the caucus meeting at which such legislation is to be read and considered. All requests directed to the Director of Law for the preparation of legislation shall be submitted on the form prescribed by the Director of Law and furnished by the Clerk of Council. Copies of all such requests will be furnished by the Clerk to the offices of the Mayor and Director of Finance and one copy shall be retained for the information of Council.

The Clerk of Council shall cause copies of all legislation to be read and considered at a regular meeting of Council to be available for distribution to Council members not later than 12:00 noon on the Friday preceding the caucus meeting at which such legislation is to be read and considered.

(2) Rule E2. Reading of proposed ordinances and resolutions. Every proposed resolution and ordinance of a general and permanent nature shall be first read for information on the day when introduced; and, unless Council shall otherwise order, shall lie on the table until the next meeting of Council when the same shall be read the second time. After the second reading, unless Council shall otherwise order, the bill shall lie on the table until the next meeting of Council when it shall be read the third time, and the final vote be taken upon the question of the passage or adoption thereof. It shall be in order at any time before final passage or adoption to amend the bill, refer it to committee or take any other proper action. Each ordinance and resolution shall be read by title only, provided Council may require the reading to be in full by a majority vote of its members. This rule requiring three readings of all ordinances and resolutions may be dispensed with by a single motion and an affirmative vote by three-fourths of the members of the legislative authority for all legislation coming before Council at any particular session.

(3) Rule E3. Emergency ordinances and resolutions. Emergency ordinances and resolutions must set forth the reason for the emergency in one section of the ordinance or resolution. Each emergency ordinance or resolution shall require the affirmative vote of at least two-thirds of the members elected to Council for its enactment; provided that if it fails to receive the requisite two-thirds affirmative votes, but received the necessary majority for passage as a non-emergency ordinance or resolution, it shall be considered passed as such and shall become effective as provided in the case of a non-emergency ordinance or resolution. Emergency ordinances and resolutions take effect immediately upon the approval of the Mayor.

(f) Motions.

(1) Rule F1. Seconding of motions. All motions, except for a call to order, must be seconded before being placed on the floor. The presiding officer shall restate the motion before entertaining debate or taking action.

(2) Rule F2. Motions that may be received during debate. When a question or proposition is before Council or under debate, or when a motion has been made, no motions shall be received except the following:

- A. To adjourn (undebatable)
- B. To recess (undebatable)
- C. To table the motion (i.e., to lay on the table) (undebatable)
- D. To end debate (i.e., call for the previous question) (undebatable)
- E. To postpone to a definite time
- F. To refer to committee
- G. To amend
- H. To postpone indefinitely

These motions shall have precedence according to the above order.

(3) Rule F3. Motion to adjourn. A motion to adjourn shall always be in order, except upon immediate repetition thereof, or when a member has the floor, or when Council is voting, and the same shall not be debatable.

(4) Rule F4. Motion to appeal. An appeal may be made from any decision of the presiding officer of Council, but it can be made only at the time when the ruling is made. If this appeal is seconded the presiding officer shall state clearly the question at issue and his reasons for the decision, if he thinks it necessary, and then state the question thus: The question is "shall the decision of the chair be sustained?" If a majority votes aye, the ruling of the presiding officer is sustained; otherwise, the presiding officer is overruled.

(5) Rule F5. Motion to withdraw a motion. When a motion is before Council and the mover wishes to withdraw it, if no one objects, the presiding officer grants permission; if any objection is made, a formal motion to withdraw must be made. When a motion is withdrawn, the effect is the same as if it had never been made.

(6) Rule F6. Motion to lay on the table. A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion to remove from table made by a member voting with the majority and with the consent of a majority of the members present.

(7) Rule F7. Motion to close debate. When a motion is made and seconded to close debate, or to call for the previous question, the presiding officer shall put the question "Shall debate be closed?" If it fails, the discussion continues as if this motion had not been made. If adopted, debate is immediately closed, except the member who introduced the motion has the privilege of ending

debate, and the vote is taken upon the pending question including voting upon any pending amendments or motion to refer.

(8) Rule F8. Motion to reconsider. Any member who was absent or voted with the prevailing side may move a reconsideration of any action of Council, excepting measures which shall be in immediate effect. Such a motion for reconsideration shall be made not later than the next regular meeting after the action to which it relates was taken. No motion to reconsider shall be made more than once on any measure, and such a motion shall require a majority of all members elected to Council in order to prevail.

(g) Privilege of Floor by Persons Other Than Council Members.

(1) Rule G1. Privilege of floor by other Municipal officers. The Mayor, the Director of Law, the Director of Finance, the Service Director, Safety Director, Public Works Director or their representatives shall be entitled to any of the privileges of the floor for the purpose of speaking upon any questions pertaining to their respective departments.

(2) Rule G2. Privilege of floor granted to other persons. Persons not having the privilege of the floor by reason of their office shall be controlled by the following procedures:

- A. Every regular, caucus and special meeting of Council shall be open to the public.
- B. Any person desiring to address Council is requested to notify the office of the Clerk of Council during normal business hours of his intent to speak, giving his name, address and subject. This notice of intent to speak may also be given to the Clerk or presiding officer of Council immediately prior to any meeting.
- C. Any person desiring to address Council shall stand when invited, and when recognized by the presiding officer, come to the speaker's microphone and state his name and address.
- D. Any person granted the floor shall direct his remarks to the presiding officer and shall not attempt to engage any officer of the City in debate.
- E. Polemics and tirades shall not be permitted, nor shall any person utter profane, derogatory, contemptuous, slanderous or harassing remarks.
- F. The presiding officer may limit any speaker's time when necessary by reason of the number of the public intending to address Council.
- G. No person shall be entitled to the floor a second time upon the same subject at one meeting.

(h) Other Rules.

(1) Rule H1. Smoking prohibited. Smoking is hereby prohibited in the Council Chambers and the Council offices.


(2) Rule H2. Procedures where rules do not cover situation. All questions concerning the government of the Council, and the transaction of business thereby, which are not provided for by these rules, the Charter of the City, or the laws of the State, shall be decided in accordance with parliamentary rules as contained in Robert's Rules of Order.

(3) Rule H3. Suspension of rules. Any or all of these rules, or any rule for the government of Council which may hereafter be adopted, may be suspended at any meeting of Council by the affirmative vote of a majority of all members elected to Council, except for Rule E2. "Reading of Proposed Ordinances and Resolutions", which shall require an affirmative vote of three-fourths of the members of Council. The vote on such suspension shall be by the yeas and nays and entered on the journal.

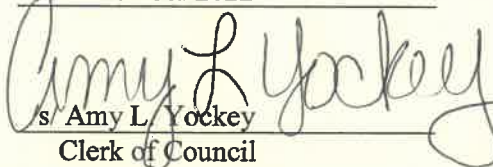
(4) Rule H4. Rules remain in force. These rules of Council shall remain in full force and effect until amended or repealed by Council.

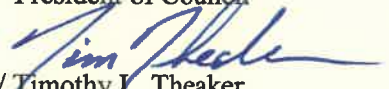
SECTION 2. That this measure shall take effect and be in force after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 6 December 2022
1st Reading 6 December 2022
2nd Reading _____
PASSED 6 December 2022

SIGNED 
/s/ David Falquette

President of Council

ATTEST 
/s/ Amy L. Yockey
Clerk of Council

APPROVED 
/s/ Timothy L. Theaker

Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

*Publication required.

22-253

BILL #22-250

ORDINANCE # _____

BY: MR. SCOTT

Authorizing the City to accept a donation of First Alert Smoke and Carbon Monoxide Alarms from the Area Agency on Aging with a value of one thousand one hundred ninety-nine and 40/100 dollars (\$1,199.40) for use by the Mansfield Fire Department in its Fire Prevention Bureau smoke detector program, and declaring an emergency.

WHEREAS, Area Agency on Aging has graciously offered to donate First Alert Smoke and Carbon Monoxide Alarms in the amount of one thousand one hundred ninety-nine and 40/100 dollars (\$1,199.40) to be used for the Fire Prevention Bureau smoke detector program, and

WHEREAS, this Council for itself and on behalf of the City of Mansfield gratefully appreciates the generosity and public interest reflected by this kind offer by Area Agency on Aging.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MANSFIELD, STATE OF OHIO:

SECTION 1. That the Interim Safety-Service Director on behalf of the City of Mansfield be, and is hereby, authorized to accept a donation from Area Agency on Aging for First Alert Smoke and Carbon Monoxide Alarms for the Mansfield Fire Department in its Fire Prevention Bureau smoke detector program.

SECTION 2. That in order to permit such donation to be accepted for their its intended purpose without delay, this measure is determined to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the City of Mansfield and its inhabitants and providing it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its adoption, otherwise from and after the earliest time allowed by law, after its passage and approval by the Mayor.

Caucus 6 December 2022
1st Reading 6 December 2022
2nd Reading
PASSED 6 December 2022

SIGNED David Falquette
/s/ David Falquette
President of Council

ATTEST Amy L. Yockey
/s/ Amy L. Yockey
Clerk of Council

APPROVED Timothy L. Theaker
/s/ Timothy L. Theaker
Mayor

APPROVED AS TO FORM: John R. Spon
Law Director
City of Mansfield, Ohio

