



Special Meeting of the Board of Trustees - February 11

February 11, 2020

- 1. Opening of Meeting**
- 2. Old Business**
 - a. Resolution to Establish Rules of Procedure for Trustee Meeting
- 3. New Business**
 - a. Discussion of Policy Book
- 4. Adjournment**

COLERAIN

OLD BUSINESS

Department: Administration

Department Head: Geoff Milz, Administrator

Resolution to Establish Rules of Procedure for Trustee Meeting

Rationale:

A Rules of Procedure document is a tool used to formalize the way the board intends to conduct its business during Board of Trustee Meetings.

This item was introduced for a first reading at the January 2, 2020 Special Organizational Meeting of the Board of Trustees. It was then discussed at the January 14, 2020 Regular Meeting of the Board of Trustees.

**Colerain Township
Rules of Procedure and Conduct
Board of Trustees - Procedures/Rules**

I. Meetings

A. Introduction

1. The Colerain Township Board of Trustees is sensitive and committed to the public's right to attend meetings not only when decisions are made but also when topics of a public nature are discussed.
2. Moreover, the Colerain Township Board of Trustees desires to codify the rules and procedures utilized in conducting such meetings to (1) ensure compliance with the Ohio Revised Code Open Meetings Act (ORC 121.22), (2) to ensure effectiveness and efficiency by Board members, and (3) offer a uniform, consistent, and written form of conduct expected from Board members and those attending meetings.

B. Definitions

1. A "meeting" applies to members of a "public body" when they take official action, conduct deliberations, or discuss business of the public and a "meeting" is defined as a gathering of a majority of Board members for the purpose of discussing or deliberating public business. The Colerain Township Board of Trustees has determined its own rules and order of business (ORC 504.09). The presiding officer is the President of the Board. If the President is excused from the meeting, the Vice President will become the presiding officer.
2. Meetings of the Colerain Township Trustees and each committee or task force legislatively created by the Board of Township Trustees in order to make recommendations or give advice to the Board will be deemed a "public body" ("Meeting" defined in ORC 121.22).
3. The Colerain Township Board of Trustees recognizes four general types of public meetings: Regular Meetings, Work Sessions, Agenda Sessions, and Special Meetings.

C. Adjustment of Agenda and/or Citizen Address

1. A rare occasion may present itself which a matter may require the immediate attention of the Board. The Board may adjust the agenda or proceeding of a Regular Meeting in order to address the matter. This may include curtailing a portion of the public participation of the meeting.
2. The above requires a unanimous vote by the Board.

D. Board Voting Procedure

1. All voting is done in the affirmative or negative in a roll call vote. A majority vote **normally** results in the passage of an item. However, all emergency resolutions must be unanimous. In the event an emergency resolution passes with a simple majority, the resolution passes as a non-emergency measure.
2. Even after a robust debate, the Board may not be prepared to vote on a resolution. Several options exist: (a) a Trustee may motion to postpone the resolution in order to gather more information and provide more public input (b) the item be tabled temporarily in order to address questions so that the item can be voted on later in that same meeting (c) the item be withdrawn at the request of the mover but only if no Trustee present objects.
3. **On some occasions, a Trustee may decide to vote “present.” A present vote is not considered an affirmative action but as an abstention.**

- E. Conflict of interest - A Trustee is not permitted to vote, discuss, lobby or deliberate on any issue in which a conflict of interest exists. A conflict of interest arises when the decision of the Trustee is participating in affects that Trustee's own financial interests or the interests of his family or business associates. The presence of a conflict of interest means the Trustee must recuse himself from the entire decision-making process. If unsure, a Trustee may contact the Ohio Ethics Commission at (614) 466-7090 for an advisory opinion. If such an opinion is not available before a vote, the Trustee should recuse himself from any deliberation and/or vote on the issue in question.

II. Board of Trustees - Regular Meetings

A. Introduction

1. A "Regular Meeting" schedule will be adopted by the Board of Trustees annually at the organizational meeting typically held during the first week of January. Such meetings will include reports from Department Heads and the Township Administrator. A President and Vice President of the Board will be elected annually by the Trustees. The President will serve as presiding officer over such meetings. In the event the President is excused from the meeting, the Vice President will serve as presiding officer.
2. Regular meetings are held in order to discuss, deliberate, and conduct Township business in a public setting. The Board is committed to providing meeting attendees the right to be heard at such meetings but has placed limitations on the time, place, and manner of access to such meetings in a manner that is content-neutral and narrowly construed in order to serve the Township's interest.
3. The schedule for regular meetings are posted on the Colerain Township website. The trustees have passed resolutions dealing with these issues.

B. Procedure

1. Agenda items presented during the Meeting will be brought by motion by a member of the Board and seconded by another Board member. The Presiding Officer will ask other Board members for discussion. The Fiscal Officer will call the role.
2. The Presiding Officer has the discretion, with a majority vote of the Board, to change the order of agenda.
3. The Board will follow parliamentary procedure when conducting all regular and special meetings. The basic outline of such procedure is found in "Robert's Rules of Order, Newly Revised" (12th ed.). However, the Board is not strictly bound to adhere to those rules of procedure

C. Decorum

1. It is the desire of the Board that the meetings reflect the highest levels of decorum and mutual respect between citizens and their government and each other.
2. The Board is steadfastly committed to respect the rights of all citizens to present differing views, opinions, and criticism.

3. Members of the Board and all of those attending Meetings must conduct themselves in a civil and respectful manner. Any member of the Board maintains the right and duty to declare a person or persons disruptive and, upon majority consent, request law enforcement remove disorderly persons from the meeting.

D. Order of Business

1. Opening of Meeting
 - a. Presiding Officer gavels the meeting to order
 - b. Presiding Officer will request that the Fiscal Officer call the roll by name in alphabetical order.
2. Adjourn to Executive Session
 - a. Agenda for meeting of Board of Trustees will always have a placeholder for Executive Session.
 - b. If an Executive Session is announced, it must always begin and end in an open meeting. A motion must be made in order to adjourn the Regular (or Special) Meeting in order to enter Executive Session. Such a motion must be approved by a majority using a roll call vote.
 - c. The motion for an Executive Session must specifically identify one or more of the approved matters to be discussed pursuant to ORC 121.22.
3. Return from Executive Session - Upon returning from Executive Session, the Presiding Officer will request a motion to return from Executive Session, then motion to reconvene the meeting, and a motion to act upon items discussed in Executive Session (if applicable).
4. Pledge of Allegiance - Presiding Officer will lead in Pledge of Allegiance.
5. Meditation (Moment of Silence) - Presiding Officer will lead in a moment of silence and meditation.
6. Approval of Minutes - Presiding Officer will request that the Fiscal Officer present any minutes for approval by the Board. ORC 507.04 requires that the Fiscal Officer keep "an accurate record of

the proceedings" and must contain sufficient information to allow the public to understand the rationale behind the Board's decisions.

7. Presentations

- a. Presentations are offered by the Administrator or guest of Administrator (Members of the Board of Trustees may also request presentation time for a relevant guest). These presentations may include elected or appointed officials (or their representatives) - regardless of political party - offering policy updates. Elected officials must represent some or the entire Township at some level of government and may not use the forum for electioneering.
- b. All presentations must be pre-approved by the Administrator.
- c. Presenters are expected to address the Board and not the audience.

8. Public Hearing

- a. The Presiding Officer will open the scheduled Public Hearing at the appointed time, state the case number, and allow Township staff to present the case.
- b. Anyone speaking to the Board - opponents, proponents, or neutral speakers - will be duly sworn in by the Township legal counsel.
- c. All speakers must adhere to the rules of decorum specified above in the "Citizen's Address" section.
- d. Upon conclusion of interested party comments, the Presiding Officer will declare the Public Hearing closed.
- e. A decision and vote on the resolution will generally be placed on the agenda for the following Regular Meeting.

9. Citizen's Address

- a. The Board provides opportunity for and encourages the participation of all stakeholders in Colerain Township.
- b. Those wishing to speak at a Trustee Meeting are asked to fill out a short form housed in the hallway outside the

Trustees' Chamber in order to be recognized. Citizens may speak on any topic germane to the business of the Board and topics are not limited to items on the agenda for that meeting.

- c. Once recognized, citizens are asked to speak into the microphone at the podium and give their name and address. Speakers may only address the Board. No conversations may be carried on between the speaker and individual citizens in attendance or with individual Board members.
- d. The use of profane, disrespectful, or threatening language or gestures will not be tolerated.
- e. Each citizen will be allotted a maximum of five (5) minutes to speak through use of a timer visible to the citizen audience and Board of Trustees. Citizens may not reserve time nor yield time to another speaker. This policy is designed to hear from as many citizens from as many points of view as possible. The Presiding Officer will alert the speaker as to the expiration of the five minutes and recognize the next speaker. The time limit may be extended at the discretion of the Board president.
- f. "Citizen's Address" is an opportunity for the Board to hear input from various stakeholders in Colerain Township. It is not a time for Board members to debate or engage in instant dialogue with speakers. However, Board members and administration may choose to respond to questions or citizen concerns during the Administrator or Trustee Report at the current or subsequent meetings.
- g. The Board or Board members may receive written correspondence from the public, but are not required to read or comment on such written correspondence.
- h. During any citizen's comment period, the Presiding Officer has the right to interrupt, and Board members have the right to request the Presiding Officer interrupt, and ask a citizen to be seated if comments are unrelated to Township business or become disruptive.
- i. Any member of the Board reserves the right and duty to declare disruptive persons as disorderly, and with majority consent of the Board, ask that law enforcement escort such

individuals from the meeting in accordance with ORC 505.09.

j. At the end of the speaker list, the President of the Board will ask the audience if anyone else would like to speak.

10. Administrative Reports - the Township Administrator (or proxy) offers an update on prescient issues, responds to citizen concerns from "Citizen Address" or any other forum, and responds to questions posed by the Trustees. Next, the Administrator yields to Department Heads in order to provide further updates and public information.

11. Trustees' Report

- a. Trustees - at the invitation of the Presiding Officer - will share any comments.
- b. All remarks are directed to the Presiding Officer and must meet the same rules of decorum as the "Citizen's Address." As a result, the Trustee Report is not an opportunity to allude to others by name or by motives.
- c. No electioneering is permitted.
- d. If an action be necessary as the result of an item or items from the Trustee Report, the Board and/or Administrator will request a motion which will be recorded in the meeting minutes for appropriate action.

12. New Business

- a. The "New Business" section includes statutory resolutions which, upon passage, generally are effective upon a majority approval of the Board.
- b. The Presiding Officer requests the Administrator to introduce business items to the Board and then will request a motion.
- c. Each resolution shall be introduced in written form by a member of the board. Each resolution shall contain only one subject, which shall be expressed in its title, except that appropriation measures may contain the various subjects, accounts, and amounts for which moneys are appropriated, and except that resolutions that are codified or recodified

are not subject to the limitation of containing only one subject (ORC504.10)

- d. Each resolution shall be read by title only, unless a motion is passed by a majority vote of the members of the board requiring that it be read in full. Each resolution shall be read on two separate days. The Board may, by a majority vote of its members, dispense with the requirement that a resolution be read on two separate days, and authorize the adoption of a resolution upon its first reading (ORC504.10). For the purposes of this section, resolutions of nuisance abatement are exempt from the two-reading rule.
- e. Other items considered during this time include agreements, contracts, volunteer board appointments, etc.
- f. Each item is considered separately.
- g. A majority decision is normally required.

13. Consent Items

- a. Packages of routine items of business that do not require discussion may be listed as a single item on the agenda so that one vote may be cast on all items instead of separate votes on each. Examples of Consent Items include (but are not limited to) payment of previously budgeted or otherwise duly approved expenditures, new hires per the Township's policy manual, receipt of reports, and approval of Board communications.
- b. Any Trustee may request an item be removed from the "Consent Agenda" and a second is not required. Procedurally, any items removed from the Consent Agenda for separate discussion will be considered after the Consent motion.
- c. Items under the Consent Agenda will be enacted by one motion. Each item approved under the motion, will receive the same motion number.

14. Fiscal Officer Report

- a. The Fiscal Officer - at the invitation of the Presiding Officer - will share any comments.
 - b. All remarks are directed to the Presiding Officer and must meet the same rules of decorum as the "Citizen Address." As a result, the Trustee Report is not an opportunity to allude to others by name or by motives.
 - c. No electioneering is permitted.
- 15. Executive Session - if requested. The procedure is outlined above.
- 16. Adjournment
 - a. Trustees are not required to act on all items on the agenda. A motion to adjourn can be moved, seconded, and passed at any time. Any items not considered or left unfinished from the agenda will be listed under "old business" at the next Trustee meeting.
 - b. A Board member proposes a motion to adjourn, another member seconds the motion and a roll call vote is taken by the Fiscal Officer.

III. Board of Trustees - Work Sessions

- A. Work Sessions are structured in a less formal manner than Regular Meetings and are designed for Trustees and Department heads to discuss Township related projects and activities.
- B. Work Sessions are "Open Meetings" and must abide by the Ohio Revised Code Open Meetings Act. They are open to the public, must be properly noticed, and minutes must be kept. The Presiding Officer will outline the level of public input for each meeting.

IV. Board of Trustees - Special Meetings

- A. The Colerain Township Board of Trustees may call Special Meetings at any time for purposes they are permitted by law to act upon.
- B. In order to properly notice, the press must be notified of a Special Meeting twenty-four (24) hours in advance of the scheduled meeting (ORC 121.22). The public notice must state the date, time, location, and purpose of the meeting. In order for an item to be discussed or deliberated it must be listed in the announcement's purpose.

- C. Any action taken at a Special Meeting or Regular Meeting is invalid if adequate advance notice has not been provided (ORC 121.22).
- D. Any action taken at a Special Meeting in which one of the Trustees has not been notified of the time and place of the meeting is also invalid.

V. Executive Sessions

- A. Executive Sessions are an exception to the Ohio revised Code Open Meetings Act but only under seven specific conditions: (1) Matters related to public employees, officials, licensees, or regulated individuals (2) Purchase or sale of property by the public body (3) Conferences with an attorney for the public body **concerning matters of pending or imminent court action** (4) Matters related to employee bargaining negotiations (5) Matters that must be kept confidential according to federal or state law (6) Details of security arrangements and emergency response protocols (7) Trade secrets of county hospitals, joint township hospitals, and municipal hospitals (8) **To consider confidential information relating to economic development (must be unanimous)** (9) **Veteran's service applications.**
- B. Invitees - The Board may, at its discretion, include or exclude any member of the public in executive sessions. Only Trustees, special invitees, and such employees or staff members that the Board deems appropriate are allowed to be present for executive sessions. All others are excluded from the meeting.
- C. Minutes - Minutes are not required to be kept during executive sessions, but the minutes of the meeting must document a motion to go into executive session as well as the return to open sessions.
- D. Motion - motion to enter executive session must specifically identify the exact permissible discussion topic which will be discussed.
- E. Action - The Board may not vote or take any official action in an executive session; all votes must take place in an open meeting. Any formal action that takes place in an executive session is invalid.
- F. Confidentiality - The Board of Trustees and all employees agree that topics discussed in executive sessions are to remain strictly confidential. Discussions during executive sessions should not be disclosed for any reason, except as required by law. However, once a matter has been brought public out of an executive session and into the general or special meeting, the matter is no longer confidential.

