

RESOLUTION NO. 04-2024

Rescinding and Replacing Resolution 01-2018 Establishing the Rules of Conduct for West Chester Township Trustee Meetings, Declaring an Emergency, and Dispensing with the Second Reading

WHEREAS, the West Chester Township Board of Trustees ("Board") wishes to codify rules for conducting its meetings to ensure conformity to Ohio Revised Code Open Meetings Act (§121.22), to ensure Township business is done effectively and efficiently, and to describe the conduct expected from the Board and from persons attending meetings; and

WHEREAS, the Board previously adopted Resolution 01-2018, therein establishing rules of conduct for its meetings; and

WHEREAS, Board of Trustee meetings ("Meetings") are convened regularly for the express purpose of discussing Township business in a public setting (O.R.C. §121.22(b)(2)); and

WHEREAS, the Board wishes to determine its own rules and order of business for Meetings as provided in O.R.C. §504.09; and

WHEREAS, according to the Open Meetings Act, and case law cited therein, the Board need not provide (or prohibit) attendees the right to be heard at meetings, and the Board may place limitations on the time, place, and manner of access to its meetings, as long as the restrictions are content neutral and narrowly tailored to serve a significant governmental interest.

NOW THEREFORE, BE IT RESOLVED, the Board agrees to state and establish the following:

SECTION 1. Resolution 01-2018 is hereby rescinded and replaced by Resolution 04-2024;

SECTION 2. The Board has determined to provide attendees the opportunity to be heard at Meetings, and directs that each Regular Meeting agenda provide two occasions for citizens to comment:

A. First citizen's comments – not to exceed ten (10) minutes

1. A Township resident, Township business owner or Township property owner interested in speaking at the first citizen's comment period must sign in before the Meeting is called to order.
2. No more than five speakers may preregister and the Board will hear no more than five speakers during this time. Speakers will be limited to two minutes each. Comments longer than two minutes will be deferred to the second citizen's comment period.
3. The Presiding Officer of the Board (chair or acting chair) will call registered speakers to the lectern by name; if no one is registered, the Presiding Officer may ask if anyone wishes to speak during this time, and if no one rises, the Meeting will proceed.

B. Second citizen's comments

1. During this time, the Presiding Officer will open the floor to any West Chester resident, business owner, or property owner. Speakers are limited to two minutes each to present or discuss information pertaining to Township business or operations. No speaker will be permitted to address the Board more than once during the second citizen's comment period.

SECTION 3. The Board will make reasonable accommodations to allow comments from persons who are not Township business or property owners, but who have direct interest in a Township business or property (i.e. a manager of a business in the Township).

SECTION 4. Board meetings provide an opportunity for the Board to receive input from Township residents, property owners or business owners. The Board will listen to input, but will not take questions, engage in instant dialogue, or debate. The Board will not respond directly to citizen speakers or answer questions. Questions or comments to which the Board chooses to respond may be answered during the Elected Official comment period of the meeting or at subsequent meetings.

SECTION 5. 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 to interrupt, and ask a citizen to be seated if comments are unrelated to Township business or operations, or become disruptive.

SECTION 6. The Board respects the right of citizens to present differing opinions, views, and criticism. Both the Board and persons attending Meetings are expected to

conduct themselves in an orderly manner demonstrating the highest levels of decorum, civic responsibility, and efficiency. However, any member of the Board reserves the right and duty to declare disruptive persons as disorderly and, with majority consent, ask that law enforcement escort disorderly persons from the meeting in accordance with O.R.C. §505.09.

SECTION 7. Each person desiring to address the Board shall step up to the lectern, speak into the microphone, state his/her name and address for the record, state the subject he/she wishes to discuss, may state whom he/she is representing if he/she represents an organization or other persons and, shall limit his/her remarks to two minutes. The Presiding Officer will alert the speaker when their opportunity to speak has elapsed

SECTION 8. All remarks shall be addressed to the Board as a whole and not to any member thereof or to the audience. No question shall be asked of a Board member, the audience, or a member of the Township staff without the permission of the Presiding Officer.

SECTION 9. The Board will not engage in conversation with the audience at any time or attempt to answer questions from the audience while sitting at the dais.

SECTION 10. Persons invited to speak at Meetings are required to do so in an orderly manner and limit their comments to Township business or operations. The use of profane or threatening language or gestures will not be tolerated.

SECTION 11. Generally, no person will be permitted to comment twice on the same topic at the same meeting. Allowances may be made at the discretion and consensus of the Board.

SECTION 12. The Board may receive written comments from the public but are not required to read or comment on such written correspondence.

SECTION 13. Persons attending Meetings may not express themselves in a manner that interrupts the orderly conduct of the meeting, for example, by speaking out without being recognized, yelling, clapping, jeering or cheering.

SECTION 14. Failure to adhere to this policy may result in the Board declaring the citizen or citizens to be disorderly and the person or persons will be escorted from the meeting by a law enforcement officer.

SECTION 15. The rules for Trustee Meetings written here are more fully detailed and explained in Exhibit A, Rules and Policy for West Chester Township Board of Trustee Meeting.

SECTION 16. This Resolution defines the behavior required of all attending a Meeting and shall not be amended unless done so by another Resolution defining such change.


SECTION 17. The attached Policy is a guideline for conducting Board meetings and the decorum expected of both the Board and those attending. Exhibit A attached may be amended as needed to accommodate the different procedures for conducting Meetings.

This Resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare, to avoid the expense, risk, or uncertainty of litigation involving the Ohio Revised Code Open Meetings Act; and shall become effective at the earliest date permitted by law.

Adopted this 9th day of January, 2024.

 Lee Wong, Chair	 Yes/No
 Mark Welch, Vice Chair	 Yes/No
 Ann Becker, Trustee	 Yes/No

ATTEST:


Bruce Jones, Fiscal Officer

APPROVED AS TO FORM:


Scott D. Phillips, Law Director

Exhibit A

Rules and Policy for Meeting Procedures

I. PURPOSE

To codify rules for meeting procedures and create a policy for conducting West Chester Township Board of Trustees Meetings in order to ensure conformity to Ohio Revised Code §121.22, the Open Meetings Act, to conduct Township business effectively and efficiently, and to describe the conduct expected from the Board and from persons attending meetings.

II. SCOPE

- A. The West Chester Township Board of Trustees (Board) has determined its own rules and order of business.¹ The Board meets regularly to discuss Township business on the second and fourth Tuesday of each month, unless otherwise scheduled due to legal holidays or other reasons. The presiding officer is the Chair of the Board following a standard format as written below. If the Chair is excused from the meeting, the Vice Chair will become the presiding officer (Presiding Officer).
- B. Board of Trustees meetings (Meetings) are convened to conduct Township business in a public setting (O.R.C. §121.22(b)(2)). The Board has determined to provide attendees the right to be heard at its meetings, but has placed limitations on the time, place, and manner of access to its meetings, ensuring the restrictions are content-neutral and narrowly tailored to serve the Township's interest.²
- C. Persons attending Meetings as well as the Board, are expected to conduct themselves in an orderly manner and any member of the Board reserves the right and duty to declare disruptive persons as disorderly and, with majority consent, ask that law enforcement escort disorderly persons from the meeting.³
- D. Each person desiring to address the Board shall step up to the lectern, speak into the microphone, state his/her name and address for the record, state the subject he/she wishes to discuss, may state whom he/she is representing if he/she represents an organization or other persons, and shall limit his/her remarks to two minutes. All remarks shall be addressed to the Board as a whole and not to any member thereof or to the audience. No question shall be asked a Board member or a member of the Township staff without the permission of the Presiding Officer.
- E. Agenda items presented to/by the Board will be brought by motion of a member of the Board and seconded by another member. The Presiding Officer will ask for discussion, after which the Fiscal Officer will call the roll. Either a unanimous or majority vote is necessary for adoption or denial, depending on the type of motion.

¹ O.R.C. §504.09 Proceedings of township board

² The Ohio Open Meetings Act, Chapter 2, Duties of a Public Body (case law)

³ O.R.C. §505.09 Duties of Trustees at elections

- F. The Presiding Officer may, with a majority vote of the Board, suspend the rules and change the order of the agenda.

III. ORDER OF BUSINESS

A. Convene and roll call

1. The Presiding Officer will use the gavel to call the Meeting to order.
2. The Presiding Officer will ask the Fiscal Officer to call the roll by name in the following order: Chair, Vice Chair, Trustee

B. Pledge of Allegiance

1. The Presiding Officer or his/her designee will lead the Pledge of Allegiance.

C. First citizen's comments⁴ – not to exceed ten minutes

1. A Township resident, Township business owner or Township property owner interested in speaking at the beginning of a Meeting must sign in before the Meeting is called to order.⁵
2. The Board will make reasonable accommodations to allow comments from persons who are not Township business or property owners, but who have direct interest in a Township business (i.e. a manager of a business in the Township).
3. No more than five speakers may preregister and the Board will hear no more than five speakers during this time. Speakers will be limited to two minutes each. Comments longer than two minutes may be deferred to the second citizen's comment period.
4. The Presiding Officer will call registered speakers to the lectern by name; if no one is registered, the Presiding Officer may ask if anyone wishes to speak during this time, and if no one rises, the Meeting will proceed.
5. The Presiding Officer has the right to interrupt, and Board members have the right to request the Presiding Officer to interrupt, and ask a citizen to be seated if comments are unrelated to Township business or operations, or become disruptive.
6. The Board will not respond directly to citizen speakers or answer questions, but will reserve response and/or comments until the elected officials comment period of agenda.

⁴ Ohio Attorney General Opinion 2007-019

⁵ West Chester Township resolution #1997-23A Public Participation Policy; WCT Resolution #04-2024

D. Presentations – Township Administrator (Administrator)

1. Presentations will be offered by Administrator, Administrator's designee, or Township guest.
2. All presentations must be pre-approved by the Administrator and will be limited to ten minutes unless given pre-authorization by the Administrator to surpass time limit.
3. Presenters must always address the Board, not the audience.

E. Personnel items – Administrator

1. The Presiding Officer will request the Administrator to introduce personnel items. The Administrator will read all personnel items to the board including the pay rate and effective date of hire.
2. Personnel items are considered and voted on as a block, unless a trustee asks for one or more items to be read and considered separately.
3. The Presiding Officer will ask for a motion to approve all items as presented, or individually, if requested. Generally, a majority decision is required.
4. Once approved, and if requested, new hires may be introduced to the Board from the audience.

F. Action items – for approval by motion

1. Generally, the first item for action is a motion to approve minutes of prior meetings. A trustee who is absent from a meeting may not vote on that meeting's minutes since the purpose of voting on the minutes is to insure their accuracy.⁶
2. A motion will be made to approve payment of township bills.

G. Requisitions greater than \$7,500.00 – Administrator

1. The Presiding Officer will request the Administrator to introduce requisitions greater than \$7,500.
2. The Administrator will read all requisitions to the Board including the item number, department, dollar amount, and, if necessary, a brief description of the purchase requisition.
3. Requisitions are considered and voted on as a block, unless a trustee asks for one or more items to be read and considered separately.

⁶ OAG Opinion 2007-019

4. The Presiding Officer will ask for a motion to approve all items as presented, or individually, if requested. A majority decision is required.

H. Business items – Administrator

1. Each business item is considered separately. Generally, a majority decision is required.
2. The Presiding Officer requests the Administrator to introduce business item to the Board, and then requests a motion.
3. Statutory resolutions are brought under this category and are generally effective upon approval of a majority of the Board.
4. Other types of business under this heading include agreements, contracts, volunteer board appointments, requests to advertise, etc.

I. First reading of Limited Home Rule resolutions

1. Resolutions brought under Limited Home Rule (LHR) are read on two separate days and become effective either ten days or 30 days after adoption.⁷ A majority of the Board may dispense with the second reading and vote with the first reading.⁸
2. Each resolution is considered separately.
3. The Presiding Officer introduces the resolution number and either reads the title or requests the Administrator to do so.
4. After the First Reading, the Presiding Officer invites the Board to ask Administrator for questions or clarifications.
5. No vote or further action is taken at this time.

J. Reading of emergency resolution

1. The Presiding Officer introduces the resolution number and either reads the title or requests the Administrator to do so.
2. After the Emergency Reading, the Presiding Officer invites the Board to ask Administrator for questions or clarifications.
3. No vote or further action is taken at this time.

⁷ O.R.C. §504.11(A) and §504.11 (B) – moved up a page

⁸ O.R.C. §504.10 Form and reading of resolutions; Frost Brown Todd Opinion 07.15.2020 Township Resolution Requirements

K. Second citizen's comments

1. The Presiding Officer opens the floor to any West Chester resident, business owner, or property owner. Speakers are limited to two minutes to present or discuss information pertaining to Township business or operations.
2. The Presiding Officer has the right to interrupt, and Board members have the right to request the Presiding Officer to interrupt, and ask a citizen to be seated if comments are unrelated to Township business or operations or become disruptive.
3. The Board will not respond to citizen's comments or questions at this time, but must reserve response and/or comments until the elected official comment period of agenda.

L. Second reading and vote on pending resolution

1. The Administrator states the resolution number and reads the title of the resolution for the Board.
2. Roll call vote is taken and a majority decision is required; non-emergency resolutions appropriating money or submitting a question to the electorate become effective in ten days unless another date is specified; other non-emergency resolutions become effective in 30 days.⁹

M. Vote on emergency resolution

1. Emergency resolutions are effective upon passage if the vote is unanimous, even if one trustee is unavoidably absent. If the vote is not unanimous, but a majority vote approval, the resolution will pass as a nonemergency resolution, and if approved, become effective 30 days after filed with the Fiscal Officer.
2. The Presiding Officer will read the resolution number and entertain a motion to declare the resolution an emergency and dispense with a second reading.
3. If motion is approved, the Presiding Officer will entertain a motion to approve the Emergency Resolution by its number and title.

N. Discussion items

1. The Presiding Officer will ask the Administrator to present any discussion items.
2. If action is necessary on any discussion item, the Board and/or Administrator will request a motion which will be captured and recorded in the meeting minutes for appropriate action.

⁹ O.R.C. §504.11 Voting on resolutions

O. Elected official comments

1. The Presiding Officer will invite the Fiscal Officer and Board members to share any comments.
2. No member may speak twice to the same issue until other members wishing to speak have spoken to it once.
3. All remarks must be directed to the Presiding Officer and must be courteous in language and deportment – personalities must be avoided, others should not be alluded to by name or to motives.¹⁰
4. If action is necessary on any comment item, the Board and/or Administrator will request a motion which will be captured and recorded in the meeting minutes for appropriate action.

P. Adjourn the meeting¹¹

1. When the Township business in the agenda is completed, the Presiding Officer may ask whether there's any more business; if no one speaks, and no business is pending, the Presiding Officer may declare the meeting adjourned.
2. If business is still pending, a motion to adjourn is required, must be seconded, and a majority is necessary to adjourn.
3. The Presiding Officer will use the gavel to signify meeting is adjourned.

Q. Adjourn to executive session

1. Trustee agendas always provide a placeholder for an executive session.
2. If an executive session is announced, the session must always begin and end in an open meeting. There must be a proper motion to adjourn the regular (or special) meeting to enter executive session, approved by a majority, using a roll call vote.¹²
3. The motion will specifically identify which one or more of the approved matters will be discussed pursuant to ORC §121.22.
4. If the executive session is related to economic development or other topics covered by ORC §121.22(G)(8), there will first need to be a roll call vote to determine that executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in

¹⁰ Robert's Rules of Order for fair and orderly meetings

¹¹ Robert's Rules of Order for adjourning a meeting

¹² Appendix A – Open Meetings Act ORC 121.22(G)

connection with the economic development project and that the criteria specified in 121.22(G)(8)(a) and (b) apply, and the vote will need to be unanimous.

R. Return from executive session

1. When the Board returns from executive session, the Presiding Officer will announce the Board is back in session and ask for a motion to return from executive session; then a motion to reconvene the Meeting; and then a motion to act on the item(s) discussed in executive session, if applicable.
2. If Township business is completed as documented in the agenda, the Presiding Officer will adjourn the regular meeting,

S. Public Hearing – zoning cases

1. Zoning cases are heard immediately after the conclusion of the regularly scheduled Meetings.
2. The Presiding Officer will open the public hearing, state the case number and staff will present the case.
3. Anyone speaking to the Board, including opponents, proponents or speakers neutral to the case will observe all rules specified for citizen’s comments regarding decorum.
4. The Presiding Officer will ask staff to give the first reading of the resolution, after which the Presiding Officer will declare the public hearing closed.
5. The second reading and vote on the resolution are agenda items at the next regularly scheduled Meeting.

IV. CONDUCT AND DECORUM

- A. The Board intends their proceedings will demonstrate the highest levels of decorum, civic responsibility, and efficiency.
- B. The Board will not engage in conversation with the audience at any time or attempt to answer questions from the audience while sitting at the dais.
- C. Board members will not interrupt or detract from the Chair of the Board’s ability to manage and run the meeting; and trustees will refrain from attempting to run the meeting from a side chair.
- D. The Board respects the right of citizens to present differing opinions, views, and criticism.
- E. Persons invited to speak at Meetings are required to do so in an orderly manner and limit their comments to Township business or operations.

- F. Persons attending Meetings may not express themselves in a manner that interrupts the orderly conduct of the meeting, for example by speaking out without being recognized, yelling, clapping, jeering or cheering.
- G. Failure to adhere to this policy may result in the Board declaring the citizen or citizens to be disorderly and the person or persons will be escorted from the meeting by a law enforcement officer.

V. CITIZEN PARTICIPATION

- A. The Board provides for, encourages and assists the participation of the public.
- B. The agenda sets aside two periods of time for Township residents, property owners or business owners to address the Board subject to the following guidelines:
 1. The first citizen's comment period is immediately following the Pledge of Allegiance. For this period speakers must sign the sheet provided prior to the meeting, will be recognized by name, and may speak for only two minutes each. A maximum of five speakers may use this time for a total of ten minutes.
 2. The second citizen's comment period follows the first or emergency reading of resolutions. The Presiding Officer will invite those wishing to speak who are residents, property owners or business owners to raise their hand and those persons will be recognized. Speakers are limited to two minutes to provide comment or opinion on Township business or operations; however, speakers may request additional time and it is within the Board's discretion to permit the person to comment longer.
 3. Recognized speakers are required to speak into the microphone at the podium and give their name and address and state their topic. 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.
 4. An orderly presentation is expected by all participants. The use of profane or threatening language or gestures will not be tolerated.
 5. The Presiding Officer will alert the speaker when their opportunity to speak has elapsed.
 6. Generally, no person will be permitted to comment twice on the same topic at the same meeting. Allowances may be made at the discretion and consensus of the Board.
 7. Persons with other views on the same subject may be given equal time for response; however, the Presiding Officer may terminate continued discussion at any point in the discussion.

8. A public meeting is an opportunity for the Board to receive input from Township residents, property owners or business owners. The Board may, with unanimous Board consent, receive comments from those with business interests within the community but who are not residents, property or business owners.
9. The Board will listen to input, but will not take questions, engage in instant dialogue, or debate. Questions or comments to which the Board chooses to respond may be answered during the elected official comment period of the meeting or at subsequent meetings.
10. The Board may receive written comments from the public but are not required to read or comment on such written correspondence.

**West Chester Township
Trustees Meeting Agenda
(Date)**

Trustees

(Name), Chair
(Name), Vice Chair
(Name), Trustee

Fiscal Officer

(Name)

Administrator

(Name)

5:00 P.M.

Work Session (if any)

Executive Session (if applicable)

Property, personnel & pending litigation with Legal Counsel

Roll Call Vote for Economic Development-related Executive Session (if applicable)

6:00 P.M.

Regular Meeting

Presiding Officer	<ul style="list-style-type: none"> ■ Convene ■ Roll Call ■ Pledge
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Citizen's Comments

(2 minutes per person limited to a total of 10 minutes)

Administrator	<u>Presentations (if any)</u>
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Administrator

Personnel Items

Dept.
rate of \$0.00

Hire XX to the position of (XX) effective XX, 20XX at the bi-weekly

Chair

Action Items — For approval by motion

Motion to approve Trustees Meeting Minutes — (Date)
Motion to approve payment of bills

Administrator

Requisitions — Greater than \$7,500.00

Dept.

\$ Amount Vendor — Description of purchase

Administrator

Business Items

Dept.

Motion to approve ...

**First Reading of Resolutions
& Reading of Emergency Resolutions (if any)**

1st Reading
* Emergency

Resolution # and Title
Resolution # and Title

Second Citizen's Comments

**Second Reading & Vote on Pending Resolutions
& Vote on Emergency Resolutions (if any)**

2nd Reading
* Vote on Emergency Resolution

Discussion Items & Elected Officials' Comments

Administrator

Topic

Adjourn

Public Hearing (if any)
(Commences after completion of the regular meeting)
Title and case #