

Ordinance No. _____

AN ORDINANCE AMENDING RULE 8 OF THE CITY COUNCIL RULES OF CONDUCT AND PROCEDURE AS AMENDED

WHEREAS, Council conducted a general study of the Council Rules of Conduct and Procedure in open session; and,

WHEREAS, Council finds it necessary to amend the Rules on subject matter specialization committees in order to encourage the more detailed study of issues during regular sessions and to conduct such studies in meetings open to the general public; and,

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Rule 8 of the Rules of Conduct and Procedure is hereby amended to provide (deleted text ~~stricken~~, newly added text underlined):

Rule 8: SUBJECT MATTER SPECIALIZATION

~~Rule 8.1: Standing Committees~~

~~The following standing Committees of Council are established to make inquiry into the areas of legislative concern assigned to each Committee:~~

- ~~A. City Buildings, Lands and Properties: Matters pertaining to the utilization, maintenance, acquisition and disposal of municipally owned real estate except lands utilized by the Divisions of Water and Water Pollution Control, land fill sites, and lands devoted primarily to facilities for pedestrian and vehicular travel or parking.~~
- ~~B. Finance and Budget: Matters pertaining to taxation and budgeting of municipal revenues derived from general taxation, grants, loans and other sources except sewer and water use charges and grants, loans and other revenues derived from or devoted exclusively to the operations of the Water and Water Pollution Control Divisions.~~
- ~~C. Fire and Police: Matters pertaining to the personnel requirements of and the utilization, maintenance, acquisition, and disposal of equipment by the Police and Fire Divisions and intergovernmental contracts, agreements, grants and general laws affecting the performance of Police, Fire, and Emergency Rescue services.~~
- ~~D. Gas, Lights and Public Utilities: Matters pertaining to the construction, maintenance and use of facilities for, or regulating commercial enterprises engaged in, the generation and distribution of natural gas and electricity or the provision of telephone and cable television services to inhabitants of the City and to the Municipal government; contracts involving the collection and disposal of garbage and refuse within the City; City-County relationships regarding ownership and control of land fill sites; and inquiries into intergovernmental contracts, agreements, grants and general laws affecting the collection, treatment and disposal of garbage and refuse and other solid wastes.~~
- ~~E. Sewers and Sanitation: Matters pertaining to the collection, treatment and disposal of sewage including the personnel requirements of and utilization, maintenance, acquisition and disposal of lands and equipment by the Water Pollution Control Division; budgeting of revenues charged by or received for the operation of the Water Pollution Control Division; and inquiries into intergovernmental contracts, agreements, grants, and general laws affecting the collection, treatment, and disposal of sewage.~~
- ~~F. Streets and Sidewalks: Matters pertaining to the utilization, vacation, maintenance, extension, and improvement of streets, sidewalks, alleys, parking lots, and other municipal resources devoted to pedestrian and vehicular travel or parking and intergovernmental contracts, agreements, grants, and general laws affecting the construction, maintenance, and use of such public facilities.~~
- ~~G. Water Works and Service: Matters pertaining to the treatment and distribution of potable water including the personnel requirements of and utilization, maintenance, acquisition, and disposal of lands and equipment by the Water Division; budgeting of revenues charged by or received for the operation of the Water Division; and intergovernmental contracts, agreements, grants, and general laws affecting the treatment and distribution of water.~~
- ~~H. Economic Development: Matters pertaining to the allowance of tax incentives to include, without limitation: legislative approval of proposed Enterprise Zone Agreements and the creation, enlargement, modification of, or termination of Community Reinvestment Areas; construction, enlargement, or extension of~~

~~water, sewer, street, and other public infrastructure for the purpose of facilitating industrial, distribution, research and development, commercial, retail, or residential development; annexation of additional territory for the purpose of facilitating industrial, distribution, research and development, commercial, retail, or residential development; creation, termination, or modification of joint economic development districts; intergovernmental affairs pertaining to the encouragement of industrial, distribution, research and development, commercial, retail, or residential development.~~

- ~~I. **Public Relations:** Matters relating to the establishment and use of social media and other forms of communication between Council and the public including the establishment and enforcement of policies to assure compliance with general laws pertaining to the preservation of public records created or received by use of municipal facilities for communication between Council and individual Members of Council and citizens.~~

Rule 8.1: Liaisons

To facilitate an equitable allocation of duties and responsibilities among Members of Council and to promote development of specialized expertise within the Council, the President of Council shall designate one Member to oversee legislative activities with respect to each of the following areas of recurrent activity:

1. City Buildings, Lands and Properties: Matters pertaining to the acquisition, utilization, maintenance and disposal of municipally-owned real estate other than: public rights-of-way; lands primarily devoted to use by the Divisions of Streets, Water or Water Pollution Control; landfill sites and public parking facilities.
2. Finance and Budget: Matters pertaining to taxation and the budgeting of general revenues derived from taxation, fees, service charges, grants and loans other than: revenues derived from or devoted to operation of the Divisions of Streets, Water and Water Pollution Control and revenues derived from solid waste management activities.
3. Fire and Police: Matters pertaining to the personnel and equipment requirements of the Police and Fire Divisions and general laws, regulatory requirements, contracts, intergovernmental agreements and grants pertaining to the provision of Police, Fire, and Emergency Rescue services.
4. Gas, Lights and Public Utilities: Matters pertaining to the construction, maintenance and use of municipal facilities operated for, and regulation of commercial enterprises engaged in, the distribution of natural gas and electricity and provision of telephone and cable television services to inhabitants of the City and all matters relating to general laws, regulatory requirements and municipal contracts pertaining to the collection, treatment, recycling and disposal of solid wastes including intergovernmental relationships relating to ownership and control of land fill sites.
5. Sewers and Sanitation: Matters pertaining to the collection, treatment and disposal of sewage, industrial waste waters and storm water run-off including: the personnel requirements of and acquisition, utilization, maintenance and disposal of lands and equipment by the Water Pollution Control Division; budgeting of revenues derived from operation of the Water Pollution Control Division; general laws and regulatory requirements pertaining to the collection, treatment and disposal of storm water, sewage and other waste waters; and intergovernmental contracts, agreements, grants and loans affecting the operations and facilities of the Water Pollution Control Division.
6. Streets and Sidewalks: Matters pertaining to the acceptance, construction, extension, utilization, maintenance and vacation of streets, sidewalks, alleys, public parking facilities and other municipal lands primarily devoted to pedestrian or vehicular traffic; personnel and equipment requirements of the Division of Streets; budgeting of permissive tax and other highway revenues; general laws and regulatory requirements affecting the construction, maintenance and use of public transportation facilities and intergovernmental grant and loan programs providing financial assistance with costs incurred to maintain or improve highways, streets and other transportation facilities.
7. Water Works and Service: Matters pertaining to the treatment and distribution of potable water including the personnel requirements of and utilization, maintenance, acquisition and disposal of lands and equipment by the Water Division; budgeting of revenues derived from operation of the Water Division; general laws and regulatory requirements pertaining to the purification and distribution of potable water; and intergovernmental contracts, agreements, grants and loans affecting the operations and facilities of the Water Division.
8. Economic Development: Matters pertaining to the allowance of tax incentives to include, without limitation: legislative approval of proposed Enterprise Zone Agreements and the creation, enlargement, modification and termination of

Community Reinvestment Areas: construction, enlargement or extension of water, sewer, street and other public infrastructure for the purpose of facilitating the creation of employment opportunities within the City; annexation of territory for the purpose of creating employment opportunities within the City; creation, termination and modification of intergovernmental agreements pertaining to the encouragement of industrial, commercial and residential development including, without limitation, the coordination of municipal economic development efforts with those of the Defiance County Economic Development Office, Defiance County Community Improvement Corporation, Defiance Area Chamber of Commerce, Defiance Development and Visitor's Bureau and Ohio Development Services Agency.

9. Public Relations: Matters relating to the establishment and use of social media and other forms of communication between Council and the public including the establishment and enforcement of policies to assure compliance with general laws pertaining to the preservation of public records created or received by use of municipal facilities to facilitate communication between the Council or individual Members of Council and citizens.

Each Member of Council shall serve in one such capacity and no Member shall be assigned to more than two. Before January 31 of each year following a year in which Municipal elections are held, the President shall propose the assignment of one Member to each area of specialized responsibility. The President shall consider all relevant factors including:

1. The expressed interest of Members of Council in the subjects of primary concern;
2. The experience of each Member; and,
3. The need to equalize the distribution of the work of Council among its Members.

The President's proposed assignments shall be submitted to Council at the first Regular Meeting following preparation of the proposal by the President. Unless disapproved by a majority of Council, expressed by Roll Call Vote upon a Motion to reject the President's proposal, the assignments shall be confirmed and shall remain in effect for the balance of the bi-annual legislative session unless sooner amended by Council. In the event a majority of Council affirmatively disapproves the President's proposal, the President shall submit an alternative proposal at each succeeding Regular Meeting of Council until a proposal is accepted by Council.

The Member designated with respect to each area of specialized interest shall serve as the primary liaison between Council and Administrative officers and between Council and the Public with respect to matters relating to that subject. The Member shall investigate complaints and concerns brought to Council's attention and evaluate proposals made by Administrative officers or the public pertaining to the establishment, modification or termination of existing programs or Divisional operations. The designated Member shall periodically report to Council regarding status of matters within the area of specialized interest to which he or she has been assigned and may request a Study Session be convened to permit consideration of such matters by Council.

Rule 8.2: Temporary Specialization Committees

Council may, from time to time, establish a committee to investigate any matter over which Council has investigative authority or to consider any legislation that, in the opinion of a majority of the Members, requires special expertise. Such committee shall be established by Motion approved by a Majority of Council. The President shall select a chairman to preside over the Committee functions. Proceedings shall be conducted in accordance with all rules generally pertaining to the conduct of Committees of Council.

Rule 8.3: Appointments to Committees

~~Rule 8.3(A): Composition of Committees~~

~~Three (3) Members of Council shall be appointed to each standing Committee upon nomination and motion by any Member of Council, with the approval of a majority of Members then present at the Meeting, at least (1) one of whom shall be elected by Ward and one (1) of whom shall be elected At Large, with the exception of the Economic Development Committee. One (1) Member assigned to each Committee shall be designated to Chair proceedings of the Committee. No Member shall Chair the same Committee for more than four (4) consecutive years nor serve on the same Committee for more than six (6) consecutive years.~~

~~Rule 8.3(B): Duties to Serve on Committees~~

~~Each Member of Council shall serve on not less than two (2) Committees. No Member shall serve on more than four (4) Committees. Each Member of Council shall be designated the Chairperson of at least one (1) Committee. No Member shall chair more than three (3) Committees.~~

~~Rule 8.3(C): Assignment of Members to Committees~~

~~Before January 31 of each year following a year in which Municipal elections are held, the President shall propose a Schedule of Regular Committee Meetings together with a proposal for the composition of each Committee other than the Economic Development Committee. In proposing the assignment of individual Members to Committees the President shall consider all relevant factors including:~~

1. ~~The expressed interest of Members of Council in the subjects of primary concern to each Committee;~~
2. ~~The experience of each Member including prior Committee service;~~
3. ~~The need to equalize the distribution of the work of Council among its Members;~~
4. ~~The need to assign Members to Committees which do not have conflicting meeting schedules.~~

~~The President's proposed Committee assignments and meeting times shall be submitted to Council at the first Regular Meeting following preparation of the proposal by the President. Unless disapproved by a majority of Council, expressed by Roll Call Vote upon a Motion to reject the President's proposal, the Committee assignments and Schedule of Regular Committee Meetings shall be posted and distributed in accordance with Rule 8 and shall remain in effect for the balance of the bi-annual legislative session unless sooner amended by Council. In the event a majority of Council affirmatively disapproves the President's proposal, the President shall submit an alternative proposal at each succeeding Regular Meeting of Council until a proposal is accepted by Council.~~

~~Rule 8.3(D): Economic Development Committee~~

~~The Economic Development Committee shall consist of the three (3) At-Large Members. The term limits specified in Rule 8.3(A) do not apply to the Members of the Economic Development Committee.~~

~~Rule 8.4: Powers and Functions of Committees~~

~~Rule 8.43(A): Investigatory Powers of Committees~~

~~Each Committee shall have the authority to exercise the powers vested in Council by Paragraphs 5, 6, 7, 8 and 9, of Section 2.12 of the Charter of the City of Defiance.~~

~~Rule 8.43(B): Required Functions of Committees~~

~~Committees shall make appropriate inquiries and informed recommendations to Council regarding the adoption, rejection, or amendment of pending legislation and regarding proposals for the introduction of new legislation when requested to do so by Council.~~

~~Rule 8.43(C): Permitted Functions of Committees~~

~~Each Committee may, on its own initiative or at the request of the Mayor, make such inquiries into the functioning of Municipal Departments and Divisions as it deems necessary to the discharge of its responsibilities and may introduce such legislative proposals to Council as it deems appropriate based upon the conclusions drawn from such inquiries.~~

~~Rule 8.43(D): Limitations of Committee Authority~~

~~The function of each Committee is to permit study of matters of legislative concern by Members of Council interested and experienced in the subjects entrusted to the Committee. Committees may authorize the Law Director to prepare appropriate legislation for introduction to Council and may make recommendations to Council regarding the approval, amendment, or rejection of any legislation pending before Council. However, no Bill shall be amended in Committee.~~

~~Rule 8.5: Conduct of Committee Meetings~~

~~Rule 8.5(A): Quorum Requirement~~

~~Two Members of a Committee shall constitute a quorum for the transaction of business, provided, however, that no meeting of a Committee shall be conducted in the absence of the Member designated to Chair the Committee without the express consent of the Committee Chair. In the event the members of a Committee conduct a meeting in the absence of the Chair and with the approval of the Chair, the designated Chairperson shall endorse his or her approval to the Minutes of the meeting prior to the filing of the Minutes with the Clerk.~~

~~Rule 8.5(B): Rules of Conduct and Decorum~~

~~The Rules of Conduct and Decorum prescribed for proceedings before Council apply to all meetings of Committees of Council. Unless absent, the designated Chairperson of each Committee shall preside at meetings of the Committee and may exercise all powers vested in the President of Council for the purpose of insuring that meetings are conducted in an orderly fashion.~~

~~Rule 8.5(C): Order of Business~~

~~Each Committee may establish such general Orders of Business as are deemed necessary by the Membership. Committees shall, at a minimum, establish the existence of a quorum prior to the transaction of business and comply with the requirements of Rule 7 pertaining to the recording, approval, and filing of Minutes of Committee proceedings.~~

~~Rule 8.5(D): Proposals Regarding Legislation to be by Motion~~

~~All proposals to recommend the introduction, adoption, amendment, or rejection of an Ordinance or Resolution to Council shall be presented by Motion and determined by Roll Call Vote.~~

~~Rule 8.5(E): Presiding Officer in Absence of Committee Chair~~

~~In the event the designated Chairperson of a Committee is absent from a Meeting of the Committee, the Members present shall select a Member to preside over the meeting and discharge the duties of the Committee Chair. The selection of such Member shall be reflected in the minutes but need not be established by formal Motion or Roll Call Vote.~~

~~Rule 8.5(F): Voting by Committee Chair~~

~~In all matters decided by Roll Call Vote in Committee, the Chair, or member performing the duties of the Chair, shall vote last.~~

Rule 8.4: Dissolution of Committee

At the conclusion of a hearing or hearings on the subject matter under investigation, or upon submission of its legislative recommendations to Council, the Temporary Specialization Committee shall be dissolved by Motion of a Member of the Committee and approved by a Majority of Council.

Section 2: All provisions of the Rules of Conduct and Procedure not expressly amended by Section 1 of this Ordinance are ratified, confirmed, and shall remain in full force and effect.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2020

President of Council

Attest: _____, Clerk

Approved: _____, 2020

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SUPPLEMENT TO THE AGREEMENT WITH THE COMMUNITY IMPROVEMENT CORPORATION OF DEFIANCE COUNTY, INC. AND DEFIANCE HARMON, LLC TO ACQUIRE AND MAKE PUBLIC IMPROVEMENTS TO REAL PROPERTY AND DECLARING AN EMERGENCY

WHEREAS, Council approved a Cooperative Development Agreement with Defiance Harmon, LLC ("Developer") and the Community Improvement Corporation ("CIC") in Ordinance No. 8036 on June 12, 2018; and,

WHEREAS, it is necessary for the parties to add a supplement to that agreement that enables the Developer to pursue JobsOhio grant funding in order to construct a portion of the project infrastructure; and,

WHEREAS, Council finds that the execution of this Supplement promotes economic development within the City;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is hereby directed to execute the Supplement to the Cooperative Development Agreement with the CIC and the Developer in substantially the form and containing the provisions of the form of such document now on file with the Clerk of Council. The Supplement to the Cooperative Development Agreement is approved, including any changes that are not inconsistent with this Ordinance and that are not prohibited by law. The approval of any changes shall be evidenced conclusively by the execution thereof.

Section 2: Council hereby reaffirms all of the terms and provisions of the Cooperative Development Agreement, executed on September 13, 2018, as consistent with the economic development goals of the City.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that this Ordinance is required to be immediately effective to facilitate pending economic development projects and creating jobs and employment opportunities, thereby improving the economic welfare of City residents. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor