



Lake County, Ohio

Lake County Board of Commissioners

Commissioner John Plecnik

12/31/2024

Dear Madam or Mr. President,

As President of the Lake County Board of Commissioners for the 2024 term, I wish to congratulate you on being elected to this very important role in public service to our community. Many things may have changed from the date of this letter to the date on which you read it. As such, this letter is not meant to be legal advice or adopted as a formal rule. Rather, it is written in the spirit of sharing past experience with future Presidents. That is why I have asked the Clerk or their designee to provide a copy of this letter to future Presidents so long as it is useful to do so.

Selection of the President: Rotation versus Seniority versus Politics

Per Ohio Revised Code § 305.05, "The board of county commissioners shall organize not later than the second Monday of January of each year, by the election of one of its members as president for a term of one year." Furthermore, "[i]f the position of president becomes vacant during the year, the board shall select one of its members to preside." See O.R.C. § 305.09. This clause provides the authority to fill vacancies in the Presidency midyear due to resignations, recalls, deaths, etc. It also has been interpreted to allow for the appointment of Vice Presidents, who run the meetings in the President's absence. It should be noted that the Ohio Revised Code neither provides for, nor prohibits, the election of a Vice President of the Board of Commissioners. Nonetheless, Lake County and other Ohio counties have sporadically elected Vice Presidents by majority vote of the Board of Commissioners. I myself served as Vice President in 2022.

Thus, the President must be a currently serving Lake County Commissioner, who is elected by a majority of their colleagues. However, the law does not state how a President is chosen from among the three Commissioners, or what criteria should be used to do so. Instead, three methodologies have naturally emerged in Ohio's counties. First, some counties rotate the presidency each year from one Commissioner to the next in order of seniority. If the most senior Commissioner declines to serve, then the next most senior Commissioner becomes President. Second, some counties leave the role of President to the most senior Commissioner so long as they want it. Third, some counties treat the role of President similar to that of Speaker of the House, where its election is a decidedly political contest.

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For whatever it is worth, I offer my sincere opinion that rotation is generally the best method for selecting the President. As Americans, we are called to follow in the footsteps of George Washington, not King George. We should not aspire to the ownership of any public office or to hold it in perpetuity. The Framers viewed public service as a temporary tour of duty, not a lifelong career.

Moreover, the Presidency should not become a political football or the source of palace intrigue. To quote President Gerald R. Ford, "To me, the Presidency and the Vice-Presidency were not prizes to be won, but a duty to be done." Stated otherwise, the role of President is not a prize to be won, but a job to be done. By rotating the honor and responsibility of President, each Commissioner puts in the important work of running meetings and gains experience. More importantly, valuable time and good will are not wasted on political battles for the Presidency.

The President "shall preside at all regular and special meetings"

As President, you are now the highest county-level elected official for Lake County, Ohio. You are the first among equals, in that, you have the same singular vote as your colleagues, but you have accepted additional responsibilities. Per O.R.C. § 305.05, it is your solemn duty to "preside at all regular and special meetings of the board." In practical terms, this means the President serves as chair of all meetings. In turn, this means the President runs all meetings, and possesses the authority to decide who has the floor to speak, as well as rule offenders out of order. Ultimately, the President decides these matters, unless a motion is made to appeal or override the President, which is seconded and adopted by majority vote. *See* RONR (12th ed.) 24:1.

Robert's Rules of Order

All meetings of the Board of Commissioners "shall be public . . . and, as far as possible, shall be in conformity with the rules of parliamentary law." *See* O.R.C. § 305.09. In general, parliamentary law refers to the rules, procedures and traditions which govern the meetings of deliberative bodies. To date, the most commonly accepted and used treatise on parliamentary law is Robert's Rules of Order. Irrespective of whether the Board of Commissioners votes to follow Robert's Rules of Order in a given year, Ohio law requires us to follow parliamentary law as far as possible. Thus, it has been the tradition of the Board of Commissioners to use Robert's Rules of Order as a guide to facilitate speech and debate at our meetings and conform to parliamentary law. It is wise to keep a copy of Robert's Rules of Order on your desk and refer to it often. You should also refer to any rules the Board of Commissioners has presently adopted for conduct of our meetings.

Gavel the Meeting to Order, then Lead the Pledge of Allegiance and Invocation

As President, you should call the meeting to order no earlier than its announced date and time by rapping your gavel. In other words, it is permissible to begin a meeting scheduled for 10:00 a.m. late at 10:05 a.m. However, it is impermissible to begin early at 9:55 a.m. You should announce whether it is a regular or special meeting. If it is a regular meeting, you should state its number chronologically. For example, after rapping the gavel, you should announce, "I am calling

to order the 32nd regular meeting of the Lake County Board of Commissioners in 2024.” We live in Lake County, Ohio, USA, so we are privileged to begin each meeting with the Pledge of Allegiance. You should announce, “Please rise for the Pledge of Allegiance,” and then lead your colleagues and the public in reciting the pledge, while standing with your hand over your heart and facing the American flag. Immediately thereafter, it is tradition for the President to give a brief invocation. In *Town of Greece v. Galloway*, 572 U.S. 565 (2014), the Supreme Court of the United States upheld the practice of opening public meetings with prayer. Therefore, it does not violate the First Amendment or Establishment Clause to open Commissioners meetings with an invocation or prayer.

With Clerk Jennifer Bell’s assistance, I have prepared the following, nondenominational invocation:

Dear God,

please bless our meeting today.

May our discussions be fruitful,

our decisions wise,

and our community strong.

Amen.

Immediately thereafter, you should ask the Clerk or their designee to call the roll for yourself and your colleagues in order to take attendance and establish a quorum. A simple majority of the Commissioners is required for a quorum. From there, you should follow the preset agenda, barring any amendments made at the meeting. The agenda generally begins with the adoption of minutes, if any are ready for approval. As President, you set the agenda for each meeting with the assistance of the Clerk or their designee. You have the authority to decide which minutes, resolutions, presentations or topics of discussion are on the agenda. However, you should set the agenda with the humility of knowing a majority of your colleagues can vote to amend the agenda at the meeting if it does not reflect their collective will.

Approval of Resolutions

If you have previously served as Councilman or Mayor, you might recall the difference between resolutions, which are statements of the Council, and ordinances, which are local laws. Similarly, if you have previously served as State Representative or Senator, you might recall the equivalent difference between resolutions and bills. Commissioners have no authority whatsoever to legislate, so we do not vote for ordinances, bills or new laws. Instead, we exercise the authority granted to us under Ohio law via resolution.

Unless otherwise provided by Ohio law, a resolution is adopted by a motion and a second, followed by a majority vote of the Commissioners. You should ask the Clerk or their designee to

read the resolutions. After the Clerk reads a particular resolution, it must receive a motion and a second in order to proceed to discussion. If a resolution receives a motion and a second, you should ask your colleagues, "Any discussion?" Any Commissioner or staff member should ask you for the floor in order to speak. You should be referred to as Madam or Mr. President, and you should refer to your colleagues as Commissioner. It is out of order for a member of the public to ask to speak on a resolution outside of any designated public portion. However, as President, you have the prerogative to invite anyone present, including a member of the public, to speak on a resolution. At the conclusion of discussion, you should ask the Clerk to call the roll for each Commissioner to vote. After asking "Any discussion?" or "Any further discussion?" you might say, "Hearing none, Madam [or Mr.] Clerk" to ask for the vote. You might also say, "Madam [or Mr.] Clerk, roll call please."

The President generally has the same authority as their colleagues to make a motion or a second; provided, however, it is preferable to let the other Commissioners do so and focus on running the meeting. It is possible that a Commissioner may make a motion to table a resolution. A motion to table generally requires a second and majority vote like any other motion. However, there is no discussion on a motion to table and you should proceed directly to the vote. See RONR (12th ed.) 17:2.

Free Speech is Impossible without Order

As the President, it is your responsibility to protect free speech as well as the decorum of the Commissioners chambers. Your colleagues, staff and the public depend on you to maintain a safe and respectful forum to discuss county business. To quote General Henry M. Robert, for whom Robert's Rules of Order are named, "Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty." Stated otherwise, free speech is impossible without order. Polite or meek voices will be drowned out by louder ones if you fail to maintain order as President. In presiding over public portion, you must be particularly sensitive to this challenge. It is not uncommon for political candidates, politicians or friends of politicians to deliberately misuse public portion in order to levy personal attacks or promote their campaigns. Too often, if your meeting is hijacked by politicians, taxpayers tune out, and important community issues are never discussed. It is your job to maximize free speech.

The President should be Calm, but Firm

In Romans, the Bible teaches, "Do not repay anyone evil for evil". See New King James Version, Rom. 12:17. If a colleague or member of the public personally attacks you or others, do not respond in kind. Robert's Rules of Order admonishes the chair or presiding officer of a meeting to "always maintain a calm, deliberative tone". See RONR (12th ed.) 61:9. However, the chair "may become increasingly firm if a situation demands it". See RONR (12th ed.) 61:9.

It is possible for both Commissioners and non-Commissioners alike to commit breaches of order. "Per Robert's Rules of Order, slight breaches of order may be appropriately resolved by a light rap of the gavel and a warning, whereas more serious breaches may require "ruling the offender

out of order". See RONR (12th ed.) 61:9. The occasion of being ruled out of order should be recorded in the minutes. Examples of slight breaches include "addressing another member instead of the chair in debate, or, in a single instance, failing to confine his remarks to the merits of the pending question". See RONR (12th ed.) 61:10. The breach is more serious "when a member repeatedly questions the motives of other members whom he mentions by name, or persists in speaking on completely irrelevant matters in debate". See RONR (12th ed.) 61:11.

Public Safety is Paramount, and Disturbing a Commissioners Meeting is a Crime

The most serious breaches of order may require physically removing the offender from the meeting. See RONR (12th ed.) 61:13-19. It should also be noted that disturbing a lawful meeting is a misdemeanor crime in Ohio. Specifically, "No person, with purpose to prevent or disrupt a lawful meeting, procession, or gathering, shall do either of the following: (1) Do any act which obstructs or interferes with the due conduct of such meeting, procession, or gathering; (2) Make any utterance, gesture, or display which outrages the sensibilities of the group." See O.R.C. § 2917.12. It is sometimes necessary to remind repeat offenders that disturbing a Commissioners meeting is a crime. For safety's sake, it is wise to have the Lake County Sheriff or Deputy Sheriff present at all meetings to serve as sergeant-at-arms. See RONR (12th ed.) 47:40.

Adjourn the Meeting

After all business is concluded, you should announce "I would entertain a motion to adjourn," or if executive session is needed, "I would entertain a motion to adjourn into executive session to discuss [insert topic of executive session]. No business will be conducted afterward." Per Robert's Rules of Order and our tradition, there is no discussion on a motion to adjourn. See RONR (12th ed.) 18:4, 21:1-3. As such, you should simply call for a vote after a motion and second is made to adjourn.

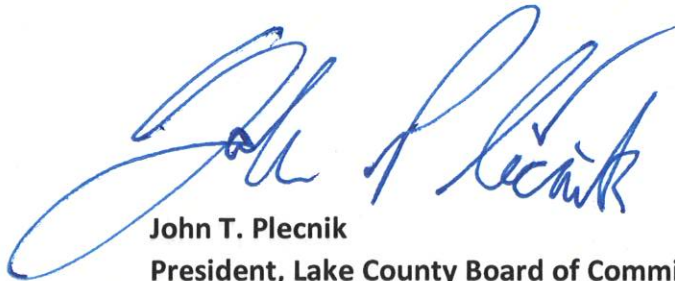
Annual State of the County Report

During my administration, I proposed and delivered the very first annual State of the County report with County Administrator Jason Boyd. Pursuant to Lake County Resolution No. (2024-0730/C03), the State of the County shall "be prepared and presented by the current Lake County Administrator and the President of the Lake County Board of Commissioners . . . annually at a regularly scheduled meeting in September or October". As President, you have a responsibility to provide transparency and accountability to the taxpayers of Lake County. The State of the County is one very important way in which you open a window to the public, so they can clearly see the challenges and opportunities facing their local community.

Maintain the Public Trust

Since Lake County's secession from Geauga County and founding in 1840, we have trusted the President to run our Commissioners meetings. Today, the public and your colleagues have voted to place this great trust in you. Each meeting you lead, regardless of how quiet and humble, or heated and contentious, is of great importance to the public. From one President to another, I impose on you to remember the serious honor and duty you have undertaken to make Lake County the best place in the world to live, work, play and relax. As President, your work reflects on the people of Lake County. Our meetings must be conducted with the utmost respect and collegiality to highlight the good faith and spirit of the people we are privileged to represent.

May God bless you, and may God bless Lake County!

A handwritten signature in blue ink, reading "John T. Plecnik". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Plecnik" following in a similar style.

John T. Plecnik

President, Lake County Board of Commissioners