

1071.

APPROVAL, BONDS OF CITY OF HAMILTON, BUTLER COUNTY—
\$48,000.00.

COLUMBUS, OHIO, October 18, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

1072.

COUNCIL—CLEVELAND—CREDITING MEMBERS PRESENT AT AD-
JOURNED MEETING ONLY AS OFFICIALLY PRESENT VALID.

SYLLABUS:

The council of the city of Cleveland may legally adjourn a regular session to the day upon which the next regular session will be held, and a member of council attending such session, even though he has not been in attendance previously, cannot be regarded as having been absent.

COLUMBUS, OHIO, October 19, 1929

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Your recent communication reads as follows:

“Section 7 of the City of Cleveland’s Charter provides in part as follows:

‘The salary of a member of the Council shall be \$1,800 per year----- Any member absent from a regularly called meeting of Council, ----- shall forfeit two per centum of his annual salary for each such absence.’

To avert the absentee penalty stipulated in the foregoing charter provision the following practice is resorted to:

When a member is absent from a meeting, and the day’s business has been transacted, the session is recessed to 6:55 P. M. of the date fixed for the next meeting—five minutes prior to the hour for the regular session. At the 6:55 P. M. session the roll is called and council immediately adjourns to 7 P. M. No business is ever transacted at the 6:55 P. M. session. If a member was absent from the session which had been recessed, but is present at the 6:55 P. M. recess session, he is credited with being officially present at the meeting from which he was absent.

Question: Is the procedure above outlined legal?”

The power of a legislative body to recess or adjourn a regular meeting to some definite time, is well recognized, and is a universal practice. The legislature of Ohio frequently has adjourned after three or four months continuous regular session, to a date near the end of the biennium period. The reason for such practice is obvious—for some cause, the body deems it expedient to be in session, rather than to finally adjourn, and in order to keep the session alive for the purpose of