

**SECTION 1.
CONSTRUCTION OF LANGUAGE**

For the purposes of these rules, the following terms, phrases, words and their derivations shall be interpreted as follows:

- (a) Words used in the singular shall include the plural, and the plural the singular;
- (b) Words used in the present tense shall include the future tense;
- (c) Words in the masculine gender shall include the feminine;
- (d) The words Ashall@ and Awill@ are mandatory and not discretionary;
- (e) The word Amay@ is permissive.

**SECTION 2.
DEFINITIONS**

All words used shall have their customary meaning, except those specifically defined in this section.

- (a) Abstention. To abstain from discussion and voting by withholding a vote either pro or contra on the item under consideration.
- (b) Majority Vote. To approve a motion made and seconded, a majority vote of the members of Council present in favor of the motion is required, unless a two-thirds vote, unanimous vote, a majority of Council or other vote is required by Charter or by law.
- (c) Majority of Council. When approval of an ordinance or resolution requires the affirmative vote of a majority of Council, the affirmative vote of at least four (4) members of Council shall be required for approval.
- (d) Mayor. The terms “Mayor,” “Chairperson,” and “President” are interchangeable.
- (e) Presiding Officer. The member responsible for opening the meeting, calling the members to order, announcing the order of business as presented in the agenda, to state and put to vote all questions which are moved or necessarily arise out of the order of business, to announce the result of the vote, to preserve order and decorum, to authenticate, by his or her signature, all necessary acts, orders or other proceedings of the assembly, and for closing the meeting.
- (f) Quorum. A majority of all the members elected to Council shall constitute a quorum at any regular, special or emergency meeting.
- (g) Roll Call Vote. After a motion is made and seconded, the Mayor shall cause the Clerk to call the name of each member of the Council. As his or her name is called, the member shall verbally respond, abstaining if he or she is abstaining from the vote; ayes in support of the motion made; or no against the motion made. The Clerk shall record the name and vote of each member in the Clerk’s Journal.
- (h) Two-Thirds Vote. When approval of an ordinance or resolution requires the affirmative vote of two-thirds of the members of Council, the affirmative vote of at least five (5) members of Council shall be required for approval.
- (i) Unanimous Vote. When an ordinance or resolution requires a unanimous vote for approval, the

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affirmative vote of all members present at the meeting shall be required for approval, except in cases where a unanimous vote of all the members of Council is required.

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- (j) Vice-Mayor. The terms “Vice-Mayor,” “Vice-Chairperson,” and “Vice-President” are interchangeable.

SECTION 3. MEETINGS

- (a) Location. All meetings of the Council will be held in the Council Chambers in the City of Franklin Municipal Building, unless otherwise ordered. At the call of the Mayor or any two (2) members of Council, the holding of any special or emergency meeting may be at a location in the City other than the Council Chambers. The location where the meeting will be held shall be entered into the Clerk’s Journal. The Clerk shall give reasonable public notice, in accordance with Chapter 109 of the City’s Legislative Code, if the location of a meeting is changed.

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- (b) Regular Meetings. The Council of the City of Franklin shall hold regular meetings on the first and third Monday of each calendar month, beginning at 6:00 p.m.; provided, Council may change its regular meeting schedule for all or part of any calendar year upon majority vote of Council. If a federal holiday or City holiday (see Section 103.04 of the Codified Ordinances) falls on a Monday, the meeting shall automatically be deemed cancelled. In no event will Council hold less than one regular meeting per month.

Commented [CS2]: Gives a little flexibility if any Councilmember is unable to make the 6 PM Monday time slot work for his/her schedule.

- (c) Special Meetings.

- (1) Any meeting other than a regular meeting is a special meeting. Special meetings may be called by a majority vote taken at any regular or special meeting of Council, or by the Mayor, or by any three (3) members of Council.
- (2) Notice of a special meeting shall specify the time, place and purpose(s) for holding such special meeting. No business or action other than that stated as the purpose(s) of such special meeting shall be conducted at such meeting. The stated purpose may be for general purposes.
- (3) The Clerk of Council, or in the Clerk’s absence, incapacity or refusal to act, the City Manager, shall notify each member of Council of the special meeting by personal contact no less than twenty-four (24) hours prior to the scheduled meeting time.
- (4) In the event that the special meeting is called by a vote of Council taken at a regular or special meeting from which any member of Council was absent, notification of the special meeting will only be given to each absentee member.
- (5) If any member is not notified of a special meeting as required herein, Council may not hold said special meeting, unless notice to the member cannot reasonably be completed.
- (6) Service of the notice of a special meeting shall be deemed conclusively waived by any member of Council who is present at such special meeting.

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(d) Emergency Meetings.

- (1) An emergency meeting is a special meeting that is called because of a situation that requires immediate official action by Council. Emergency meetings may be called by the Mayor or by any three (3) members of Council.
- (2) Notice of an emergency meeting shall specify the time, place and purpose for holding such emergency meeting. No business or action other than that stated as the purpose(s) of such emergency meeting shall be conducted at such meeting. The stated purpose of the meeting may not be for "general purposes."
- (3) The Clerk of Council, or in ~~the Clerk's~~ absence, incapacity or refusal to act, the City Manager, shall notify each member of Council of the emergency meeting by personal contact.
- (4) If any member is not notified of an emergency meeting as required herein, Council may not hold said emergency meeting, unless service upon the member cannot reasonably be made.
- (5) Service of the notice of an emergency meeting shall be deemed conclusively waived by any member of Council who is present at such emergency meeting.

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- (e) Openness and Public Meetings. All deliberations, discussions and actions on official public business taken in all meetings of Council shall be open to the public. Any person has the right to attend any meeting of Council, but he does not have a right to be heard, except during public hearings, unless invited to speak by the presiding officer. If a member of the audience wishes to address Council, he must first be recognized by the presiding officer. If granted permission by the presiding officer to address Council, he shall approach the podium, state his name and address, and shall limit his remarks and comments to the items or motion under discussion. ~~Council shall have the right, by majority vote, to set reasonable limits on the length of time for each public comment on a particular item or motion under discussion. No person shall act in any manner that may genuinely interfere with meetings of Council. By way of example, and not limitation, repeated loud noises, speaking out of turn, and other behaviors that disrupt proceedings or discussions may result in a warning from the presiding officer.~~ Disruptive persons may be removed from Council meetings by the Sergeant-At-Arms. Members of the public may tape-record or videotape Council meetings, as long as in so doing, they do not disrupt the meeting.

Commented [CS4]: This is an inferred power of Council, but no harm in explicitly stating Council can opt to set time limits on public comment in its discretion.

Commented [CS5]: Addresses situations where a meeting attendee is doing anything that might disrupt a meeting/district Councilmembers. Sarah explains the law on this point below.

(f) Cancelled Meetings.

- (1) *Emergencies; Inclement Weather* - In case of an emergency, such as inclement weather or other unforeseen circumstances, the Mayor or any two (2) members of Council may cancel any regular, special or emergency meeting of the Council. The business to be conducted at the meeting cancelled because of an emergency shall be presented at the next regular meeting or at a special meeting.
- (2) *Lack of Agenda Items* - A regular meeting of Council may be cancelled by the Mayor or any two (2) members of Council, or upon a majority vote of the Council at its preceding regular or special meeting, when there is no public business for Council's agenda at the meeting to be cancelled; provided, however, that at least one regular meeting of Council has been held or will be held in the month in which the cancelled meeting occurs.

Commented [SS6]: In order to justify removing someone from a meeting, the behavior has to "genuinely interfere" with the meeting. *Dayton v. Esrati*, 125 Ohio App.3d 60, 70 (2nd Dist. 1997). I beefed up this language to allow (but not require) the presiding officer to first warn people of disruptive behavior before they are removed and also provided examples of that would be considered disruptive.

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**SECTION 4.
PROCEDURES FOR REGULAR MEETINGS**

- (a) Opening the Proceedings. The presiding officer shall take the chair at the time appointed for Council to meet and shall immediately call the members to order. Regular meetings shall be opened with a call of the roll.
- (b) Order of Business. The business of the regular meetings of Council shall be transacted in the following order, which order shall be reflected in the meeting agenda:
- (1) Roll call and Excusal of Absences;
 - (2) Pledge of Allegiance and Opening;
 - (3) Minutes & Clerk's Journal of the previous meeting;
 - (4) Formal Presentations (as needed);
 - (5) Reception of Visitors;
 - (6) Public Hearings (as needed);
 - (7) Old business (as needed);
 - (8) New business (as needed);
 - (9) Introduction of new legislation (as needed);
 - (10) City Manager's report;
 - (11) Finance Director's and/or Law Director's report (as needed);
 - (12) Council Comments;
 - (13) Executive Session (see subsection (c), below);
 - (14) Adjournment.

This order may be amended at any regular meeting by the presiding officer, unless there is an objection to said amended order. If said objection is seconded, the Council shall vote upon the objection. An affirmative vote in favor of the objection shall stay the proposed amendment to the order of business. The order of business may also be amended at any regular meeting upon the passage of a motion to postpone any one or more of the items of business.

- (c) Executive Session. An executive session may be held at any time during the meeting, as needed, in accordance with Section 7. of these Rules and R.C. 121.22.
- (d) Proceedings.
- (1) At each regular meeting, Council shall transact such business as it considers necessary or as required by law. Regular meetings shall, as far as practicable, be conducted in accordance with the printed agenda. The presiding officer may permit a member to introduce an ordinance, resolution, or motion only at an appropriate time in the meeting.
 - (2) All items on the agenda before Council will be considered and either tabled, referred to committee, postponed, approved or denied by Council. All actions of Council shall require a motion, a second to the motion, and a majority vote, unless a two-thirds vote or a unanimous vote is required by these Rules or by law. In all cases, the vote shall be by a roll call vote and the Clerk shall record the yeas and nays on each motion.

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- (e) Recess. Council may recess meetings, as needed, to secure required information through fact-finding meetings, to review project sites, etc. Recess shall be called by the presiding officer, in his own discretion, or upon the motion of Council. At the end of the recess, the presiding officer shall call the meeting back to order.
- (f) Adjournment. When all items on the agenda have been addressed and it appears there is no further business, any member of Council may make a motion to adjourn. The motion must be seconded and approved by a majority vote.

SECTION 5. PROCEDURES FOR SPECIAL MEETINGS

- (a) Opening the Proceedings. The presiding officer shall take the chair at the time appointed for Council to meet and shall immediately call the members to order. Special meetings shall be opened with a call of the roll.
- (b) Proceedings.
 - (1) At all special meetings, Council shall only consider those subject(s) stated in the notice as the purpose for the meeting, and no other subject shall be considered, unless the stated purpose is "general purposes." Special meetings shall, as far as practicable, be conducted in accordance with the printed agenda.
 - (2) All items on the agenda before Council will be considered and either tabled, referred to committee, postponed, approved or denied by Council. All actions of Council shall require a motion, a second to the motion and a majority vote, unless a two-thirds vote or a unanimous vote is required by these Rules or by law. In all cases, the vote shall be by a roll call vote and the Clerk shall record the yeas and nays on each motion.
- (c) Executive Session. An executive session may be held at any time during the meeting, in accordance with these Rules [and R.C. 121.22](#).
- (d) Recess or Adjournment. The rules for recess and adjournment during special meetings shall be the same at those rules for recess and adjournment during regular meetings.

SECTION 6. PROCEDURES FOR EMERGENCY MEETINGS

- (a) Opening the Proceedings. The presiding officer shall take the chair at the time appointed for Council to meet and shall immediately call the members to order. Emergency meetings shall be opened with a call of the roll.
- (b) Proceedings.
 - (1) At all emergency meetings, Council shall only consider those subject(s) stated in the notice of the emergency meeting as the purpose(s) for the meeting, and no other subject shall be considered.
 - (2) Any business before Council at an emergency meeting will be considered and either tabled, referred to committee, postponed, approved or denied by Council. All actions of Council shall

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require a motion, a second to the motion and a majority vote, unless a two-thirds vote or a unanimous vote is required by these Rules or by law. In all cases, the vote shall be by a roll call vote and the Clerk shall record the yeas and nays on each motion.

- (c) Executive Session. An executive session may be held at any time during the meeting, in accordance with these Rules, but only if an executive session was listed as one of the purposes for the emergency meeting in the notice.
- (d) Recess or Adjournment. The rules for recess and adjournment during emergency meetings shall be the same at those rules for recess and adjournment during regular meetings.

SECTION 7. EXECUTIVE SESSIONS

- (a) Definition and Purpose. Executive sessions are nonpublic sessions that may be held only to discuss limited matters, as permitted by Ohio law. Only persons invited by Council may attend, and Council may permit anyone it chooses to attend. The session shall be limited to discussions regarding the reason(s) such session was called and shall not stray from that topic. There shall be no voting in executive session.
- (b) ↓
- (b) Procedure. A quorum must be present at a properly called open regular or special meeting. An executive session must always begin and end in an open meeting. There must be a motion to exit into executive session, which motion must specifically identify which one or more of the approved matters under the Revised Code are to be considered at the executive session. The vote on the motion to exit into executive session shall be by roll call vote and must be approved by a majority vote, unless otherwise provided herein.
- (c) Resuming Open Meeting. There must be a motion made to come out of the executive session. After the motion is made, it must be seconded, and the vote to come out of the executive session must be made by roll call vote and must be approved by a majority vote. Council shall then resume its open meeting.

SECTION 8. PROCEDURES APPLICABLE TO ALL MEETINGS

- (a) Quorum. A quorum of Council shall be required to do business at all meetings, but a lesser number may adjourn the meeting and compel the attendance of absent members in the manner and under such penalties as may be prescribed by Charter, ordinance or resolution.
- (b) Appearance before Council. Any person(s), group or delegation wishing to make a formal presentation before Council at any regular or special meeting shall notify the Clerk of Council at least one week prior to the scheduled meeting, for placement upon the agenda. The notification shall clearly state the purpose of the appearance and the approximate number of persons who will appear.
- (c) Introduction of Business. The presiding officer shall bring all business on the agenda before Council by announcing the item, asking for the staff report on the item, opening and closing the public hearing on all items requiring a public hearing, and calling for Council discussion on the same. On any

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(1) *Personnel* - Council may exit into executive session to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official. Council may also exit into executive session to consider the investigation of charges or complaints against an employee, official, licensee or other regulated individual, unless such person requests a public hearing. Except as otherwise provided by law, Council may not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If Council exits into executive session pursuant to this exception, the motion to hold that executive session shall specifically state which one or more of the approved purposes listed herein are the purposes for which the executive session is to be held, but need not include the name of any person to be considered. A general motion that Council is exiting into executive session to discuss "personnel" is insufficient.¶

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(2) *Considering the Sale or Purchase of Property* - Council may exit into executive session to consider the purchase of property of any sort - real, personal, tangible or intangible. Executive session is also allowable to consider the sale of real or personal property by competitive bidding if disclosure of information would result in an unfair competitive advantage to a person whose personal, private interest is adverse to the general public interest. No member of Council shall use this division as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of Council that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.¶

(3) *Conferences with Legal Counsel* - Council may exit into executive session with the Director of Law, or other legal representative of Council, for conferences concerning disputes involving the City that are the subject of pending or imminent court action. Court action is pending if a lawsuit has been commenced; court action is imminent if it is on the point of happening, is impending, or has been threatened. Executive session is also permissible to receive general legal advice from the Law Director or other legal consultant, as long as the session is of an investigative and information-seeking nature, and does not involve actual deliberations of public business. ¶

(4) *Collective Bargaining Matters* - Council may exit into executive session to prepare for, conduct, or review ... [1]

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ordinance, resolution or other matter, the item must be presented to Council by the presiding officer before any discussion or debate shall be in order. If a member wishes to bring before Council any matter that is not on the agenda, he must first be granted the floor by the presiding officer before his presentation. All ordinances shall be introduced in writing, as provided by Charter.

- (d) Purpose and Form of Motions. Motions shall only be used to expedite the orderly transaction of the business of Council and other administrative purposes, and shall not be substituted for resolutions or ordinances. The form of all motions shall be "I move that" or "I move for" followed by the substance of the motion, or the presiding officer may ask for a motion to approve or deny the matter before the Council. Upon a member making a motion, the presiding officer shall state the member's name and the motion, and shall call for a second on the motion. All motions shall require a second, unless otherwise stated in these Rules.
- (e) Precedence of Motions. Outlined below are the most common motions used during Council meetings. The precedence of all motions before the Council, (privileged, incidental and subsidiary motions), including those not listed here, shall follow *Robert's Rules of Order*.
- (1) *Motion to Table* - Items may be tabled to allow for further discussion or further fact-finding. This motion removes the subject from consideration till Council votes to take it from the table. When Council desires to take the question up again, there must be a motion to take the question from the table before it may be considered. Motions to table and motions to take any matter from the table are not debatable or amendable. Both a motion to lay on the table and a motion to remove from the table require a second and a majority vote.
- (2) *Motion to Postpone to a Certain Time* - A motion to postpone to a certain time postpones the pending question or item of business to the time specified; however, no question or item of business before Council shall be postponed to a time beyond that meeting in which the question or item was brought before the Council. A motion to postpone to a certain time must be approved by a majority vote and is amendable. Debate on such a motion shall be limited to the propriety of the postponement. When the time for consideration of the postponed question or item of business arrives, it shall be taken up. When several questions or items of business are postponed, they shall be taken up in the order of the times to which they were postponed.
- (3) *Motion to Amend a Resolution* - A motion to amend a resolution must have a direct bearing on the subject of the resolution it proposes to amend. A motion to amend is debatable and may be amended itself, but this "amendment of an amendment" cannot be amended. An amendment may be to add or insert certain words; to strike out certain words; to strike out certain words and insert others. Motions to amend a resolution require a second and a majority vote of the Councilmembers present for approval.
- (4) *Motion to Amend an Ordinance* - A motion to amend an ordinance must have a direct bearing on the subject of the ordinance it proposes to amend. A motion to amend is debatable and may be amended itself, but this "amendment of an amendment" cannot be amended. An amendment may be to add or insert certain words; to strike out certain words; to strike out certain words and insert others. Motions to amend an ordinance require a second and a majority vote of the Councilmembers present for approval. Once a motion to amend an ordinance has been approved, Council must immediately vote on the question of whether the approved amendment is a matter of substance. If a majority of the Councilmembers present find that the amendment is a matter of substance, the ordinance may not be voted upon until the ordinance has been subjected to all the procedures required by the City Charter for the introduction of a new ordinance.

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- (5) *Motion to Rescind or Repeal* - When Council wishes to annul any previous course of action which has already been passed by vote, Council may rescind the objectionable resolution or other proceeding, or may repeal the objectionable ordinance. Such a motion to rescind or repeal shall come before the Council as a principal item of business.
- (f) Modification or Withdrawal of Motion. The member who offers a motion, until the debate is closed and the motion has been stated by the presiding officer, can modify his motion, withdraw it or substitute it. When the mover wishes to withdraw or modify his motion or substitute a different motion, he shall so move and the presiding officer shall grant permission for the same, without a second, unless an objection is made. If any objection is made, the mover must obtain leave to withdraw, modify or substitute, on a motion for that purpose, which motion need not be seconded, and which shall not be debated or amended. The presiding officer shall put the motion for the modification, withdrawal or substitution before the Council, which may approve it by a majority vote. If the mover modifies or substitutes his motion, the member who seconded it may withdraw his second until the time that the debate is closed and the motion has been stated by the presiding officer.
- (g) Debate. When a debatable motion is made and seconded, the presiding officer shall state the motion before opening the debate on the question, and the member who made the motion is entitled to the floor first. When a motion to amend is before the Council, the debate should be confined to the merits of the amendment, with the main question or item of business only being debated so far as it is necessarily involved with the proposed amendment. Making suggestions or asking questions, when they will assist Council in determining the pending question, should be allowed by the presiding officer, to a limited extent, even when the question before Council is undebatable.
- (h) Voting.
- (1) After the debate on an item of business or question is finished, the presiding officer shall close the debate and ask for a motion. Upon a member making a motion, the presiding officer shall state the member's name and the motion, and shall call for a second on the motion. After the motion is seconded, the presiding officer shall call upon the Clerk to proceed with the roll call vote.
 - (2) All voting shall be by roll call vote. As his name is called, the member shall verbally respond, Abstaining, if he is abstaining from the vote; "yes," in support of the motion made; or "no," against the motion made. The Clerk shall record the name and vote of each member in the Clerk's Journal.
 - (3) Any councilmember who participates in the discussion, pro or contra, on the item under consideration shall not then abstain from voting.
 - (4) A member of the Council shall abstain from both discussion and voting on official business when a conflict of interest exists for the member, or the member or the member's family has a financial interest in the matter, or when otherwise required to by law.
- (i) Tie Vote. When there is a tie vote, the motion fails, except in the case of an appeal from the ruling of the presiding officer, in which case a tie vote sustains the chair.

SECTION 9. COUNCILMEMBERS

- (a) Attendance. Every member shall be in his seat at the time of roll call, otherwise, he shall not be

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recorded as present. If a member enters a meeting late, the presiding officer shall, as soon as possible, instruct the Clerk to note for the record the attendance of said member.

(b) Absences.

- (1) Any member who cannot attend a meeting or who cannot attend a group of consecutive meetings shall, as soon as practicable, notify the Clerk of Council, or the City Manager or the Mayor who shall then notify the Clerk, of his or her request to be excused from the meeting and the reason therefore.
- (2) After the roll call and before proceeding on any other business, the presiding officer shall then present to Council the member's request to be excused from the meeting. The member's absence may be excused, upon the affirmative vote of at least 4 members of Council, for the following reasons:
 - A. Medical issues of the Councilmember or a member of his or her family;
 - B. A planned vacation;
 - C. Service in the armed forces;
 - D. A business or family commitment; or
 - E. Any other reason deemed sufficient by the Council.
- (3) Any member who, due to emergency, is unable to give advance notice of his or her absence, shall notify the Clerk before the next regular meeting of the Council or shall present his or her request to be excused in person at the next regular meeting of the Council. Council shall then proceed in accordance with paragraph (b)(2) of this section.

(c) Right of Floor. When any member wishes to address the Council, he shall respectfully address himself to the presiding officer, and when recognized by the chair shall confine himself to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two (2) or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal. This section is not meant to discourage debate between the members of Council, but to assure that such debates occur in an orderly fashion.

(d) Decorum. No member shall, while Council is in session, engage in debate or discussion with anyone save another member of Council, the presiding officer, or any person who has been granted permission to address Council by the presiding officer.

(e) Member Called to Order. If any member, in speaking or otherwise, transgresses the Rules of Council, the presiding officer shall call the offending member to order. The member so called to order shall take his seat and cease speaking, unless permitted by the presiding officer to explain. Any member may, by raising a question of order, call the attention of the presiding officer to such transgression. The question of order shall be decided by the presiding officer without debate. Every such decision by the presiding officer shall be subject to appeal.

(f) Reading from Written Matter. Any member while discussing a question may read from books, papers, or documents, any matter pertinent to the subject under consideration without asking leave of the presiding officer.

(g) Voting.

- (1) Duty to Vote - Upon the calling of his name, every member shall respond with "yes," "no" or "abstaining," unless the member is excused from voting by the unanimous consent of the remaining members present. Any member not being so excused who refuses to vote on any

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question or motion shall be deemed guilty of contempt of Council and may be censured for such contempt by a majority vote of the entire Council.

- (2) *Recording Votes* - On the passage of every ordinance or resolution and on the appointment of every officer, the vote of every member shall be entered in full upon the record and published in the Journal of the Clerk.
- (3) *Change of Vote* - Before the announcement of the vote on any question, the Clerk shall read the vote of each member so taken upon the demand of any member, at which time any member, on account of error, may change his vote; but no member shall be permitted to change his vote as recorded after the result of the vote has been declared.
- (h) *Vacancies*. The seat of a member may be declared vacant by a majority vote of the remaining members of Council for any the following reasons:
 - (1) Automatic vacation of the member's seat under Section 3.06 of the Charter;
 - (2) Violation of Section 3.05(a) of the Charter;
 - (3) Removal of a member pursuant to Section 3.07 of the Charter; or
 - (4) Resignation.
- (i) *Filling Vacancies*.
 - (1) When the seat of a member of the Council becomes vacant, the vacancy shall be filled in accordance with Section 3.06 of the Charter.
 - (2) When a vacancy occurs in the seat of the member who was serving as either Mayor or Vice-Mayor, upon filling the vacant seat, Council shall elect a new Mayor or Vice-Mayor, in accordance with Section 3.03(k) of the Charter and these Rules.

Commented [CS9]: We deleted this provision through recent Charter amendments.

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(5) By operation of the Charter's recall provisions under Section 11.10

SECTION 10. OFFICERS AND EMPLOYEES

- (a) *Presiding Officer*.
 - (1) The Mayor shall serve as the presiding officer during all meetings. In the absence of the Mayor, the Vice-Mayor shall perform such duties as are imposed upon the Mayor. In the absence of the Mayor and the Vice-Mayor, the Clerk shall call the Council to order and proceed with the roll call. If after the roll is called a quorum is present, Council may appoint a temporary presiding officer for the sole purpose of conducting the meeting.
 - (2) The presiding officer shall preserve order and decorum, prevent personalities or the impugning of members' motives, confine members in debate to the question under discussion, and decide all points of order, subject to an appeal to the Council.
- (b) *Mayor*.
 - (1) The Mayor shall be considered the official representative of both the Council and the City at all civic functions where practical. The Mayor may, when unable to attend civic functions in person, appoint a substitute, who shall be an elected or an appointed official of the City.
 - (2) It shall be the duty of the Mayor to sign all official proclamations of the City. In the Mayor's absence, it shall be the duty of the Vice-Mayor to sign and issue all proclamations of the City.
 - (3) The Mayor shall have no other expressed or implied duties, powers or privileges except as

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provided by the Charter, these Rules, or by ordinance or resolution.

- (c) Election of Mayor and Vice-Mayor. The position of Mayor and Vice-Mayor shall be nominated and filled separately, with the position of Mayor being filled first. No candidate for Mayor or for Vice-Mayor shall be declared elected unless he shall have received a majority vote. Any number of nominations for the position of Mayor and Vice-Mayor may be made, with the presiding officer announcing each name upon a nomination and second. The nominations should then be voted for in the order announced until one receives a sufficient vote for election. Likewise, no vacancy in the position of Mayor or Vice-Mayor shall be filled except pursuant to majority vote. In either case, the vote shall be by a roll call vote, and all members of Council shall either cast a "yes" or "no" vote, which shall be recorded by the Clerk. No member shall abstain from voting in the election of Mayor and Vice-Mayor, unless so required by Ohio Ethics Law.
- (d) Sergeant-At-Arms. The Sergeant-At-Arms, under the direction of the presiding officer, shall preserve order and compel the attendance of absent members in the manner prescribed by Council. The Sergeant-At-Arms shall be the Chief of Police or another police officer, as designated by the Chief of Police. The Sergeant-At-Arms shall be in attendance at all meetings of Council, but the Chief of Police will appoint another officer to fill the position of Sergeant-At-Arms if his attendance is not possible.
- (e) Clerk of Council.
 - (1) The Clerk shall keep the records of Council and shall keep a proper file of all papers and documents that are a part of the transactions of the Council, of meetings of committees and all orders of the Council, and shall make such records available to the public, in accordance with Chapter 105 of the Codified Ordinances.
 - (2) The Clerk shall keep the minutes of each meeting of all committees, which shall be kept in record form and made available to the public, in accordance with Chapter 105 of the Codified Ordinances. In addition, the Clerk shall perform such other and further duties as may from time to time by Charter, statute, ordinance or resolution be required of the Clerk.
- (f) City Manager.
 - (1) The City Manager shall attend all meetings of Council, unless otherwise excused by contract or Council, and make a report to Council on the administrative affairs of the City, the annual budget, capital programs and future needs of the City, and any personnel issues.
 - (2) The City Manager shall submit to Council a complete report on the finances, administrative activities and an inventory of real properties and equipment of the City as of the end of each fiscal year.
 - (3) The City Manager shall research and investigate any matter or question requested by Council and shall report back to Council on the same in a timely matter.
- (g) Director of Finance.
 - (1) The Director of Finance shall attend all meetings of Council, unless otherwise excused by contract, Council or the City Manager, and shall advise Council and the City Manager on the financial condition of the City.
 - (2) The Director of Finance shall prepare financial reports for City Council, as requested by Council.

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Commented [CS10]: We gave Jonathan the authority here and below to excuse the Finance Director's and Law Director's attendance at Council meetings (that seems to be how things usually operate).

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(h) Director of Law.

- (1) The Director of Law shall attend all meetings of Council, unless otherwise excused by contract, Council or the City Manager, to provide legal advice and assistance, and shall function as Parliamentarian on all questions of procedure and order when requested by the presiding officer.

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- (2) The Director of Law shall render oral or written opinions on any matter, as requested by Council.

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(2) The Director of Law shall draft all proposed legislation, prepare and review all contracts, ordinances and resolutions, and report to Council on the same. If an amendment is made to any ordinance or other legislation after the Director has reported thereon, the ordinance or legislation may, before its final passage, be referred back to the Director of Law for the Director's opinion on the legality of the same. The Director of Law shall not be required to draw or prepare any ordinance or resolution except upon a majority vote of Council.

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SECTION 11. STANDING COMMITTEES

(a) Standing Committees of Council. The standing Committees of the City Council shall be:

- (1) Finance Committee
- (2) Safety Committee
- (3) Public Works & Utilities Committee
- (4) Government Affairs Committee
- (5) Economic Development & Planning Committee
- (6) Parks & Recreation Committee
- (7) Environmental Affairs Committee

(b) Appointment.

- (1) Each Committee of Council shall be composed of three (3) members of Council, who shall be appointed for a one-year term. All appointments shall be made by the Mayor, with the approval of Council by resolution.
- (2) Each member of Council shall serve as Chair of one Committee of Council and shall serve upon one or two (2) other Committees, as appointed.

(c) Meetings.

- (1) *Time and Place* - A majority of the members of a Committee shall constitute a quorum for the transaction of business. Each Committee shall hold its meetings at the Municipal Building, at the time and place fixed by the Chair of the Committee, unless another location is selected by the Chair.
- (2) *Notice* - If the Committee sets a regular schedule, notice shall be posted at the Municipal Building and on the City of Franklin's official website. Should the Chairman find it necessary to hold a Committee meeting at another time or place, the Chairman shall cause notice thereof to be posted at the Municipal Building and on the City of Franklin's official website at least twenty-four (24) hours before the meeting. If no regular schedule is set, notice of each Committee meeting shall be posted at the Municipal Building and on the City of Franklin's official website.
- (3) *Openness* - All Committee meetings shall be open to the public, and a record of the attendance of members of the Committee shall be kept in the minutes.
- (4) *Minutes* - Minutes must be composed and filed for each meeting of the Committee. Such minutes shall be kept on file with the Clerk of Council and open to public inspection, in accordance with Chapter 105.

Commented [CS12]: These changes eliminate newspaper notice requirements, similar to the recent Charter amendments.

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- (d) Voting. All votes shall be taken by roll call vote or by voice vote, as determined by the Chair of the Committee, and such votes shall be recorded in the minutes of the Committee. A majority of the members of a Committee shall be necessary for the recommendation of approval, disapproval, or amendment of any item of business pending before a Committee.
- (e) Committee Rules. Except in cases of obvious inconsistency or inapplicability, Committee meetings and hearings shall be governed by the Rules applicable to Council proceedings.

**SECTION 12.
SELECT COMMITTEES**

- (a) Purpose. Council may, by resolution passed by a majority vote, create a select committee(s) to review, report and make recommendations on any resolution, ordinance or other matter before Council for consideration, except appropriation ordinances. The resolution creating the select committee shall set forth the purpose of the committee, set the number of appointed members to the committee, including voting members and non-voting members, and shall designate the time period by which the committee shall make its report and/or recommendations to Council.
- (b) Appointment.
- (1) All appointments of committee members shall be made by the Mayor, with the approval of Council by resolution and subject to any limitations or restrictions set forth in the resolution creating the select committee.
 - (2) No select committee created by Council shall consist of more than three (3) members of Council; except in cases where the select committee is a committee of the whole.
 - (3) The absence of a member of a select committee from three (3) consecutive meetings, unless authorized by the Chair of the committee, may upon the recommendation of the committee, cause the removal of the member by Council and the appointment of a new member to the committee.
 - (4) The terms of the members of the committee shall end at the time period designated by Council, or at the time the committee makes its report, whichever occurs first, except upon a motion by Council to recommit the matter that was the subject of the committee's report to the committee.
- (c) Select Committee Meetings.
- (1) *Time and Place* - A majority of the members of a select committee shall constitute a quorum for the transaction of business. Each select committee shall hold its meetings at the Municipal Building, at the time and place fixed by the Chair of the committee, unless another location is selected by the Chair.
 - (2) *Notice* - The schedule of each select committee shall be posted at the Municipal Building and on the City of Franklin's official website. Should the Chair of the committee find it necessary to hold the meeting at another time or place, he or she shall notify the Clerk of Council, who shall cause notice thereof to be posted at the Municipal Building and on the City of Franklin's official website at least twenty-four hours before the meeting.
 - (3) *Openness* - All meetings of the select committee shall be open to the public, shall be subject to

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Chapter 107 of the Codified Ordinances, and a record of the attendance of members of the committee shall be kept in the minutes.

- (4) *Minutes* - Minutes must be kept and approved for each meeting of the select committee. Such minutes shall be kept on file with the Clerk of Council and open to public inspection in accordance with Chapter 105 of the Codified Ordinances.
- (5) *Chair and Vice-Chair* - The select committee shall elect its own Chair and Vice-Chair, unless the Chair and Vice-Chair have been appointed by Council in the resolution creating the committee.
- (d) Voting. All votes shall be taken by roll call vote or by voice vote, as determined by the Chair of the select committee. A majority of the members of a select committee shall be necessary for the approval of any report or set of recommendations to be made to Council that are pending before the committee. All other motions shall require only a majority vote of the members of the committee present. The vote on all matters before a select committee shall be recorded in the minutes of the Committee meeting.
- (e) Committee Rules. Except in cases of obvious inconsistency or inapplicability, select committee meetings and hearings shall be governed by the Rules applicable to Council proceedings.
- (f) Reports of Committee. It shall be the duty of the select committee to recommend to Council the approval, disapproval, or amendment of any legislation referred to it by Council, or to make a report and recommendations on any other matter referred to it by Council, within the time period set by Council. The report of the select committee shall be made in writing and shall be accompanied by the original papers upon which such report is based, unless otherwise ordered by Council. Prior to the report of such committee, any matter referred to the committee may be taken from the hands of the committee by a majority vote of all the members of Council.
- (g) Reception and Adoption of Reports by Council.
 - (1) Before the report of any select committee can be read by Council it must be received upon a motion for the same, approved by a majority vote. Such a motion shall be considered an administrative motion and need not be done by resolution.
 - (2) Once the report has been received by administrative motion, the report shall be considered to be before Council for its consideration and debate, and any recommendations made in the report are open to amendment.
 - (3) When the report of a select committee is only for the information of Council, it is not necessary for Council to take any further action on the report once it has been received.
 - (4) Except as provided in subsection (g)(4), below, when the report of a select committee makes recommendations for specific actions to be taken by the Council, Council shall adopt, adopt with amendments, or reject the report by resolution.
 - (5) When a select committee reports back on a resolution or ordinance referred to it and recommends its adoption or enactment, the question before Council shall be for such adoption or enactment. If the report of the select committee recommends against adoption or enactment, Council may still adopt the resolution or enact the ordinance, and in such cases the motion for shall be stated for adoption or enactment "notwithstanding the report of the committee to the contrary." If the select committee's report recommends that the resolution or ordinance that

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was referred to it be amended, the questions to Council shall be first on the adoption of the proposed amendment and then on adoption of the resolution or enactment of the ordinance.

SECTION 13. RECORD OF PROCEEDINGS

- (a) Clerk's Journal. The Clerk's Journal shall be the general record of the proceedings of the Council. The Clerk's Journal shall reflect the general subject matter of all regular, special and emergency meetings and the reasons the Council adjourns into executive sessions. The Clerk shall keep a full record of the proceedings of Council, with a general index of such proceedings, entering each motion with the name of the member making it, in the Journal. The vote shall be by a roll call vote and the Clerk shall record the yeas and nays on each motion in the Journal.
- (b) Signing of the Record. Immediately upon the opening of each regular meeting of Council, the record of the proceedings of the previous meeting, as kept in the Clerk's Journal, if correct, shall be approved by Council. When Council is not in session, the Clerk's Journal shall be kept in the Office of the Clerk, open at all proper times to public inspection. The record of proceedings, as kept in the Clerk's Journal, shall be certified by the Mayor and the Clerk.
- (c) Minutes.
- (1) All meetings of the Council will be recorded in audio format on CD, flash drive or other digital media. The recording will be the official minutes for all meetings. The Clerk's Journal will reflect only the general subject matter of all regular, special and emergency meetings and the reasons the Council adjourns into executive sessions. Only the Clerk or Deputy Clerk shall operate the audio recorder.
 - (2) Whenever Council is in session, the audio recorder shall remain on to provide a record of the proceedings. The audio recorder shall only be shut off after Council adjourns into executive session; while Council is in recess; or after Council has adjourned the meeting. No discussions, deliberations, or action on official public business shall take place unless the audio recorder is on to provide a record of the proceedings.
 - (3) The minutes of all regular, special and emergency meetings shall be maintained by the Clerk of Council and filed by date; shall be numbered sequentially according to date; and shall be open to public inspection. Requests for copies of the minutes shall be in accordance with Chapter 105 of the Codified Ordinances.

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SECTION 14. SEVERABILITY; AMENDMENTS

- (a) In the event that any provision of these rules are held by a Court of competent jurisdiction to be

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unenforceable or in conflict with applicable law, such unenforceability or conflict shall not affect the other provisions of these Rules that can be given effect without the unenforceable or conflicting provision. To this end, the provisions of these rules are declared severable.

- (b) These Rules may be amended or new rules adopted by a two-thirds vote of the Council.
- (c) In the absence of any Rule herein upon the matter of any business, Council shall be governed by Robert's Rules of Order.

SECTION 15. REVIEW

These Rules of Council shall be reviewed by the Council's Government Affairs Committee at least once every five (5) years, beginning on the date of their adoption.

