

EXHIBIT A
Ordinance 45-2023

CHAPTER 30: COUNCIL

Editor's Note: Councilmanic districts are established by map attached as Exhibit A to Ordinance 7-2013, passed April 3, 2013.

Section

Rules of Procedure

- 30.01 Officers
- 30.02 Standing committees and boards and commissions
- 30.03 Ordinances and resolutions
- 30.04 Special functions
- 30.05 Meetings
- 30.051 Confidential information
- 30.052 Executive sessions; Committee of the whole
- 30.053 Pre-election meetings and mailings
- 30.06 Parliamentary authority
- 30.07 Amendments

Other Rules

- 30.10 Captions and section numbers for ordinances
- 30.11 Correction of form of ordinance
- 30.12 Newsletter authorized; content

RULES OF PROCEDURE

§ 30.01 OFFICERS.

(A) President of Council.

(1) At the first meeting of record of a new Council, the current President of Council, or Vice President if the President is not present, shall cause an election for President of Council to be held.

(2) The term for President of Council shall be for two years unless vacated by reason of death, resignation or recall.

(3) The duties and responsibilities of the President of Council shall be as prescribed in the Charter of the city and such additional duties and responsibilities as are described in the Council Rules of Procedure.

EXHIBIT A
Ordinance 45-2023

(4) The President of Council shall conduct all regular and special meetings of Council and all committee meetings of Council as a whole unless he or she is acting Mayor or is unable to preside.

(5) As soon as possible after the hour appointed for Council to meet, the President shall call the meeting to order. He or she shall preserve proper decorum during the meeting and shall enforce the Council Rules of Procedure.

(6) It shall be his or her responsibility to see that all members of Council and also the Mayor and Clerk of Council/~~Finance Director~~ receive notice of all meetings. This responsibility can logically be delegated to the Vice President or another Councilmember.

(7) The President of Council or his or her designated representative shall notify members of boards and commission appointed by Council of their appointment.

(8) The President of Council shall assume the office and duties of acting Mayor in the event of vacancy in the office of Mayor.

(9) The President of Council shall appoint the standing committees established by the Council rules of procedure and such other special committees as may be required from time to time.

(B) Vice President.

(1) At the first meeting of record of a new Council, the new or current President of Council shall cause the election of Vice President of Council to be held.

(2) The term for Vice President for Council shall be for two years unless vacated by reasons of death, resignation or recall.

(C) Vacancies.

(1) When the office of President of Council becomes vacant by reasons of death or resignation, the Vice President will immediately succeed to that office. At the first meeting of record thereafter, he or she shall cause a new election to be held for the post of President of Council for that unexpired term.

(2) When the office of Vice President becomes vacant by reason of death, resignation or his or her election to the office of President of Council, the President of Council shall cause an election to be held for the office of Vice President to serve the unexpired term of that office.

(3) The procedures provided for in divisions (C)(1) and (2) above shall not apply to vacancies caused by recall.

(D) Recall procedure. The President and Vice President of Council can be removed from their respective offices at any time by Council for reasons of health or lack of confidence. The following procedures for removal may be used.

(1) A motion for removal must be made and seconded.

(2) Affirmative vote of at least five members of Council are necessary for this motion to carry.

(3) A motion naming the person to succeed office must be made and seconded.

(4) Upon approval of the motion by a simple majority vote the person so named will succeed immediately to this office.

(Ord. 13-2011, passed 4-20-11; Am. Ord. 4-2018, passed 2-7-18)

EXHIBIT A
Ordinance 45-2023

§ 30.02 STANDING COMMITTEES AND BOARDS AND COMMISSIONS.

(A) Appointments to standing Committees shall be made by President of Council as soon as practical after his election. Appointments can be changed from time to time by the President of Council on his or her own initiative or at the request of five members of Council.

(B) Appointments to special Committees shall be made by the President of Council with the concurrence of a majority of Council.

(C) Each Committee shall consist of a chairperson and one or more additional members. In the absence of the chairperson, the other member (or one of the other members) of the Committee shall act in his or her stead and present his or her report or recommendations to Council.

(D) It shall be the duty of each Committee to study and discuss all matters assigned to it, to make reports and recommendations to Council, and to request ordinances and resolutions pertaining to the work of the Committee as required.

(E) All ordinances, resolutions, or other matters requiring special study or research shall be referred to the appropriate standing Committee. Legislation on matters of a general nature may be referred to a special Committee appointed for the specific purpose of taking the matter under study or it may be studied by Council as a Committee of the Whole. It shall be the duty of the chairperson or designee of the Committee to bring before the Council the findings and recommendations pertaining to any legislation or other matters referred to his or her Committee for study.

(F) The following standing Committees, with duties and general nature as outlined, shall be appointed, along with such other standing committees as may be established as provided by amendment of the Council Rules of Procedure.

(1) Finance - matters pertaining to a financial nature;

(2) Public Works - matters pertaining to streets, highways, sewers, and sidewalks, buildings and grounds; extension and repair of such services;

(3) Public Utilities - matters pertaining to gas, electricity, water, and other public utilities, contracts for such services; extension of such public utilities;

(4) Rules and Laws - matters pertaining to enforcement of the Council Rules of Procedure.

(G) Council shall have the authority to appoint one member to serve as a liaison to the Board of Health, but in no event shall that Council member hold a seat on such Board.

(H) All other board and commission appointments, including but not limited to Board of Health, Planning Commission, Board of Zoning Appeals, Volunteer Firefighters' Dependents Board, Tax Review Board, Charter Revision Committee, Civil Service Commission, and Civil Service Review Board shall be made pursuant to the Charter and ordinances of the city.

(Ord. 13-2011, passed 4-20-11)

EXHIBIT A

Ordinance 45-2023

§ 30.03 ORDINANCES AND RESOLUTIONS.

(A) With the exception of pre-drafted ordinances or resolutions from other governmental agencies, ordinances and resolutions shall be prepared by the Law Director in writing and may be submitted to Council:

- (1) By the appropriate Committee which requests an ordinance or resolution;
- (2) By an individual Councilmember who drafts or requests an ordinance or resolution;
- (3) At the request of Council after recognizing the need or desirability of such an ordinance or resolution;
- (4) By the Mayor (administrative ordinances of appointment, and the like only, which require approval by Council); and
- (5) By the Law Director (administrative matters of a legal nature only).

(B) Except for emergency ordinances and resolutions, requests to the Law Director to make final drafts of an ordinance or resolution shall be made not less than ten days prior to the next Council meeting at which Council will hear the first reading.

(C) Except for emergency ordinances and resolutions, all others must be at the Clerk of Council/~~Finance Director~~'s office no later than 4:00 p.m. on the Friday prior to the regular Council meeting.

(D) There shall be a standard distribution of all ordinances and resolutions established. That shall be: Council, the Mayor, the Clerk of Council, ~~Finance Director~~Officer/Tax Commissioner, the Law Director, ~~the Secretary~~, the City Administrator, and the Assistant City Administrator.

(E) Tabled ordinances and resolutions shall be automatically placed on the agenda by the Clerk of Council/~~Finance Director~~ for the next meeting, or for any other meeting as specified by Council at the time the ordinance or resolution is tabled.

(F) An ordinance or resolution, or one similar in effect to one, that has been defeated by Council, shall not be brought to the floor of Council by any member for consideration for 90 days after the date of defeat except by prior motion of Council, with four votes in favor.

(Ord. 13-2011, passed 4-20-11)

§ 30.04 SPECIAL FUNCTIONS.

(A) The Law Director shall be engaged by contract, as provided by the charter, to keep the Council, the Mayor, and the ~~Clerk of Council/Finance Director~~City Administrator informed as to the legality of actions taken or expected to be taken, and under such other terms as the Council deems advisable. He or she shall be present at all regular meetings of Council and such special meetings and Committee meetings as required by Council. He or she may introduce ordinances or resolutions of an administrative legal nature. This contract for services shall not preclude Council's prerogative to seek other professional help in this area.

(B) The City Engineer shall be engaged by contract, as provided by the Charter, to keep the Council, the Mayor, City Administrator and the ~~Clerk of Council/Finance Director~~Public Works Director

EXHIBIT A Ordinance 45-2023

informed on matters of an engineering nature. When there are items involving matters pertaining to engineering to be discussed or acted upon, he or she should be present to give a report on the progress or status of the project and be prepared to answer questions pertaining to it as required. He or she shall be required to keep the Council, the Mayor and the Clerk of Council/~~Finance Director~~ supplied with the latest revision of the municipal zoning map. This contract for services shall not preclude Council's prerogative to seek other professional help in this area.

(C) The chairperson of all boards, commissions, standing committees, and special committees shall be present at Council meetings at the request of council. Such boards, commissions, and committees shall be required to furnish a written copy of their reports to the Clerk of Council/~~Finance Director~~ in order to ensure greater accuracy in recording the activities of such boards, commissions, and committees.

(Ord. 13-2011, passed 4-20-11)

§ 30.05 MEETINGS.

(A) Regular meetings of Council will be held the first and third Wednesday of each month at 7:00 p.m. unless a change is announced at a regular meeting of Council.

(1) Any elected officials unable to attend a Council meeting shall notify the city administration prior to the meeting.

(2) In the event that the President of Council is absent, the Vice President shall preside over the Council meeting. If the President and the Vice President are absent, ~~the Clerk of Council/Finance Director~~ Council, by majority vote, will appoint a President Pro Tempore to ~~shall~~ preside over the Council meeting.

(3) In the event that the Clerk of Council/~~Finance Director~~ is absent, another individual employed or appointed by the City Administrator may serve as the Acting Clerk of Council ~~the Vice President shall assume the roll of the Clerk of Council/Finance Director~~ for that Council meeting.

(B) All special meetings shall be limited to the discussion of the subject which was the reason for calling such a special meeting, except as provided by the Charter, which requires assent of the majority of the membership of Council to consider and act upon any other business properly presented. Providing legal notice of special meetings shall be the responsibility of the Clerk of Council/~~Finance Director~~.

(C) Special meetings of Council as a Whole may be called by the President of Council as required. They may also be called by any three members of Council who have specific items for discussion, in accordance with general law. A quorum of Council is required to conduct any business at a special meeting.

(D) The conduct of business of the Council may be in accordance with the following suggested agenda. With consent of the majority of the members of Council or by general assent, the order in which the items are disposed of may be changed.

- (1) Call meeting to order by President.
- (2) Pledge of Allegiance/Invocation.
- (3) Roll call by Clerk of Council/~~Finance Director~~.
- (4) Acceptance of minutes of previous regular meeting.

EXHIBIT A
Ordinance 45-2023

- (5) Committee reports.
- (6) Official reports (for example, Mayor's report ~~and Clerk of Council/Finance Director's report~~).
- (7) Communications.
- (8) Communication from the residents.
- (9) Ordinances and resolutions.
- (10) Old business.
- (11) New business.
- (12) Meetings and announcements.
- (13) Adjournment.

(E) The Clerk of Council/~~Finance Director~~ shall furnish each member of Council, the Mayor, the Law Director, and the engineer with a copy of the minutes prior to the next regular meeting. The minutes need not be read at the meeting, but may be corrected and approved without reading. The minutes should give a complete and objective account of what happened at the meeting and shall become a permanent record which may be referred to concerning all business discussed and all actions taken. Every motion, whether adopted or rejected, should be recorded with the name of its maker, the person seconding it, together with the results of any action taken on the same.

(F) Debate shall be germane or limited to the item before the Council and shall be of a reasonable length so as not to delay the conduct of business needlessly.

(G) Any individual or organization outside the city wishing to address the Council may be required to make known his or her desire to the Clerk of Council/~~Finance Director~~ at least 48 hours before the scheduled meeting. He or she shall include his or her name and the purpose of appearing before Council. His or her remarks shall be limited to the subject as stated in his or her request. The rule requiring permission does not apply in the case of a public hearing which has been properly announced.

(H) It shall be the duty of the Clerk of Council/~~Finance Director~~ to give notice of the time, place, and purpose of any special meetings at least 12 hours in advance of the meeting, except in the event of an emergency requiring immediate official action, in accordance with the Charter and the Ohio Sunshine Law as provided for in R.C. § 121.22. In the event of such an emergency, the Clerk of Council/~~Finance Director~~ shall immediately notify the news media that have requested notification of the time, place and purpose of the meeting. Notice of public hearing shall be published by the Clerk of Council/~~Finance Director~~.

(I) Any person or group ~~that provides the Clerk of Council/Finance Director with a self-addressed stamped envelope will be seeking to receive given~~ notice of any change in regular meeting dates and any scheduled special meeting dates, as well as notice of a regular meeting at which any specific type of public business (such specific type to be designated by such person or group in writing) is to be discussed, may elect to receive email notifications on the City's website.

(J) All official action shall be taken, and all deliberations upon official business shall be conducted by Council only in open meetings, except that Council may hold an executive session at a regular or special meeting by either placing the item on the agenda or by motion of Council and consent of a majority present and voting, notwithstanding any provisions under R.C. § 121.22, for the sole purpose of considering any of the following matters:

EXHIBIT A Ordinance 45-2023

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee or official. Except as otherwise provided by law, Council shall not hold an Executive Session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.

(2) (a) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal or private interest is adverse to the general public interest. No public employee or official 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 that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers.

(b) If the minutes of Council show that all meetings and deliberations of Council have been conducted in compliance with this section, any instrument executed by Council purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the city concerning disputes involving the city that are the subject of pending, possible, or imminent court action.

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

(5) Matters required to be kept confidential by federal law or rules or state statutes.

(6) Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

(7) Conference involving matters pertaining to future development of the community, including meetings with the Planning Commission or the Community Improvement Corporation and outside consultants, if premature disclosure of information could give an unfair competitive or bargaining advantage to any person.

(K) An ordinance or resolution is invalid unless adopted in an open meeting of the public body. An ordinance or resolution adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (J) of this section and conducted at an Executive Session held in compliance with that section.

(Ord. 13-2011, passed 4-20-11)

§ 30.051 CONFIDENTIAL INFORMATION.

(A) No Councilmember shall disclose or use, without appropriate authorization, any information acquired in the course of his or her official duties which has been clearly designated by the presiding officer of the meeting to him or her as confidential when such confidential designation is warranted

EXHIBIT A Ordinance 45-2023

because of the status of the proceedings or the circumstances under which the information was received, and preserving its confidentiality is necessary to the proper conduct of government business.

(B) Councilmembers who violate this rule shall be subject to expulsion by a vote of five members of Council, after receiving notice of the charge and an opportunity to be heard.

(Ord. 13-2011, passed 4-20-11)

§ 30.052 EXECUTIVE SESSIONS - COMMITTEE OF THE WHOLE.

(A) The City Council may conduct Executive Sessions of Council, or as they are referred to in the Charter “Council meeting as a Committee of the Whole” according to the terms of the Charter and the Council Rules of Procedure. Although the subject matter of Committee of the Whole meetings or Executive Sessions is not limited by the Charter, the Council has chosen to limit the subject matter as set out in § 30.05(J) of the Council Rules of Procedure.

(B) The following officials who have traditionally been present at executive sessions shall continue to be present: the Mayor, ~~Clerk of Council/Finance Director~~, City Administrator, Assistant City Administrator and all Council members. In addition, the Law Director and City Engineer will be in attendance unless excused. Also members of City Commissions and Boards, individuals working as consultants for Council and/or other persons required for discussion on a specific topic may be requested to attend if approved by a majority of the Council members.

(C) There are some instances where individuals may choose to excuse themselves from an Executive Session. In other instances, it may be desirable to excuse certain non-elected and contract employees:

(1) If there is a conflict of interest or the possibility of a conflict of interest, any individual participant should request to withdraw from said Executive Session of Council. If a majority of the Council members feel that any participant, other than the Council members themselves and the Mayor ~~or Clerk of Council/Finance Director~~, should be excluded from any particular Executive Session of Council for a valid reason, said issue shall be resolved by a majority vote of the Council members present and voting after an informal discussion about the potential conflict of interest. A valid reason shall include, but not be limited to, a conflict of interest as set forth in division (C)(1) of this section, in addition to those items set forth below in divisions (C)(2) and (C)(3).

(2) In the event that a discussion is scheduled pertaining to job performance, salary, professional contract or other matters of a personal nature involving any contract employee or other non-elected official who normally attends Executive Sessions (for example, Law Director, City Engineer, City Administrator, Assistant City Administrator), then that individual will be excused from that portion of the session.

(3) In the event that it is determined prior to an Executive Session that the subject to be discussed does not involve a particular contract employee or other non-elected official (for example, Law Director, City Engineer, City Administrator, Assistant City Administrator), then that individual will be excused prior to the meeting.

(D) All subjects discussed in Executive Sessions are considered confidential unless the President of Council or the person chairing the Executive Session or Committee of the Whole meeting releases from said confidentiality. Once confidentiality has been released as provided for in this section, all those in attendance shall be released from any confidentiality requirements.

EXHIBIT A Ordinance 45-2023

(E) Council members who are not present at an Executive Session of Council may be informed of the content of the Executive Session on a confidential basis by any other member of Council, provided that the absent Council member is not precluded from having the information due to conflict that might otherwise exclude that Council member from participating in the executive session.

(Ord. 13-2011, passed 4-20-11)

§ 30.053 PRE-ELECTION MEETINGS AND MAILINGS.

Although special meetings called by an elected official and mailings relative to city business can be paid for at city expense, no such meetings or mailings shall take place within 75 days prior to any municipal election. It is the intent of Council that such meetings and mailings not appear to give an advantage to an elected official over a new candidate. However, any elected official may call meetings and provide mailings at his or her own expense at any time. Further, the 75-day limitation shall not apply to special meetings called by the City Council as a Whole, or to publications or mailings related to Charter amendment.

(Ord. 13-2011, passed 4-20-11)

§ 30.06 PARLIAMENTARY AUTHORITY.

The rules contained in Robert's Rules of Order, Revised, shall govern the conduct of business in all cases to which they are applicable, and in which they are not inconsistent with the Charter or this chapter.

(Ord. 13-2011, passed 4-20-11)

§ 30.07 AMENDMENTS.

The provisions of this chapter may be amended by a favorable vote of at least five members of Council.

(Ord. 13-2011, passed 4-20-11)

OTHER RULES

§ 30.10 CAPTIONS AND SECTION NUMBERS FOR ORDINANCES.

Each measure enacted as provided in the Charter shall be assigned an appropriate caption and section number.

('68 Code, § 4.6) (Ord. 39-2010, passed 12-15-10; Am. Ord. 13-2011, passed 4-20-11)

§ 30.11 CORRECTION OF FORM OF ORDINANCE.

It shall be the duty of the Clerk of Council/~~Finance Director~~ and of the Law Director, or either, whenever the form of a proposed measure does not comply with the provisions of the Charter, to call

EXHIBIT A
Ordinance 45-2023

attention of Council thereto, and the Law Director shall submit a draft of such measure which, if adopted, will correct the omission.

(68 Code, § 4.8) (Ord. 39-2010, passed 12-15-10; Am. Ord. 13-2011, passed 4-20-11)

§ 30.12 NEWSLETTER AUTHORIZED; CONTENT.

(A) Council may determine that it is desirable and authorize the publication of a city newsletter. The City Administration shall be responsible for such publication.

(B) The content of said newsletter should be limited to subjects concerning the health, safety and general welfare of the community. Under no circumstances should the newsletter be used to advance partisan politics or personal gain in violation of the Ohio Ethics Laws.

(C) Distribution of the newsletter shall not be made on election day or within 75 days prior thereto in any year in which there is an election involving any city offices.

(Ord. 34-1981, passed 6-17-81; Am. Ord. 26-1990, passed 4-4-90; Am. Ord. 39-2010, passed 12-15-10; Am. Ord. 13-2011, passed 4-20-11)