

# Rules of Conduct and Procedure Defiance City Council

Adopted by Ordinance No. 8223

Passed June 2, 2020

Effective July 2, 2020

## Prior Legislative History:

Adopted: January 21, 1997, Ordinance 5815  
Amended: September 15, 1998, Ordinance 5958  
Amended: May 17, 2011, Ordinance 6555  
Amended: July 17, 2012, Ordinance 7413  
Amended: April 25, 2017 Ordinance 7915  
Amended: June 12, 2018 Ordinance 8031  
Amended: June 2, 2020 Ordinance 8223

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Article 1  
Public Meeting Requirements

## RULE 1: PROCEEDINGS TO BE CONDUCTED IN PUBLIC

### Rule 1.1: Official Action to be Taken in Public Session

All official actions of Council shall be taken in meetings open to the public.

### Rule 1.2: Deliberations to be Conducted in Public Session

All deliberations of Council shall be conducted in meetings open to the public or in Executive Session convened in accordance with this Rule.

### Rule 1.3: Deliberations Permitted in Executive Session

Deliberation in Executive Session shall be permitted for any purpose authorized by Ohio Revised Code §121.22 as enacted on the date the deliberations occur.

### Rule 1.4: Procedure for Calling Executive Session

An Executive Session may be convened upon concurrence of a majority of a quorum to a Motion to Convene in Executive Session. The Motion shall be made in public session at a Regular or duly convened Special Meeting of Council and shall state the statutory purpose or purposes justifying the conduct of deliberations in Executive Session. The Motion shall be made by a voting Member of Council. The President of Council, Mayor or a Member of the Board of Control may request that such Motion be made. Concurrence to the Motion shall be determined by Roll Call Vote.

### Rule 1.5: Nature of Business which may be Considered in Executive Session

No business shall be transacted in Executive Session other than deliberation of matters pertaining directly to the statutory purpose or purposes stated in the Motion pursuant to which the Executive Session is convened.

### Rule 1.6: Multiple Executive Sessions in Single Meeting

In the event Executive Sessions are desired to consider multiple items of business, a separate Motion to Convene in Executive Session shall be made and approved with respect to each item of business to be deliberated. Council need not reconvene in Public Session prior to entertaining successive items of business in Executive Session. Discussion of each item of business shall be limited to matters pertaining directly to the statutory purpose or purposes stated in the Motion to Convene in Executive Session passed with respect to that item of business. The index to the electronically recorded Minutes of the Regular or Special Meeting at which multiple Executive Sessions are convened shall include a separate entry containing all information required by Rule 1.7 for each item of business entertained.

### Rule 1.7 Minutes of Proceedings in Executive Session

Deliberations in Executive Session shall not be electronically recorded. The electronic recording of the Regular or Special Meeting at which an Executive Session is convened shall include all proceedings pertaining to presentation and passage of the Motion to Convene in Executive Session and the index to the recording shall identify and summarize such proceedings in the manner generally required for other Motions determined by Roll Call Vote.

The index to the electronic record of the Regular or Special Meeting at which an Executive Session is convened shall reflect the time at which Council convened in Executive Session and a written entry documenting the conduct of deliberations in Executive Session. The required entry shall identify all persons in attendance at the Executive Session and subject matter of the deliberations but shall not reflect the substance of the discussions.

The index shall record the names of all persons in attendance at an Executive Session other than Members of Council and Members of the Board of Control. Members of Council and Members of the Board of Control in attendance at the Regular or Special Meeting of Council at which an Executive Session is convened shall be presumed to have attended the Executive Session unless otherwise stated in the index entry. In the event any

Member of Council, the Mayor or a Department Head elects not to attend an Executive Session convened during the course of a Regular or Special Meeting at which he or she is present and offers an explanation of the reason for his or her non-participation, the index shall identify the location on the record at which such explanation appears.

## RULE 2: REGULAR MEETINGS OF COUNCIL

### Rule 2.1: Time and Place of Regular Meetings

Regular Meetings of Council shall convene on the 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at 7:00 o'clock PM, in the Charles D. Beard Council Chambers, City Hall, 631 Perry Street, Defiance, Ohio, and continue until adjournment.

### Rule 2.2: Nature of Business to be Conducted

Except as provided in Rule 16.4, any matter properly brought to the floor in accordance with the Order of Business shall be appropriate for discussion at Regular Meetings of the Council.

## RULE 3: SPECIAL MEETINGS OF COUNCIL

A meeting of Council may be convened at a time or place other than that established by Rule 2.1 in accordance with this Rule or Rule 4.

### Rule 3.1 Who May Call a Special Meeting

#### Rule 3.1(A) Motion of Council

A Special Meeting may be called upon the concurrence of a majority of a quorum to a Motion to hold a Special Meeting. The Motion shall be made by a voting Member in public session at a Regular or duly convened Special Meeting. The President, Mayor or an Administrative official may request that the Motion be made. The Motion shall recite the purpose for which the Meeting is to be held and the time and place at which the meeting is to be convened.

#### Rule 3.1(B) President of Council or Mayor

If a Motion to hold a Special Meeting for the same purpose has not previously been made and defeated by vote of Council, a Special Meeting may be called by the President and shall be called if the President is requested to do so in writing by 3 or more Members of Council. In the absence of the President, authority to call a Special Meeting is reposed in the President Pro Tem and in the absence of both the President and President Pro Tem, in the Mayor. Requests of Members to hold a Special Meeting shall state the purpose for which the Meeting is to be called.

### Rule 3.2: Time and Place of Special Meetings

Special Meetings shall convene at the time and place stated in the Agenda. When called upon Motion, the time and place stated in the Agenda shall be the time and place specified in the Motion pursuant to which the Meeting is called. When called by the President, President Pro Tem, or Mayor, the time and place stated in the Agenda shall be designated by the official calling the Meeting. Except as provided by Rule 4, no Special Meeting shall be convened earlier than 24 hours following posting and distribution of the Agenda in accordance with Rule 6.

### Rule 3.3: Nature of Business to be Conducted

No subject shall be raised, considered or discussed at any Special Meeting other than the transaction of business pertaining to the purpose for which the Meeting has been called as recited in the Agenda.

### Rule 3.4: Notice of Business to be Transacted

The Clerk, shall prepare an Agenda of matters to be brought before Council at a Special Meeting. The Agenda shall set forth:

1. The date, time and place at which the Special Meeting is to be convened;
2. The authority pursuant to which the Special Meeting has been called;



3. The stated purpose for which the Special Meeting has been called;
4. A brief description of each subject to be presented to Council and the identity of the person or group that has arranged to present that subject; and,
5. The full Caption of any Ordinance or Resolution to be read or otherwise acted upon at the Special Meeting.

#### **RULE 4: SPECIAL MEETINGS IN TIME OF EMERGENCY**

A Special Meeting of Council may be convened upon less than 24 hours advance notice to persons otherwise entitled to notification of proceedings before Council and without compliance with Rule 3 when immediate action is necessary to preserve the peace, health, welfare or safety of the City. Such meetings shall be convened in accordance with this Rule.

##### **Rule 4.1: Who may Call Meeting**

A Special Meeting may be called upon less than 24 hours' notice by the Mayor or City Administrator acting with concurrence of the President or President Pro Tem.

##### **Rule 4.2: Time and Place of Meeting**

A Special Meeting called to address emergency circumstances shall be convened at the place and time designated by the official calling the meeting.

##### **Rule 4.3: Nature of Business to be Conducted**

No subject shall consider at a Special Meeting called pursuant to this Rule other than the transaction of business pertaining directly to the emergency circumstance for which the meeting has been called.

##### **Rule 4.4: Notice of Business to be Transacted**

No Agenda shall be required for a Special Meeting convened pursuant to this Rule. If an Agenda is prepared, it shall conform to the requirements of Rule 3.4.

##### **Rule 4.5: Notice of Meeting**

The official calling a Special Meeting pursuant to the authority of this Rule shall cause a Notice of Special Meeting, describing the emergency the meeting is called to address and fixing the time and place at which the meeting will convene. The Notice of Special Meeting shall be posted in accordance with Rule 6.3.

The official calling the Meeting shall make a bona fide effort to distribute the Notice of Special Meeting to government officials, media outlets and individuals entitled to notice of proceedings of the type to be convened under Rules 6.4, 6.5 and 6.6. Delivery of the Notice of Special Meeting may be attempted by any means reasonably available and means chosen need not conform to the requirements of Rule 6 or instructions provided any person that has requested notification. Failure to successfully deliver a copy of the Notice of Special Meeting to any media outlet, government official or other person, including Members of Council, shall not invalidate action taken at the Special Meeting

#### **RULE 5: RECESS PRIOR TO ADJOURNMENT**

Any Regular or Special Meeting of Council may be recessed and reconvened at a later time or at a different location upon concurrence of a majority of a quorum to a Motion to Recess and Reconvene. The Motion shall state the purpose for which the meeting is to be recessed and the time and place at which the meeting is to be reconvened. The Motion shall be made by a voting Member in public session. If adopted, the meeting shall be recessed until the time stated in the Motion. Public announcement shall be made of the time and place at which the meeting is to be reconvened to all persons in attendance at the recessed meeting. A notice stating that Council stands in Recess and the time and place at which it will reconvene shall be posted on the door of the meeting room in which the recessed meeting was initially convened. If the meeting

is recessed to a different location, no business shall be transacted at such location other than matters pertaining directly to the purposes for which the meeting was recessed as stated in the Motion. No meeting shall be recessed to a date other than the date upon which the meeting was initially convened.

## RULE 6: NOTICE OF PROCEEDINGS

### Rule 6.1 Regular Meeting Agenda

Not later than 2:00 o'clock PM on Friday of each week immediately preceding a week in which a Regular Meeting of Council is scheduled to be convened, the Clerk shall publish an Agenda of all pre-arranged business to be entertained by Council. The agenda shall be formatted in accordance with this Rule:

A. Caption:

The Agenda shall be captioned as follows:

Notice of Proceedings  
City Council of the City of Defiance, Ohio  
Charles D. Beard Council Chambers  
City Hall, 631 Perry Street, Defiance, OH 43512

B. Date and Time of the Regularly Scheduled Meeting of Council:

Immediately following the Caption, the Agenda shall recite the date and time of the next Regularly Scheduled Meeting of Council in the following manner:

REGULAR MEETING OF COUNCIL  
Tuesday [Month] [Date] [Year] Opening  
Comments--7:00 p.m.

C. Notice of Pre-Arranged Business:

All business scheduled to be taken up at the Regular Meeting of Council to be held on the date recited in accordance with Paragraph B shall be itemized in the following order and manner:

1. Public Hearings:

A brief description of each Public Hearing to be conducted in fulfillment of a statutory or regulatory requirement or to comply with a provision of the municipal Charter or Codified Ordinances. The description shall identify the subject to be addressed and the person or organization that is to introduce the subject.

2. Matters of Public Interest:

A brief description of each subject to be presented with prior approval of the President of Council for the purpose of educating Council or the public about a matter of public interest that does not require legislative action. The description shall identify the subject to be addressed and the person or organization that is to introduce the subject.

3. Legislative Actions:

The caption of each proposed Ordinance and Resolution to be considered shall be presented in full and the status of each item as a First, Second or Third reading shall be noted. A proposed Ordinance or Resolution that has been previously amended shall be identified as being before Council for a Second or Third Amended reading.

4. Study Session Items:

A brief description of each subject for which time has been reserved for the discussion of legislative proposals with respect to which no Ordinance or Resolution has yet been introduced. The description shall identify the subject to be addressed and identify the Member of Council or municipal officer that is to introduce the subject for discussion.

5. Citizens' Concerns:

Persons in attendance and desiring to speak to an issue that does not appear on the agenda shall be afforded an opportunity to address Council in accordance with Rule 12.1 (12).

### Rule 6.2 Agenda for Special Meetings

In the event a Special Meeting is called pursuant to Rule 3, the Clerk shall prepare and publish a separate Agenda conforming to the requirements of Rule 3.4. The Agenda shall be captioned and present the matters to be entertained in the order and form required by Rule 6.1 except that no item of business shall be included that does not pertain to one of the stated purposes for which the Special Meeting has been called. The Agenda shall clearly state that no business will be entertained other than the matters recited in the Agenda.

### Rule 6.3: Posting of Agendas

All Agendas required by Rules 6.1 and 6.2 and any Notice of Special Meeting issued in compliance with Rule 4.5 shall be posted on the bulletin board located at the south entrance to City Hall, 631 Perry Street, Defiance, Ohio, and to the internet website maintained by the municipality at [www.cityofdefiance.com](http://www.cityofdefiance.com). Failure to post or delay in the posting of an Agenda or Notice of Special Meeting to the municipal website that is caused by a failure of municipal computer or communications equipment, a service outage at any Internet Service Provider or web hosting service or general disruption of the internet shall not constitute a violation of this Rule or invalidate any action taken at the meeting. The Agenda for Regular

Meetings of Council shall be posted no later than the time required by Rule 6.1. The Agenda for any Special Meetings convened in accordance with Rule 3 shall be posted no later than 24 hours prior to the time the meeting is to be convened. A Notice of Special Meeting called by the Mayor or City Administrator pursuant to Rule 4 shall be promptly posted by the official calling the meeting at the time the determination to convene the meeting is made.

### Rule 6.4: Notice to Government Officials

All Agendas and any Notice of Special Meeting shall be distributed to the President and all Members of Council, Mayor, City Administrator, Finance Director and Law Director at the time the document is posted in compliance with Rule 6.3. Each Agenda shall be accompanied by a copy of the full text of all proposed Ordinances and Resolutions assigned for First Reading or Second Reading as amended and a copy of the proposed index to the Minutes of previous Council Meetings to be reviewed at the meeting to which the Agenda pertains. Delivery shall be affected by electronic mail and each Ordinance and Resolution assigned for First Reading or Second Amended Reading shall be provided in an editable format.

### Rule 6.5: Notice to Media Representatives

Any publisher, broadcaster or other news distribution or public information agency that has requested to be notified of proceedings before Council shall be provided all documents distributed to public officials in compliance with Rule 6.4 by electronic mail addressed in accordance with the requestor's instructions.

### Rule 6.6: Individual Requests for Notification; Costs

Any person may obtain personal notice of business pre-arranged for presentation to Council by filing a Request for Notification with the Clerk. The Request shall specify whether the requestor desires notification of all Council proceedings or only those at which one or more specific subjects is to be entertained. Unless otherwise expressly requested, delivery shall be by electronic mail to the address provided by the requestor and furnished without charge.

In the event the Request for Notification specifies that documents are to be provided in printed form, the Request for Notification shall be accompanied by a deposit of not less than \$10.00 nor more than \$100.00 to secure payment of the cost to duplicate the requested documents. The Clerk shall charge one-cent for each page duplicated and shall maintain an accurate balance of the unused funds on deposit to the credit of each individual posting a deposit. A Request for Notification filed pursuant to Rule 6.6 shall be deemed withdrawn any time the amount on deposit to the credit of the person requesting the information is insufficient to fully pay the cost to duplicate any document to which the person is otherwise entitled.

In the event the Request for Notification expressly requests that documents be provided in printed form and made available for pick-up, the Request for Notification shall be accompanied by a supply of suitable envelopes or other containers bearing the name of the individual designated to receive the documents. At or before the time the requested documents are to be posted in accordance with Rule 6.3, copies prepared for delivery shall be placed with personnel staffing the public reception desk at the south entrance to City Hall, 631 Perry Street, Defiance, Ohio, and shall be delivered to the person whose name is endorsed on the face of the container during normal business hours. A request to have documents prepared for pick-up shall be deemed withdrawn if copies prepared for delivery on three consecutive occasions are unclaimed or the supply of document containers supplied with the Request for Notification is exhausted.

In the event the Request for Notification specifies that documents are to be provided in printed form and designates the U.S. Postal Service as delivery agent for the person filing the request, the Request for Notification shall be accompanied by a supply of First Class, postage paid, envelopes addressed to the location to which the documents are to be mailed. At or before the time the requested documents are required to be posted in accordance with Rule 6.3, copies prepared for delivery by U.S. Mail shall be deposited to the curb side U.S. Postal Service collection box located at 631 Perry Street, Defiance, Ohio, in an envelope provided by the person requesting mail delivery. Requests for document delivery by mail shall be deemed withdrawn any time the supply of pre-addressed, postage paid mailing envelopes is exhausted.

In the event the Request for Notification specifies that documents are to be provided in printed form and designates a commercial courier service as delivery agent for the person filing the request, the Request for Notification shall be accompanied by a supply of pre-paid document containers indicating the identity of the commercial service employed and addressed to the location to which the documents are to be delivered. At or before the time the requested documents are required to be posted in accordance with Rule 6.3, copies prepared for delivery by courier shall be placed in the area designated for collection of outgoing municipal correspondence in a document container provided by the person requesting courier service and the designated courier service shall be notified by telephone or electronic mail that parcels are available for delivery pick-up. Requests for document delivery by courier shall be deemed withdrawn any time the supply of pre-addressed, fee paid document containers is exhausted.

## **RULE 7: MINUTES OF PROCEEDINGS**

All meetings of Council shall be electronically recorded. Meetings conducted in the Charles D. Beard Council Chambers shall be recorded using the television equipment permanently installed in the Council Chambers. Audio-only recordings shall be made of meetings conducted at other locations. In the event an equipment malfunction or the absence of any person suitably trained in the operation of the installed television equipment prevents video recording of a meeting conducted in the Council Chambers, an audio-only recording shall be made and deemed sufficient.

Proceedings conducted in Executive Session shall not be electronically recorded. Conduct of the proceeding, including a general description of the subject matter deliberated, persons present during the deliberation and time at which the deliberations occurred shall be documented in the written index to the recorded proceedings as required by this Rule.

The electronic recording and supplemental index shall constitute the Minutes of each meeting and shall be promptly prepared, filed and maintained open for public inspection as a public record of the municipal government.

### Rule 7.1: Duty to Take Minutes

The Clerk of Council shall electronically record all proceedings conducted in Open Meeting and document the conduct of proceedings conducted in Executive Session in conformity with Rule 1 and this Rule. In the absence of the Clerk, the President or other presiding officer shall insure that public proceedings are properly recorded and that proceedings in Executive Session are contemporaneously documented in writing.

### Rule 7.2: Contents of the Minute Index

The Clerk shall review the audio or audio-video recording of each meeting of Council and prepare a written index to each recorded meeting which shall include:

1. The Roll of Members in Attendance;
2. A short caption indicating the subject of each presentation made, the identity of the person or organization making the presentation and the location on the recording at which the information is presented;
3. A short caption indicating the subject of each Motion made, the identity of the Members making and seconding the same and the location on the recording at which the Motion appears;
4. The vote cast by each Member as to all matters determined by Roll Call Vote, a tally of the votes cast on any matter decided without Roll Call Vote and the location on the recording at which the roll is called or voice vote cast;
5. A short caption indicating the subject of each matter deliberated in Executive Session, the time at which deliberation of that subject began, the name of any Member of Council or Board of Control present at the meeting at which the Executive Session was called who did not attend the Executive Session and the name of each person admitted to the Executive Session other than Members of Council or Board of Control; and,
6. Such additional information as the presiding officer may direct be included in the minutes. In the event the meeting to which the minutes pertain was conducted in the Charles D. Beard Council Chambers and no video recording of the proceedings is made, the additional information shall include an explanation of the reason for reliance on an audio-only electronic record of the proceedings.

### Rule 7.3: Procedures for Approval of Council Minutes

#### Rule 7.3(A) Approval Without Correction

The written index to the Minutes of all meetings of Council shall be prepared by the Clerk in advance of the Regular Meeting next following the meeting to which such Minutes pertain. Copies of the proposed index shall be distributed at the time and in the manner provided by Rule 6.4. In accordance with the Order of Business, Council shall be afforded an opportunity to correct any errors or omissions. In the absence of objections, additions or corrections, the proposed Minutes shall stand approved as distributed and be so attested by the Clerk and the President, President Pro Tem, or Member of Council presiding at the meeting at which the Minutes are approved.

#### Rule 7.3(B) Correction of Minutes Prior to Approval

Any objection to the proposed index to the Minutes shall be made by a Motion to Correct the Minutes. The Motion shall only be made by a Member in attendance at the meeting to which the Minutes pertain. The Motion shall state with specificity the language sought to be added to or deleted from the index. Only those Members who were in attendance at the meeting to which the minutes pertain shall vote on the Motion. If the Members in attendance and eligible to vote constitute a quorum of Council, the matter shall be put to an immediate vote and decided by a majority of those voting on the issue. If the Members in attendance and eligible to vote do not constitute a quorum of Council, the question shall be

continued from Regular Meeting to Regular Meeting until such time as the Members in attendance and eligible to vote constitute a quorum. In the event a Motion to Correct the Minutes fails to receive a second or a majority of the votes cast upon the question, the proposed index to the Minutes shall stand approved as distributed. In the event a majority of the Members voting on the question affirm the addition or deletion of text proposed by the Motion, the text of the index shall be immediately amended. The Minutes shall stand approved as determined by the vote and shall be so attested by the Clerk and the President, President Pro Tem, or Member of Council presiding at the meeting at which the vote is taken.

#### **Rule 7.4: Filing of Minutes and Maintenance of the Journal**

Following approval of the index to the Minutes of every meeting of Council, the index to the Minutes shall be promptly recorded in the Journal and both the index and electronic recording to which it pertains shall be open to public inspection during normal business hours and posted to the internet website maintained by the municipality at [www.cityofdefiance.com](http://www.cityofdefiance.com). A copy of each electronic recording and approved index to the contents of that recording shall be preserved at a location other than City Hall as a safeguard against loss due to fire or other calamity.

Article 2  
Organization of Council  
Duties and Privileges of Members

## RULE 8: SUBJECT MATTER SPECIALIZATION

### Rule 8.1: Liaisons

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

1. City Buildings, Lands and Properties: Matters pertaining to the acquisition, utilization, maintenance and disposal of municipally-owned real estate other than: public rights-of-way; lands primarily devoted to use by the Divisions of Streets, Water or Water Pollution Control; landfill sites and public parking facilities.
2. Finance and Budget: Matters pertaining to taxation and the budgeting of general revenues derived from taxation, fees, service charges, grants and loans other than: revenues derived from or devoted to operation of the Divisions of Streets, Water and Water Pollution Control and revenues derived from solid waste management activities.
3. Fire and Police: Matters pertaining to the personnel and equipment requirements of the Police and Fire Divisions and general laws, regulatory requirements, contracts, intergovernmental agreements and grants pertaining to the provision of Police, Fire, and Emergency Rescue services.
4. Gas, Lights and Public Utilities: Matters pertaining to the construction, maintenance and use of municipal facilities operated for, and regulation of commercial enterprises engaged in, the distribution of natural gas and electricity and provision of telephone and cable television services to inhabitants of the City and all matters relating to general laws, regulatory requirements and municipal contracts pertaining to the collection, treatment, recycling and disposal of solid wastes including intergovernmental relationships relating to ownership and control of land fill sites.
5. Sewers and Sanitation: Matters pertaining to the collection, treatment and disposal of sewage, industrial waste waters and storm water run-off including: the personnel requirements of and acquisition, utilization, maintenance and disposal of lands and equipment by the Water Pollution Control Division; budgeting of revenues derived from operation of the Water Pollution Control Division; general laws and regulatory requirements pertaining to the collection, treatment and disposal of storm water, sewage and other waste waters; and intergovernmental contracts, agreements, grants and loans affecting the operations and facilities of the Water Pollution Control Division.
6. Streets and Sidewalks: Matters pertaining to the acceptance, construction, extension, utilization, maintenance and vacation of streets, sidewalks, alleys, public parking facilities and other municipal lands primarily devoted to pedestrian or vehicular traffic; personnel and equipment requirements of the Division of Streets; budgeting of permissive tax and other highway revenues; general laws and regulatory requirements affecting the construction, maintenance and use of public transportation facilities and intergovernmental grant and loan programs providing financial assistance with costs incurred to maintain or improve highways, streets and other transportation facilities.
7. Water Works and Service: Matters pertaining to the treatment and distribution of potable water including the personnel requirements of and utilization, maintenance, acquisition and disposal of lands and equipment by the Water Division; budgeting of revenues derived from operation of the Water Division; general laws and regulatory requirements pertaining to the purification and distribution of potable water; and intergovernmental contracts, agreements, grants and loans



affecting the operations and facilities of the Water Division.

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

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

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

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

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

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

#### Rule 8.2: Temporary Specialization Committees:

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

Proceedings shall be conducted in accordance with all rules generally pertaining to the conduct of Committees of Council.

**Rule 8.3: Appointments to Committees:**

Three (3) Members of Council shall be appointed to each Committee upon nomination and motion by any Member of Council, with the approval of a majority of Members then present at the Meeting.

**Rule 8.4: Dissolution of Committee:**

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

**RULE 9: CLERK OF COUNCIL**

**Rule 9.1: Procedure for Appointment of Clerk**

When a vacancy occurs in the office of Clerk, the President shall propose a candidate for appointment. Upon concurrence of a majority of Council, established by Roll Call Vote, the candidate shall be appointed. In the event a majority of Council does not affirmatively approve the candidate proposed by the President, the President shall submit an alternate nominee at each succeeding Regular Meeting of Council until a candidate proposed by the President is accepted by majority of Council.

**Rule 9.2: Term of Appointment**

The Clerk shall serve at the pleasure of Council and shall remain in office until removed notwithstanding bi-annual reorganization of the Council or other changes to the membership of Council.

**Rule 9.3: Removal of Clerk**

Upon Motion adopted by a two-thirds majority of Council, the Clerk may be removed from office. A Motion to Remove the Clerk need not recite the reason for such action. A Motion to Remove the Clerk shall be approved by Roll Call Vote.

**Rule 9.4: Performance of Duties by President**

At any time during which the Office of Clerk is vacant or during which the Clerk is incapacitated or unavailable, the President of Council shall assume the duties and in the capacity of ex officio Clerk, shall execute and deliver all documents requiring certification by the Clerk. The President may designate suitable persons to assist with the preparation of minutes, maintenance of the Journal and other clerical duties of the Office.

**Rule 9.5: Duties Assigned by President**

The Clerk shall perform all duties of office expressly required by these Rules under the direction of the President. Any Member of Council desiring the performance of a function or service not expressly required by these Rules shall present the request to the President who shall have discretion to direct the activities of the Clerk.

**Rule 9.6: Compensation**

The salary and other compensation of the Clerk shall be established by Ordinance and shall be subject to change by Ordinance during the Clerk's continuance in office. Ordinances providing for a general adjustment in the compensation of municipal employees not represented by a collective bargaining agent shall be applicable to the Clerk unless otherwise expressly provided by that Ordinance.

**RULE 10: DUTIES OF MEMBERS**

**Rule 10.1: Duty to Attend Meetings**

It is the duty of each Member to attend the Regular and Special Meetings of Council. Repeated unexcused absence of a Member from proceedings at which his or her attendance is required may be punished by censure. Unexcused absence of a Member from all proceedings at which his or her attendance is required for

a period of three consecutive months may result in expulsion and a declaration that the seat to which such Member was elected or appointed is vacant.

#### Rule 10.2: Absence may be Excused by Council

The absence of a Member of Council from any meeting may be excused by a majority of the Members then present. A Motion to Excuse an absent Member need not state the reason for the Member's absence. A Roll Call Vote shall not be required to approve the Motion. In the event any Member is absent from a Regular or Special Meeting and the reason for that absence is unknown, Council may defer decision regarding excuse of the Member's absence until the next following Regularly Scheduled meeting.

#### Rule 10.3: Duty of Members to Vote

Every Member present at a Meeting of Council shall vote on all questions. A vote shall be "yes", "no", "abstain" or an equivalent thereof. In the event a Member enters an abstention, the Member shall, at the request of any other Member, explain the reason requiring the Member to abstain from voting on the question.

#### Rule 10.4: Ethical Conflicts, Duty to Abstain

A Member who has a personal or pecuniary interest in a decision of Council of such character as to manifest a substantial and improper influence upon him or her shall not vote on the issue other than by entry of an abstention.

#### Rule 10.5: Ethical Conflicts, Duty to Refrain from Debate

A Member of Council required to abstain from voting on an issue by Rule 10.4 shall not participate in discussion or debate of that issue. The Member may exercise the Right of Personal Privilege to explain the reason for his or her non-participation and may request to be excused from the Council Chambers during the conduct of such discussion or debate. Mere presence of the Member at the Council table or in Council Chambers during the conduct of such discussion or debate shall not constitute a violation of this Rule.

#### Rule 10.6: Recognition of Administrative Authority

Members of Council are reminded that the City Charter reposes legislative authority in the Council as a collaborative body and responsibility for the prioritization of work by officers and employees of the municipality in the Mayor. No Member of Council shall individually request or demand the initiation of work or presume to direct the performance of work by any official or employee of the executive branch.

#### Rule 10.6(A) Presentation of Member and Constituent Concerns

A Member of Council who desires to communicate a request for the performance of any service shall refrain from direct communication with Divisional Level personnel and shall communicate the request to the appropriate Department Head or to such subordinate as the City Administrator, Finance Director or Law Director may designate to receive such requests on behalf of each Department. A Member who desires to communicate personal or constituent concerns about the conduct or performance of any Department Head shall address such concerns to the Mayor.

#### Rule 10.6(B) Legislative Requests for Legal Opinions

No individual Member shall individually request or direct the Law Director to prepare or publish a formal Opinion regarding a question of law. All requests for the preparation and publication of Legal Opinions shall be made by Resolution. A Resolution requesting that Council be provided with a legal Opinion shall be addressed to the Mayor and shall state the question or questions of law to be answered. Upon the adoption of such Resolution, the Mayor shall determine whether the Opinion is to be prepared by the Law Director, a designated Assistant Law Director or outside Counsel retained at public expense and shall fix a reasonable time within which the Opinion is to be presented to Council.

#### Rule 10.6(C) Access to Public Records

A Member of Council desiring to inspect or be provided with a copy of any municipal record shall request

access from the custodian in accordance with the Ohio Public Records Act during normal business hours and in the ordinary course of business of the official from whom the record is obtained.

#### Rule 10.6(D) Maintenance of Employee Morale

All communications between a Member of Council and officers and employees of the executive branch shall be conducted in a dignified and business-like manner. The use of profanity, threatening or gratuitously insulting language that, in the opinion of Council, may reasonably be expected to disrupt the orderly conduct of work or undermine employee morale may subject the Member to censure.

#### RULE 11: MATTERS OF PERSONAL PRIVILEGE

Any Member may explain a matter personal to himself or herself including, without limitation, the existence of an ethical conflict of interest requiring the Member to abstain from voting and refrain from debating an issue presented to Council. A request to be heard regarding a matter of personal privilege shall take precedence over all matters pending before Council other than a Motion to Recess Proceedings or Motion to Adjourn. Upon recognition by the presiding officer, the Member shall be accorded five minutes unless additional time is extended by consent of the Council. A Member recognized regarding a matter of personal privilege shall not discuss or comment upon the merits of a question or issue before Council in such explanation.

Article 3  
General Conduct of Proceedings

## RULE 12: ORDER OF BUSINESS

### Rule 12.1: General Order of Business, Regular Meetings

The general Order of Business at all Regular Meetings of Council shall be:

1. Determination of the presence of a quorum: The Clerk, or in the absence of the Clerk, President of Council or other presiding officer, shall record the names of the Members present and Members absent from the Meeting and determine the presence of a quorum. In the absence of a quorum, no action shall be taken except upon such matters as may be required to compel the attendance of absent Members or adjourn the meeting. In the event a quorum is present, the President shall announce that fact. Any Member may make a Motion to Excuse an Absent Member or Members following announcement of the determination that a quorum is present.
2. Pledge of Allegiance all persons in attendance shall stand and recite the Pledge of Allegiance to the Flag of the United States.
3. Approval of Minutes: In accordance with Rule 7.3(A), the President or other presiding officer shall inquire if any Member present desires to make a Motion to Correct the Minutes. If no such Motion is made, all proposed Minutes distributed to Council with the Agenda for the Meeting shall stand approved. If a Motion is made, Council shall proceed in accordance with Rule 7.3(B) before proceeding with other business.
4. Specialization Reports: Each Member shall be afforded an opportunity to report on activities undertaken within the area of subject matter specialization to which he or she has been assigned pursuant to Rule 8 and make such recommendations for further Council action with respect to such matters as he or she deems appropriate.
5. Reading of Correspondence: The President or other presiding officer shall announce the receipt of correspondence addressed to Council since the most recent Regular Meeting and may read the communication, summarize the contents of the communication or make copies of the correspondence available to interested Members. The entire text of received correspondence shall be publicly read at the request of any Member.
6. Council Concerns: Each Member of Council shall be afforded an opportunity to comment upon any matter of public business or concern that is not on the Agenda and may, with approval of the President, request that such matter be referred to the Member designated to make inquiries into the subject pursuant to Rule 8 or to the appropriate Department Head for investigation or other action. Members desiring to be heard on a matter of Personal Privilege not related to a specific item of business on the Agenda may seek recognition at this time. Members desiring to be heard on a matter of Personal Privilege related to a specific item of business on the Agenda may seek recognition at this time or at the time the Agenda item is raised for discussion or other action.
7. Reports of Administrative Officers: The Mayor and each Department Head in attendance shall be afforded an opportunity to report to Council regarding the activities of his or her office and shall respond to such questions relating to departmental operations as may be presented by Members of Council.
8. Public Hearings: Persons who have pre-arranged to conduct a public hearing in the presence of Council shall be recognized and permitted to speak for the time allotted by the Agenda. Citizens, Members of Council, public officials and municipal employees desiring to comment

upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one public hearing is scheduled for the same meeting, the hearings shall be conducted in the order in which they appear on the Agenda.

9. Matters of Public Interest: Persons who have pre-arranged to present a matter of public interest shall be recognized and permitted to speak for the time allotted by the Agenda. Citizens, Members of Council, public officials and municipal employees desiring to comment upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one issue of public interest is scheduled for the same meeting, the subjects shall be entertained in the order in which they appear on the Agenda.

10. Legislative Action on Ordinances and Resolutions: Proposed Ordinances shall be read by caption only unless Council, upon Motion and concurrence of a majority of the Members present, determines that the entire text of the proposed legislation shall be read. Ordinances assigned for third reading shall be disposed of prior to consideration of Ordinances assigned for second reading. Ordinances assigned for second reading shall be disposed of prior to consideration of Ordinances assigned for first reading. All Ordinances shall be disposed of before consideration of any Resolution.

11. Study Session: Presentation and formal discussion, deliberation and debate of matters requiring a concurrence of Council prior to preparation of legislation. The subject of discussion shall be introduced by the Member of Council or administrative official identified by the agenda. Citizens, Members of Council, public officials and municipal employees desiring to comment upon each matter presented shall be recognized and permitted to speak in accordance with the standards of conduct and decorum established by these Rules. The time reserved for each presentation may be extended at the discretion of the presiding officer to accommodate such discussion. In the event more than one proposed legislative initiative is scheduled for consideration, the subjects shall be entertained in the order in which they appear on the Agenda.

12. Citizen Concerns: At the discretion of the President or other presiding officer, any person in attendance may be recognized and permitted to speak briefly to a subject that is not on the published meeting Agenda. The presiding officer shall determine whether the subject raised is appropriate for discussion without prior advertisement of Council's intent to consider the matter presented. In the event the presiding officer determines that the subject is not appropriate for substantive discussion at the current meeting, the person raising the issue shall be informed of appropriate actions to be taken to reserve time for discussion of the issue on the Agenda to be published in advance of a future meeting. A determination by the presiding officer that the subject presented is inappropriate for discussion in the absence of advance notice to the public of Council's intent to consider the subject shall not be subject to appeal and the determination shall be binding on all other persons in attendance desiring to comment on the matter raised. A person granted the floor to address one or more issues not on the Agenda shall be accorded such time as the presiding officer deems appropriate, not to exceed five minutes. The time allowed may be extended by majority concurrence to a Motion duly made and seconded proposing that the speaker be granted additional time. All persons granted the floor to comment on issues that are not on the published Agenda shall comply with all standards of conduct and decorum established by these Rules.

13. Adjournment.

### Rule 12.2: Order of Business, Special Meetings

At all Special Meetings of Council, business shall be presented in the order provided for Regular Meetings but no correspondence shall be acknowledged, no report shall be received and no comment shall be entertained unless the subject of the correspondence, report or comment pertains to a stated purpose for which the Special Meeting has been called.

### Rule 12.3: Departures from the Order of Business

In the absence of objection, the President or other officer presiding may direct that an item of business be taken up at an earlier or later time than provided by this Rule and the Agenda.

## RULE 13: PROCEEDINGS BY MOTION

### Rule 13.1: Purpose and Function of Motions

Motions shall be used in the ordinary course of parliamentary procedure to control deliberations and expedite the orderly transaction of business. Proceeding by Motion shall not be substituted for the introduction, consideration and enactment of an Ordinance or Resolution where the act to be accomplished is legislative in nature.

### Rule 13.2: Form of Motions

With the exception of a Motion to Censure a Member of Council, all Motions may be orally made. A Motion that is difficult to fully present orally, such as a Motion to Amend a lengthy passage of text in a proposed Ordinance or Resolution, may be made in writing and shall be reduced to writing if requested by the presiding officer.

### Rule 13.3: Second Required

A second is required to open debate or take action on any Motion.

### Rule 13.4: Precedence of Motions

When a question is before Council, no Motion shall be entertained except Motions to:

1. Adjourn the Meeting
2. Reconsider a Previous Vote
3. Recess and Reconvene the Meeting at a time and place specified
4. Fix the Hour of Adjournment of the Meeting
5. End Debate (Call for the Previous Question)
6. Suspend the Rules and Call the Question (suspend 3 reading rule & entertain a motion to adopt pending legislation)
7. Table the Matter under Consideration (Until Recalled by Motion)
8. Let the Matter Lay (to Table subject to automatic recall without Motion)
9. Suspend the Rules
10. Refer the Matter at issue to the Member assigned to the subject matter at issue in accordance with Rule 8
11. Amend the proposal before Council

The Motions shall have precedence in the order listed by this Rule. The Motion to Adjourn and Motion to End Debate (Call for the Previous Question) shall be put to a vote without debate. The Motion to Fix the Hour of Adjournment shall be debatable only as to the time of such Adjournment. A Motion to Recess and Reconvene shall be debatable only as to the time and place at which the meeting shall be reconvened if the Motion is approved. All other Motions shall be debatable.

### Rule 13.5: Limitation on Use of Motion to Amend

A Motion to Amend may be made to propose amendment of proposed legislation. A Motion to Amend shall not



be subject to amendment by a subsequent Motion to Amend but may be withdrawn and restated by the Member making the Motion in response to criticism of the proposed amendment during debate thereon. There shall be no limit on the number of Motions to Amend that may be made to seek amendment of a pending Ordinance or Resolution. In the event a Motion to Amend fails to receive approval, a subsequent Motion may be made by any Member to address one or more changes sought by

the former Motion in a manner that accommodates criticism directed against the earlier Motion during debate thereon. Repeated efforts to Amend legislative bills may be terminated by the approval of a majority of the members present to a Motion to End Debate, traditionally referred to as a Call for the Previous Question.

#### Rule 13.6 Motion to Reconsider a Previous Vote

A Motion to Reconsider any determination of Council may be made prior to adjournment of the meeting at which such determination is made by any Member who voted with the majority. Adoption of such motion shall require affirmative approval of a majority of Council expressed by Roll Call Vote. Adoption of a Motion to Reconsider shall nullify the previous decision of Council and return the matter under consideration to the floor as if no previous vote had been taken on the issue.

#### Rule 13.7 Necessary Approvals

##### Rule. 13.7(A) Motions Requiring Six Affirmative Votes

A Motion to Suspend the Rules and Call the Question, when made to suspend the rule requiring that an Ordinance or Resolution be read by caption on 3 separate days prior to adoption, shall require the affirmative vote of six Members of Council taken and recorded by call of the Roll.

##### Rule 13.7(B) Motions Requiring Five Affirmative Votes

A Motion to Remove the Clerk and Motion to Suspend the Rules, other than one made to suspend the rule requiring that an Ordinance or Resolution be read by caption on 3 separate days prior to adoption, shall require the affirmative vote of five Members of Council. A Motion to Adopt legislation intended to take effect as Emergency Legislation must have the affirmative vote of five Members of Council in order for the legislation to take effect as an emergency measure. A Motion to Censure a Member of Council shall be made at the time and in the manner provided by Rule 21.1 and adoption thereof shall require the affirmative vote of five Members of Council.

All votes on any Motion referred to in Rule 13.7(B) shall be taken and recorded by call of the Roll.

##### Rule 13.7(C) Motions Requiring a Majority

Affirmative approval, expressed by Roll Call Vote, of a majority of the Council is required for passage of Motions: to Adopt Legislation; to Approve the Appointment of the Clerk; and to Disapprove the Schedule of Specialization Assignments proposed by the President of Council pursuant to Rule 8.

##### Rule 13.7(D) Motions Requiring a Majority of a Quorum

Motions to Convene a Special Meeting, to Convene in Executive Session or to Recess and Reconvene a public meeting require the affirmative approval of not less than a majority of a quorum. If the Members in attendance and voting "No" exceeds the number of Members voting "yes", the Motion shall not be adopted notwithstanding that a majority of a quorum has voted to approve the Motion. A Motion to Convene in Executive Session shall be approved only by Roll Call Vote. A Motion to Convene a Special Meeting or to Recess and Reconvene may, but need not be, approved by Roll Call Vote.

##### Rule 13.7(E) Motions requiring a Majority of Members Present

All other Motions shall be determined by majority vote of the Members present and may be determined without call of the Roll at the discretion of the presiding officer. If the Roll is not called, the presiding officer shall determine whether, upon the call of the vote, a majority has voted yes or no. Any Member who disputes the determination may demand that the Roll be Called and the separate votes of each Member be taken and entered upon the Record.

## RULE 14: CONDUCT AND DECORUM

### Rule 14.1: Right of Floor

No person shall speak until recognized by the President or other presiding officer. Members of Council shall be recognized in preference to persons in attendance who are not Members of Council. When two or more Members seek recognition, the presiding officer shall determine the order in which they shall be recognized. The exercise of such discretion shall not be subject to appeal.

### Rule 14.2: Offensive Speech Prohibited

Each person granted the floor shall confine comments to the question under debate, avoid personalities and refrain from impugning the motives of any Member's argument or vote. Vulgarities and profanities shall not be used.

### Rule 14.3: Time Limits for Speaking

No person shall be accorded the floor longer than five minutes at any one time. No Member of Council shall be permitted to speak to an issue more than once until every other Member desiring to speak has had an opportunity to be heard nor be granted the floor more than twice upon any subject.

### Rule 14.4: Enforcement of Rules of Decorum

Any person who violates the rules of conduct may be called to Order by the officer presiding over the meeting. A Member, by raising a Point of Order, may call a violation to the attention of the presiding officer. The Point of Order shall be decided by the presiding officer without debate. A person called to Order shall refrain from speaking unless permitted by the presiding officer to explain his or her conduct. A Call to Order issued against a Member does not constitute discipline of the Member and need not be reflected in the index to the electronically recorded Minutes. A person who is not a Member of Council and who refuses to be called to Order may be ejected from the meeting. A Member who refuses to comply with a Call to Order is subject to censure.

### Rule 14.5: Appeal of Call to Order

A Member Called to Order may appeal. The Member shall briefly explain challenged conduct and the presiding officer may explain his ruling on the Point of Order. The presiding officer shall put the Question "Shall the decision of the chair be sustained?" to the Council. There shall be no debate. The decision of the chair shall stand unless affirmatively overruled by a majority "no" vote on the question.

Article 4  
Proceedings on Legislation

## RULE 15: ORDINANCES AND RESOLUTIONS

The Legislative authority of the Municipality shall be exercised only through the passage of appropriate Ordinances and Resolutions. Proceedings by Motion shall not be substituted for the passage of legislation where the act to be accomplished is legislative in character. No moneys shall be appropriated by Motion.

### Rule 15.1: Legislation to be Introduced In Writing

All legislation shall be introduced in writing, in the form of a proposed Ordinance or Resolution. The text of the Bill shall be approved by the Law Director prior to introduction.

### Rule 15.2: Bills to be Distributed Prior to Introduction

The full text of all proposed Ordinances and Resolutions shall be distributed to the President and each Member of Council prior to introduction and prior to consideration following amendment in accordance with Rule 6.

### Rule 15.3: Formal Requirements of Legislative Proposals

Each legislative proposal shall contain:

1. A designation of the legislation as an Ordinance or Resolution. The nature of the subject matter shall, however, determine the character of a legislative act. An Ordinance improperly captioned as a Resolution shall take effect as an Ordinance if enacted in compliance with all laws and rules prescribed for the adoption and publication of an Ordinance.
2. A caption setting forth a brief statement of the subject matter of the Bill and, if the legislation is proposed to take effect as an emergency measure, declaring an emergency.
3. Preambles may, but need not be, included. When used, preambles shall be limited to the information necessary to explain the purpose of the enactment.
4. Ordinances and Resolutions shall be divided into short, numbered, sections. Each section shall contain a single provision of the Bill to facilitate amendment.
5. Enabling clauses required by the Charter.
6. Provision for recording of the number assigned to the measure if adopted, the date of passage, date of Mayoral approval and for execution of the Bill by the President, Clerk and Mayor if adopted.

## RULE 16: ASSIGNMENT OF LEGISLATION TO AGENDA

### Rule 16.1: Legislation Required to be Prepared

The Law Director shall timely prepare Legislation for introduction to Council in the form of a proposed Ordinance or Resolution when requested to do so by Council following general study of the matter to which the legislative proposal pertains. The Law Director shall not delay the preparation of any proposed Ordinance or Resolution requested by Council by more than one month without disclosing the reason necessitating such delay and obtaining permission of the President of Council.

### Rule 16.2: Legislation Permitted Without Prior Council Review

The Law Director may prepare legislation without prior study of the issue to which the measure pertains by Council when: the subject matter of the legislative proposal pertains to the functions of the Department of Law; the legislative proposal pertains to the functions of the Department of Service and Safety and the legislation is requested by the City Administrator; or the legislative proposal pertains to the functions of the Department of Finance and the legislation is requested by the Finance Director.

### Rule 16.3 Assignment to the Agenda

Proposed Ordinances and Resolutions shall be placed on the Council Agenda for the Regular Meeting of Council next following the date on which the Bill is drafted unless a Special Meeting is called for the express purpose of taking action on the Bill.

### Rule 16.4: Public Notice of Legislative Activity

No Ordinance or Resolution shall be read or acted on unless the Caption of the proposed legislation has been included in the Agenda for the meeting at which such action is taken.

## RULE 17: LEGISLATION TO BE READ THREE TIMES

No Motion to Adopt a legislative proposal shall be entertained unless the proposed Ordinance or Resolution has been Read, in full or by Caption, on three separate days.

### Rule 17.1: Motion to Suspend Rule

A Member who desires to suspend the Rules solely to permit immediate consideration of a Motion to Adopt a legislative proposal and who does not desire the suspension of any Rule of Conduct or Procedure other than the requirement that the legislative proposal be read on three separate days prior to enactment, may make a Motion to Suspend the Rules and Call the Question.

### Rule 17.2: Proceeding on Motion

A Motion to Suspend the Rules and Call the Question may be approved in the manner generally provided for suspension of these Rules and shall be adopted only upon the affirmative concurrence of six Members of Council expressed by Roll Call Vote.

### Rule 17.3: Proceedings Under Suspended Rule

Upon passage of a Motion to Suspend the Rules and Call the Question, any Member may make a Motion to Adopt the legislative proposal. If the Motion to Adopt receives a second, all further reading of the Bill shall be dispensed with and the question of enactment or rejection of the legislative proposal shall be subject to debate and vote.

## RULE 18: EMERGENCY LEGISLATION

### Rule 18.1: Formal Requirements of Emergency Legislation

All legislation proposed to take effect as an emergency measure must recite that an emergency is being declared in the caption and contain a clause describing the emergency circumstance relied on to justify acceleration of the date on which the measure takes effect and suspension of the Electors power to subject the measure to public referendum.

### Rule 18.2: Amendments Regarding Emergency Clauses

An emergency clause may be added to any legislation that does not contain such a clause as introduced or may be deleted from any legislative proposal that is introduced with such a clause. The addition or deletion of an emergency clause from a legislative proposal shall be through amendment of the Bill in the manner provided for amendments generally.

### Rule 18.3: Approval Required for Adoption

A Motion to Adopt a proposed Ordinance declaring an emergency must receive the affirmative vote of five Members of Council in order for the measure to take effect as emergency legislation.

### Rule 18.4: Effect of Passage by Less than Five Members

In the event an Ordinance or Resolution containing an Emergency Clause is passed with the concurrence of fewer than five Members, the legislation shall be deemed to have been passed without the Emergency Clause. The Clerk shall strike all reference to the declaration of an emergency from the caption and text of the Bill before entering the adopted measure in the Journal.

## RULE 19: CONDUCT OF LEGISLATIVE PROCEEDINGS

### Rule 19.1: Introduction of Bill to Council

Deliberation of a legislative proposal shall be commenced by reading the caption of the proposed Ordinance or Resolution unless Council, by majority vote of the members then present, determines that the proposed Ordinance or Resolution should be read in its entirety. Following reading of the Bill, all debate and discussion shall be confined to consideration of the Bill until final disposition of the matter for purposes of the meeting at which the Bill is read.

### Rule 19.2: Conduct of Debate

Subject to the control of the President or other presiding officer and the general rules of Conduct and Decorum, all Members of Council, Administrative Officers, and others in attendance at the meeting shall be afforded an opportunity to be heard in support of or against adoption of the Bill or any provision thereof. Administrative Officers shall, and members of the general public may, respond to such questions regarding the subject matter of the legislative proposal as are put to them by a Member of Council that has been granted the floor.

### Rule 19.3: Proposals to Amend the Legislation

Any Member of Council may put forth a Motion to Amend the text of the proposed Ordinance or Resolution. Such Motion shall state the section or sections of the legislative proposal sought to be amended and recite the specific language sought to be added to or deleted from the proposed legislation. To prevent confusion in debate upon the Motion, no more than two substantive changes to the text of a legislative proposal shall be proposed in a single Motion but there shall be no limit to the number of Motions to Amend that may be made. If the Motion receives a second, all debate shall be confined to the proposed amendment of the legislation until the Motion to Amend is disposed of. A Motion to Amend pending legislation shall not be subject to amendment by Motion but may be withdrawn and restated by the Member making the Motion in response to criticism raised during debate of the Motion. Consideration of proposals to amend a legislative Bill shall end upon the acceptance or rejection, by majority vote of the members present, of every Motion to Amend the legislation put forth or upon the approval of a majority of the Members present to a Motion to End Debate. Approval of Motion to End

Debate shall terminate further consideration of proposals to Amend the legislation for purposes of the current meeting only. In the absence of a suspension of these Rules, no Bill shall be adopted at the same meeting at which an Amendment thereof is approved. A Bill amended following First Reading shall be placed on the agenda for the next meeting of Council at which the matter is assigned to be taken up as being before Council for Second Reading as Amended. A Bill amended following Second or Third Reading shall be placed on the agenda for the next meeting of Council at which the matter is assigned to be taken up as being before Council for Second Reading as Amended.

### Rule 19.4: Disposition of the Bill

At each meeting at which deliberation of a proposed Ordinance or Resolution is taken-up, the discussion of that matter shall end to permit Council to proceed to consider the next item of business on the Agenda upon passage of one of the Motions described in Rules 19.4(A) - (D).

#### Rule 19.4(A) Motion to Refer the Bill to a Designated Member

A Motion to Refer to a Designated Member shall specify the area of subject matter specialization with respect to which Council desires focused input. The referral shall be to the Member assigned to that area of legislative specialization pursuant to Rule 8. Upon passage of the Motion, discussion of the Bill at the meeting at which the Motion is approved shall end and the Bill shall not be included on the Agenda of any future meeting until the report of the Member to whom the Bill has been referred is received unless, by majority vote of the members then present, Council approves a Motion to Relieve the Designated Member of further responsibility to submit a report. Upon receipt of the Designated Member's Report or passage of a Motion to Relieve the Designated Member, the Bill shall be assigned for reading on the Agenda of the next following Regular Meeting unless a Special Meeting is sooner called in accordance with Rule 3 for the purpose of considering the measure. When returned to the Agenda, the measure shall have the

same standing it had at the Meeting at which it was referred to the Designated Member. (Example, A bill before Council for first reading at the meeting at which it was referred to a Designated Member shall again be before Council for first reading at its first appearance on the Agenda following receipt of the Designated Member's report).

#### Rule 19.4(B) Motion to Let Consideration of the Bill Lay

Approval of a Motion to Let Lay shall terminate discussion and debate of the legislative proposal for purposes of the current meeting and result in the Bill, as amended prior to approval of the Motion, being placed on the Agenda for the next Regular Meeting (or next Special Meeting if sooner called in accordance with Rule 3 for the purpose of considering the measure) without the necessity of a Motion to take the Bill from the Table. (Example, A Bill before Council for second reading and disposed of by a Motion to Let Lay shall be placed on the Agenda for the next legislative session as being before Council for Third Reading unless amended at the Meeting at which the Motion to Let Lay is approved, in which event it shall be placed on the future Agenda as being before Council for "Second Reading as Amended" in accordance with Rule 19.3.) A Motion to Let Lay shall not be made with respect to any proposed Ordinance or Resolution which has been read three times.

#### Rule 19.4(C) Motion to Table Consideration of the Bill

Approval of a Motion to Table shall terminate debate upon the legislative proposal for purposes of the current meeting and result in the Bill being removed from the Agenda until such time as Council, by a majority of the Members then present, approves a Motion to Take the Bill from the Table. A Bill restored to the Agenda following approval of a Motion to Take the Bill from the Table shall be placed on the Agenda prepared for the next following Legislative Session with the same standing it had at the Meeting at which consideration of the Bill was Tabled.

#### Rule 19.4(D) Motion to Adopt the Bill

Approval of a Motion to Adopt shall result in enactment of the proposed Ordinance or Resolution in the form in which it exists, including such amendments as may have been made prior to the time the Motion is made. A Motion to Adopt shall require the approval of a Majority of Council expressed by Roll Call Vote. In the event a majority of the Council does not affirmatively vote in favor of a Motion to Adopt, the proposed Ordinance or Resolution shall stand defeated and no Bill proposing the same legislative enactment shall be presented to Council for a period of six months unless reintroduction is requested by a majority of Council. Discussion of a proposal to reintroduce the legislation may be taken up at any subsequent Regular Meeting.

Article 5  
Special Proceedings



## RULE 20: ADVICE AND CONSENT OF COUNCIL

Whenever general law, Charter Provision or Ordinance requires the “Advice and Consent” of Council to the Mayoral appointment of persons to any Board, Commission or body other than the Board of Control, the Mayor shall provide Council with written notice of the names and addresses of persons being considered for appointment not later than 2 weeks prior to nominating any person for such appointment. The Mayor shall receive such suggestions for additional candidates as may be made in writing by any Member of Council.

The nomination of each appointee shall be taken up in the Order of Business at the time and as part of the Mayor’s Administrative Report to Council. Discussion shall be limited to whether the person nominated by the Mayor is suitable for appointment. At the conclusion of discussion, the President shall put the Question to Council in the following form: “Shall the Consent of Council be given to the appointment proposed by the Mayor?” If a majority of Council vote yes on such question, the consent of Council is granted. If a majority of Council do not affirmatively approve the nominee, the Mayor shall return to subsequent meetings of Council with alternate proposals until such time as consent is given. The consent of Council to Mayoral appointments shall be determined without Roll Call Vote.

### Rule 20.1 Initial Appointments to the Board of Control

In the event of a vacancy in the office of City Administrator, City Law Director or City Finance Director, the Mayor shall propose one candidate for appointment to an initial term. Prior to nomination of any candidate, the Mayor may, but shall not be required to, request Council to convene in Executive Session to discuss the qualifications of candidates being considered for appointment and matters relating to the compensation and other terms and conditions of employment to be offered.

Nomination of a candidate for appointment shall be made by the Mayor at the time and as part of the Mayor’s Administrative Report to Council. Discussion shall be limited to whether the person nominated by the Mayor is suitable for appointment. At the conclusion of discussion, the President shall put the Question to Council in the following form: “Shall the Consent of Council be given to the appointment of \_\_\_\_\_ to the office of \_\_\_\_\_ for an initial term of two years as proposed by the Mayor?” An affirmative vote of a majority of Council, expressed by Roll Call Vote, shall constitute consent of Council to the proposed appointment. If a majority of Council do not affirmatively approve appointment of the nominated candidate, the Mayor shall return to subsequent meetings of Council with alternate proposals until consent is given.

### Rule 20.2 Renewal of Appointments to the Board of Control

At the last Regular Meeting of Council scheduled to be held more than 30 days prior to the expiration of any term of appointment of the City Administrator, City Finance Director or City Law Director, the Mayor shall announce his or her determination to renew or terminate the officer’s appointment upon expiration of the current term. The announcement shall be made at the time and as part of the Mayor’s Administrative Report to Council. Council shall be deemed to concur with the Mayor’s determination unless a Motion to Reverse the Determination of the Mayor Regarding Renewal of the Appointment of a Member of the Board of Control is made and seconded.

If a Motion to Reverse the Determination of the Mayor Regarding Renewal of the Appointment of a Member of the Board of Control is made and receives a second, Council shall take no further action on the matter at the Meeting at which the Mayor’s determination is announced. Council shall convene a Special Meeting not later than 10 days following the Meeting at which the Mayor’s determination is announced to consider the retention or dismissal of the appointed officer in question and no other business shall be transacted or considered at that Special Meeting. Disposition of the Motion to Reverse the Determination of the Mayor Regarding Renewal of the Appointment of a Member of the Board of Control shall be determined by Roll Call Vote. In accordance with Section 6.02 of the City Charter, the affirmative vote of not less than five Members of Council shall be required to reverse the recommendation of the Mayor.

## RULE 21: DISCIPLINE OF COUNCIL MEMBERS

### Rule 21.1: Censure

A Member of Council may be censured for habitual unexcused absence from required meetings, for violation of Rule 10 and for refusing to acknowledge a Call to Order. A proposal to censure a Member of Council shall be made by Motion. The Motion shall be presented in writing as a matter of Council Concern in accordance with the Order of

Business at a Regular Meeting of Council. If the Motion receives a second, the Motion shall be personally served on the Member sought to be censured and no further action shall be taken until the next following Regular Meeting of Council to afford the Member charged with misconduct an adequate opportunity to consider the allegations and prepare such defense as he or she may wish to present. Time shall be reserved on the Agenda of the next following Regular Meeting for conduct of a public hearing to consider the merits of the allegations. The Member of Council who introduced the Motion and the Member sought to be censured shall each be given an opportunity to be heard, present documentary evidence in support of or opposition to the Motion and may call such witnesses as each deems necessary. The President of Council shall preside over the proceedings. If the charge of misconduct is made against the President or the President is to present information in support of or opposition to the allegations of misconduct, the President pro tem shall preside. Proceedings shall be conducted in an orderly manner but compliance with judicial standards and Ohio Rules of Evidence shall not be required. A Motion to Censure a Member of Council shall stand defeated unless affirmatively approved by five Members of Council expressed by Roll Call Vote.

#### **Rule 21.2: Expulsion**

A Member may be expelled from Council and his or her seat declared vacant if the Member has been absent without excuse from all proceedings at which attendance is required for a period of three consecutive months or upon a determination by Council that the Member is not legally qualified to serve. In the event proceedings are conducted under this Rule, a Special Meeting shall be called solely for that purpose and no other business shall be conducted at the meeting. All proceedings relating to the expulsion of a Member of Council shall be governed by the Revised Code and the Charter.

### **RULE 22: PROCEEDINGS BY COUNCIL CONVENED AS A COMMITTEE OF THE WHOLE**

To consider issues requiring extensive study, deliberation or debate, Council may, by majority vote, establish itself as a Committee of the Whole.

#### **Rule 22. 1 Presiding Officer**

The President or President pro tem shall serve as the presiding officer of all proceedings conducted by Council when convened as a Committee of the Whole.

#### **Rule 22. 2 Attendance Voluntary**

No Member of Council shall be required to attend any proceeding conducted by Council when convened as a Committee of the Whole.

#### **Rule 22. 3 Quorum Required**

No Meeting shall be conducted by a Committee of the Whole unless attended by at least 4 voting Members of Council.

#### **Rule 22.4 Public Meetings**

All proceedings conducted by a Committee of the Whole shall be Open Meetings. When Meeting as a Committee of the Whole, Council shall have no authority to convene in Executive Session. This Rule shall not prohibit Council, sitting in Regular or Special Meeting, from convening in Executive Session to consider matters of interest to the Committee of the Whole.

#### **Rule 22.5 Meetings Deemed to be Special Meetings of Council**

All Meetings of a Committee of the Whole shall be deemed to be Special Meetings of Council for purposes of compliance with general laws pertaining to Open Meetings and an Agenda conforming to the requirements of Rule 3 shall be prepared and published in accordance with Rule 6.

#### **Rule 22.6 No Legislative Action shall be Taken**

No Ordinance or Resolution shall be introduced to Council when convened as a Committee of the Whole. In the event the Committee determines that legislation should be introduced, it shall report the Committee's recommendations at a Regular Meeting of Council.

Article 6  
General Provisions

### RULE 23: AMENDMENT AND SUSPENSION OF RULES

These Rules may be amended by Ordinance. Council retains inherent power to suspend these rules, individually or collectively, upon Motion made and adopted in accordance with the applicable provisions of these Rules.

### RULE 24: CANCELLATION OF MEETINGS

Any Regular Meeting established by these Rules may be canceled by the President or President Pro Tem whenever, in the opinion of such official, there is insufficient business to warrant conduct of the Meeting.

### RULE 25: CONTINUITY OF LEGISLATIVE AUTHORITY

Council is a continuing body regardless of changes in Membership resulting from reorganization after each regular municipal election and as such may proceed to complete unfinished business lawfully commenced prior to such reorganization. Contracts not signed during the term of office of all Members participating in adoption of legislation authorizing the agreements may not be validly executed by administrative officials in reliance on the authority of the previously adopted Ordinance or Resolution, however, Council may confer authority to execute such contracts by ratification of the prior acts of Council. Ratification may be by Motion approved by a majority of Council expressed by Roll Call Vote.

### RULE 26: PRESUMPTION OF VALIDITY

The presumption of validity accorded municipal legislation by general law extends to the validity of the procedure for its passage, the proper reason for its enactment and the public purpose and necessity for its enactment. All legislative proposals adopted by Council shall be presumed to have been enacted for a proper purpose regardless of existence or content of any preamble set forth in the adopted Bill. The validity of an act of Council shall not be challenged by an assertion that the act was taken in violation of any provision of these Rules. The passage of a legislative enactment without objection predicated upon an asserted violation of these Rules shall result in a conclusive presumption that any departure from procedural requirements established by these Rules occurred with the unanimous consent of all Members of Council and is immaterial to the validity of the enactment.