

COUNCIL RULES

FOR THE

CITY COUNCIL

OF THE

City of Ashtabula, Ohio

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DEFINITIONS

- Emergency Meeting:** A type of special meeting called due to the need of immediate official action. There is no time limit attached to the notice of this meeting, however, an attempt to reach all parties, is required.
- Official Parliamentarian:** The Council shall appoint the Clerk of Council as the Official Parliamentarian, as long as said Clerk is a Certified Parliamentarian.
- Pre-Council Meeting:** A meeting held prior to the Regular Meeting. This meeting is a quasi part of the Regular Meeting, in that matters scheduled to be presented at the Regular Meeting are discussed.
- Previous Question:** Closes debate and the making of Subsidiary motions, except the motion to Lay-on-the-Table. It calls for an immediate vote on one or more pending questions before the Council.
- Question of Privilege:** Permits a request or Main motion relating to the rights and privileges of the Council or any of its members to be brought up for possible immediate consideration because of its urgency while business is pending; otherwise the request or motion would be out of order.
- Quorum:** The minimum number (or one more than half) of members who must be present at the meetings of a deliberative assembly (the Council) for business to be legally transacted.
- Regular Meeting:** A meeting that is held at a prescheduled interval (weekly, biweekly, monthly, quarterly or in similar intervals), for which the day and hour shall be set forth in the Council Rules or City Charter Section 10.
- Special Meeting:** A session held at a time different from that of any Regular Meeting and convened only to consider items of business specified in the call of the legal meeting notice.
- Work Session:** A meeting of the full Council to discuss and/or work on various matters.

STANDING RULES
For the Government of the Council
of the City of Ashtabula, Ohio

Rule 1 – Regular Bi-Monthly Meeting (as prescribed by Charter Section 10)

The Regular Bi-Monthly Meetings of the Council, as set forth in Charter Section 10, shall be held in the Ashtabula City Municipal Building, on the 1st and 3rd Monday of each month, and begin at 7:00 p.m., unless otherwise ordered by the Council with a majority vote of the suspension of the Charter requirement calling for said meetings. The absence of a member of Council from 3 consecutive Regular Bi-Monthly Meetings shall operate to vacate the seat of that member, unless the absence is excused by a majority vote of Council present and able to conduct business, and entered upon into the minutes. Each excused absence of a member of Council from a Regular Bi-Monthly Meeting, in excess of three (3) in a 12 month period, shall constitute the deduction of a sum equal to 2% of the annual salary of such member. An absence will be excused for the following reasons but are not limited to: funeral, illness, work or vacation.

Pre-Council Meetings

A Pre-Council Meeting is a type of regular meeting held bi-monthly – in the Ashtabula City Municipal Building, on the 1st and 3rd Monday of each month, and shall begin at 6:00 p.m., unless otherwise ordered by a majority vote of the Council.

Rule 2 – Special Meetings

No business shall be transacted at any Special Meeting of the Council except the particular business for the transaction of which such Special Meeting may be called. The notice required by Charter Section 10 to be served upon each member, requiring their attendance upon such Special Meeting, shall specifically state the particular business to be transacted.

Rule 3 – Emergency Meetings

In the event of an Emergency Meeting, due to the need of immediate official action, the member or members of the public body calling the meeting must instruct the Clerk of Council to immediately notify all news outlets which have requested notice.

Rule 4 – Holiday Meetings

Whenever the Regular Bi-Monthly Meeting of Council shall occur on a legal holiday, the Council shall meet on the day following and at the place and hour fixed by Rule 1, governing the same.

Rule 5 – Work Sessions

The Council shall meet in a Work Session as needed. No formal action of the Council may be taken at this meeting.

Rule 6 – Opening Proceedings

The President of Council shall take the chair, immediately call the meeting to order, and shall ask that all remain standing for the Opening Prayer and the Pledge of Allegiance. The Clerk of Council shall be asked to call the roll, which roll shall include the City Manager, City Solicitor, City Auditor, and Clerk of Council. The minutes of the proceeding session shall be presented and said minutes shall be preserved in accordance with the City of Ashtabula's Records Retention Schedule for the Legislative Body. In the absence of the President and Vice President, the Clerk of Council shall call the Council to order, and if a quorum is determined to be present, the Council shall appoint one of its members to preside pro tempore.

Rule 7 – Quorum (one more than half the members)

A majority of all members of the Council shall constitute a quorum. The vote of the majority of those present and constituting a quorum shall be sufficient to transact business in the absence of other members, except in cases where a different number is required by the Charter, the laws of the State of Ohio, or by the Rules of the Council. The minimum essential officers for the conduct of business are the Presiding Officer and the Clerk of Council. The Clerk of Council may make arrangements for a recording device to be operated in his or her absence.

Rule 8 – Leaving the Meetings

No member shall leave the Regular Bi-Monthly Meeting while in session, without permission being granted by the Council. Any member leaving without first obtaining such permission shall be deemed guilty of contempt, and may be dealt with, for such contempt, as provided for in Rule 15.

Rule 9 – Officials to Attend Meetings

The City Manager, City Solicitor, City Auditor, and Clerk of Council are specifically requested to attend each meeting of the Council. Department/Division Heads will be present, upon request of Council, to answer, at any such meeting, such questions relating to the affairs of the City as it pertains to their respective Department/Division, as may be put to them by any member of Council. Department/Division Heads, herein invited to attend meetings of the Council, shall be entitled to take part in its proceedings and deliberations on all questions relating only to their respective Departments/Divisions.

Rule 10 – When Not Required To Stay

No member shall be required to remain in the designated meeting location longer than half an hour after the time to which the Council stands adjourned, unless there is a quorum present and the Council is called to order and proceeds to business. But, if any member having waited for a quorum to be present for half an hour after the time to which the Council stands adjourned, shall go away from the Council room, and afterwards enough members arrive to constitute a quorum, the Council shall not proceed to any business without attempting to notify such member and giving that member sufficient time to join them.

Rule 11 – Presiding Officer

The Presiding Officer shall preserve order and decorum, prevent personal reflections, and confine members in debate to the question. Whenever a motion is made that refers only to the Presiding Officer, in a capacity not shared in common with other members, or that commends or censures he or she, the chair should be turned over to the Vice President of Council during the Council’s consideration of the motion.

Rule 12 – Standing Committees

At the December 1st Organizational Meeting, as set forth in Charter Section 10, the President, with the input and majority approval of Council, shall appoint standing committees. Each Committee shall consist of at least three members and the first named on the Committee Roster to be Chair, of the following named Committees:

1. Community / Economic Development / Parks & Recreation
2. Finance & Personnel
3. Public Works / Utilities / Schools
4. Safety Forces

Rule 13 – Purchase or Sale of Property

All matters concerning the purchase or sale of any property owned by the City shall first be referred to the Finance & Personnel Committee, for consideration, before final action by the full Council, by a roll call vote.

Rule 14 – Order of Business

The business at all Regular Bi-Monthly Meetings of the Council shall be transacted in the following order:

1. Opening Prayer
2. Pledge of Allegiance
3. Roll Call
4. Sunshine Law Certification
5. Resolution, Proclamation, Commendation Presentations
6. Reading and Disposal of the Minutes
7. Reports and Communications from the City Manager
8. Reports and Communications from the City Solicitor
9. Reports and Communications from the City Auditor
10. Reports of Standing Committees and action thereon
11. Public (Legislation) Portion (Comments/Inquiries re: Legislation agenda only)
12. Ordinances (2nd Reading), Resolutions & Liquor Permit Requests
13. Ordinances (1st Reading), Resolutions & Liquor Permit Requests
14. Unfinished Business
15. New Business
16. Miscellaneous Business
17. Public (General) Portion
18. Adjournment

No ordinance or resolution, except for any measure proposed by the City Manager pursuant to Section 28(f) of the Municipal Charter (*“to recommend to the Council for adoption such measures as he may deem necessary or expedient”*), may be presented without first being presented to the proper Council committee, unless majority consent of the members of Council present is given, by a roll call vote. The President of Council may, at any time, permit a member to introduce an ordinance, motion or resolution out of the regular order, provided a majority of members do not object.

Communications from the City Manager may be presented at any time when the Council is not engaged in the consideration of other business. Any person, from time-to-time may address Council when given permission by the Presiding Officer provided a majority of the Council does not object. During the Public (Legislation) Portion only the legislation found on the agenda may be discussed. The public may address Council on matters of a general nature during the Public (General) Portion. A maximum of 5 minutes will be given, unless permission, by a majority voice vote of Council, is granted.

Rule 15 – Voting, Censure and Expulsion

Every member of Council present shall vote on any questions on the calling of the yeas and nays, unless excused by the unanimous consent of Council, in the form of a request to abstain, prior to the call of the vote. Any member not being excused who refuses to vote upon any question when the yeas and nays are being taken, shall be deemed guilty of contempt of the Council and may, for such contempt, be censured (official reprimand) by a majority vote of the Council. If a member receives two (2) reprimands within a 12 month period, that member of Council shall be suspended for one (1) Regular Bi-Monthly or Special Meeting of Council, whichever comes first, and shall be ineligible for the period of such suspension to address Council or cast a vote.

Rule 16 – Recorded Vote of Absent Members

Any member of Council, having been unavoidably absent, may at the next meeting be permitted to have their vote recorded upon any question acted upon during their absence, provided such vote shall not change the result, and provided further that the member, so permitted to have their vote recorded, shall not be entitled to move for a Reconsideration of the Question so voted upon.

Rule 17 – Committee Reports and Minutes

Any subject having been referred to any committee of the Council shall be reported upon to the full Council by such committee, and at least a majority of the committee to which a subject has been referred shall agree on the outcome. Committee minutes must be promptly prepared, filed and maintained. The minutes must contain sufficient facts and information to permit the public to understand and appreciate the rationale behind the committee's decision.

Rule 18 – Members Speaking

No member of Council shall be allowed to speak except from their own seat. No member shall speak more than twice on the same motion nor longer than (5) continuous minutes at one time, except with the unanimous consent of the Council. No member shall speak more than once on the same question until every member desiring to speak on the question shall have had an opportunity to do so. No member shall, while speaking, be interrupted except to be called to order, or to be asked a question, and this by consent only.

Rule 19 – Motions in Writing (perhaps this section needs clarification)

When required by any Council member, every motion or proposition (except Privileged Motions - *Privileged motions* are such that, while having no relation to the pending question, are of such urgency or importance as to require them to take precedence of all other motions), shall be reduced to writing before action is taken.

Rule 20 – Yeas and Nays (Demand for)

When demanded by any member of Council, the yeas and nays shall be taken on the passage of any resolution or any questions of proposition submitted to the Council, and in taking the yeas and nays the Clerk of Council shall call the names in the following order: Ward Councilors, Vice President and President. The order in which the Ward Councilors vote shall be alternated for each Regular Bi-Monthly, Special, and Emergency Meeting. Before the vote is announced by the President, the Clerk of Council shall read the votes so taken upon demand of any member.

Rule 21 – Preparation of Legislation

All requests for legislation must first go before the appropriate Committee of Council for discussion and recommendation, except for any measure proposed by the City Manager pursuant to Section 28(f) of the Municipal Charter, (*“to recommend to the Council for adoption such measures as he may deem necessary or expedient”*), unless majority consent of the members of Council present is given, by a roll call vote. The Committee is to report their recommendation to the full Council; the request for legislation is to be made on Council floor; the Clerk of Council shall submit the formal request for legislation to the Solicitor's Department no later than three (3) working days after the request is made on Council floor; the Solicitor's Department shall prepare the legislation, the City Solicitor or Assistant City Solicitor shall

approve the legislation as to its form and correctness, by affixing his or her signature thereto and present it to the Clerk of Council by 12:00 Noon the Wednesday prior to the Regular Bi-Monthly Meeting and in a timely manner for all other meetings; the Clerk of Council shall place the legislation on the appropriate meeting agenda. No ordinance shall be placed on a Council meeting agenda unless it has gone through the above procedure or unless approved by a majority vote of the Council members present, by a roll call vote. The Council SHALL NOT vote on legislation which has not first been approved as to its, "form and correctness", by the City Solicitor or Assistant City Solicitor; and that by the affixation of his or her signature thereto, or when necessary by the granting of said approval by electronic or verbal means.

Rule 22 – Amendments to Legislation

An ordinance may be amended at any time, but if amended after its second reading, the ordinance shall again be read as the second reading, before final action is taken.

Rule 23 – Passage or Adoption of Legislation

All ordinances and resolutions, and all Rules for the Government of the Council shall require, for their passage or adoption, the concurrence of a majority of all the members elected, and the vote on their passage or adoption shall be taken by yeas and nays and recorded on the Journal. No ordinance shall be placed on the Regular Bi-Monthly Meeting agenda unless received from the Solicitor's Office the Wednesday prior to the meeting at 12:00 Noon, unless approved by President, Vice President, a majority of the full Council or at the discretion of the Clerk of Council. Ashtabula City Charter Sections 12 and 13 attached hereto and labeled Exhibit A should be consulted for further instructions.

Rule 24 – Appropriating Money

NO money shall be appropriated except by ordinance. All ordinances for the appropriation of money, the issuance of bonds, or the transfer of money to any fund, shall receive the approval of the Finance & Personnel Committee before passage. If such matters are presented without said approval, they shall be referred, without debate, to the Finance & Personnel Committee, for consideration and report, unless the rule shall be temporarily suspended by a vote of five (5) members of Council. The vote on such suspension shall be taken by yeas and nays and recorded in the minutes.

Rule 25 – Reports from City Officials

All reports from Department/Division Heads and City Officials, suggesting or recommending action by Council on any matter not referred to in the source of such report by the Council, or not otherwise provided for by the Rules of the Council, shall be referred to the standing committee to which the subject matter of said report is most closely related. Said standing committee shall consider the suggestions and recommendations and report back to the Council, without necessary delay.

Rule 26 – Levying Assessment or Tax

All ordinances levying an assessment or tax for any public improvement shall be referred to the Finance & Personnel Committee and the City Solicitor before being brought before the full Council.

Rule 27 – "Roberts' Rules of Order"

In the absence of any rule upon any matter of business, the Council shall be governed by "ROBERT'S RULES OF ORDER."

Rule 28 – New/Amended Rules

These Council Rules may be amended or altered or new Council Rules adopted by a vote of a majority of all the members.

Rule 29 – Suspension of Council Rules

Council Rules may be temporarily suspended at any meeting of the Council by a concurrent vote of five (5) members, and the vote on each suspension shall be taken by yeas and nays and entered on the Journal.

Rule 30 – Violating Council Rules (Point of Order or Question of Order)

If any member of Council violates any Council Rule, the Presiding Officer or any member of Council may motion for a Point of Order, which calls said member to order. This motion requires no second. The Presiding Officer shall decide the Point of Order or refer it to the Council. Point of Order is not debatable, but with the Presiding Officer's consent a member may be permitted to explain the point, and knowledgeable or interested members may be heard by way of explanation. If the Presiding Officer submits the point to a vote of the Council, it is open to debate except when it relates to indecorum (*conflicting with accepted standards of good conduct or good taste*) or transgression of the rules of speaking (in that no member may speak more than once in the debate except the Presiding Officer, who can speak in preference [*priority to right*] to other members the first time, and who is also entitled to speak a second time at the close of debate); or to the priority of business, or when it is made while a non-debatable question is pending.

Rule 31 – Appeal

The Presiding Officer, after referring the question to the Official Parliamentarian, has authority and duty to make necessary rulings on questions of parliamentary law. But any two members have the right to appeal the Presiding Officer's decisions on such a question. By one member making (or "taking") the appeal and another offering a second, the question is taken from the Presiding Officer and vested in the Council for final decision. Members have no right to criticize a ruling of the Presiding Officer unless they appeal the Presiding Officer's decision. An appeal cannot be made from a decision of the Council itself.

Rule 32 – Chief of Police to Preserve Order

The Chief of Police or his designee, while in attendance at Council meetings, shall be deemed Sergeant-at-arms of Council proceedings. Under the direction of the Presiding Officer, the Chief of Police shall preserve order and decorum, and by order of the Council, shall compel the attendance of absent members of Council in such manner as may be prescribed by ordinance.

Rule 33 – Prayer

Prior to commencement of each Regular Bi-Monthly and Special Meeting of the Council, the following prayer shall be recited:

Heavenly Father, We ask You, to let Your inspiration precede this Council's actions, and all present here today, and Your assistance further them, so that every word and work of ours may take its beginning from You, and, so begun, may through You reach completion.

Amen.

Rule 34 – Use of Recording Device

The Clerk of Council is permitted to record all meetings of the Council to assist in the preparation of meeting minutes. The recordings shall be kept for the length of time set forth in the City of Ashtabula Records Retention Schedule for the Legislative Body.

EXHIBIT A

SECTION 12 LEGISLATIVE PROCEDURE.

The legislative action of Council shall be by ordinance or resolution, provided that this shall not apply to action accepting a bid for work and directing the appropriate officer to enter into a contract, to action ordering the dismissal of an officer, to action ordering an election, or to action directing an officer or board to furnish the Council with information as to the affairs of any office, department, or board.

A majority of all the members elected to the Council shall be a quorum, but a less number may adjourn from day-to-day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a least 4 members shall be necessary to adopt any ordinance or resolution; and the vote upon the passage of all ordinances and resolutions shall be taken by “yeas” and “nays” and entered upon the journal.

SECTION 13 LEGISLATIVE PROCEDURE.

Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title, but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the Council shall be: “Be it ordained by the Council of the City of Ashtabula, Ohio.” The enacting clause of all ordinances submitted to popular election by the initiative shall be: “Be it ordained by the people of the City of Ashtabula, Ohio.”

No ordinance shall be passed until it has been read at 2 regular meetings not less than one week apart, or the requirement of such reading has been dispensed with by the vote of a least 5 members of the Council. No ordinance or resolution or **section** thereof shall be revised or amended, unless the new ordinance or resolution contains the entire ordinance or resolution or **section** revised or amended; and the original ordinance, resolution, **section**, or **sections** so amended shall be repealed.

All ordinances and resolutions passed by Council shall be in effect on and after the 30th day from the date of their passage except that Council may pass measures to take effect at the time indicated thereon (immediately or otherwise) by a vote of 5 members or more