

ORDINANCE NO. 2016-5

ENTITLED AN ORDINANCE ADOPTING RULES OF PROCEDURE FOR COUNCIL MEETINGS; REPEALING ORDINANCE NO. 2014-1 AND ALL AMENDMENTS THERETO, AND DECLARING AN EMERGENCY

WHEREAS, Section 731.45 of the Ohio Revised Code provides that the legislative authority of a municipality shall determine its own rules; and

WHEREAS, the City Council of the City of Galion is desirous of restating and replacing its rules of procedure with the following rules which are hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GALION, STATE OF OHIO:

SECTION ONE (1). MEETINGS; PLACE AND TIME OF CONVENING, QUORUM, ORDER OF BUSINESS, READING OF MINUTES.

(A) Rule 1. Meeting Place. All meetings of Council shall be held in the Council Chambers in the Municipal Building, unless otherwise ordered by Council and proper notice of the change of venue is given.

(B) Rule 2. Meetings - Public. All meetings of Council, or committees, shall be public. Any citizen desiring to be heard shall be given the opportunity subject to Rule 9 below. All minutes and records of council shall be open to the public at all reasonable times.

(C) Rule 3. Meetings – Regular. Following its election, Council shall hold its first organizational meeting of the new year as a special meeting. Thereafter, regular

meetings shall be held on the second and fourth Tuesdays of each month at 7:00 p.m., unless otherwise ordered by motion, resolution, or ordinance.

(D) Rule 4. Meetings - Special. Special meetings may be called at any time by the Mayor, the President of Council, in absence of the Mayor, or any three members of Council, upon at least a twenty-four hours written notice to each member of Council and in accordance with Ohio law.

(E) Rule 5. Notice of Meetings. Notice of Council meetings shall be published in a newspaper of local circulation one (1) time prior to the Council meeting, and posted on the Council bulletin board in the City Building lobby. Notice of Council committee meetings shall be published in a newspaper of local circulation once prior to the committee meeting, and posted on the Council bulletin board in the City Building lobby. All upcoming Council meetings and committee meetings shall be noted on a monthly Council calendar and on the City of Galion official website. The Council clerk shall update the calendar monthly and e-mail it to all City officials, news media, and any other persons requesting the meeting notices. In all aspects, notice of meetings shall be given in accordance with applicable Ohio law.

(F) Rule 6. Quorum. A majority of all members elected to Council shall be a quorum to do business. No action of Council shall be valid or binding unless adopted by the affirmative votes of four (4) members of the Council.

(G) Rule 7. Order of Business. The business of all regular meetings of Council shall be transacted in the following order unless, Council, by a majority vote, suspends the rules and changes the order:

- (1) Pledge of Allegiance

- (2) Invocation
- (3) Roll Call
- (4) Approve Minutes
- (5) Approve Agenda
- (6) Recognition of Officials and Department
Heads in Attendance
- (7) Citizens desiring to Address Council
- (8) Public Hearings (if necessary)
- (9) Legislation
- (10) Committee Reports
- (11) Other Business
- (12) Mayor Comments
- (13) President of Council Comments
- (14) Adjournment

Ordinances and resolutions to be considered by the City Council shall be discussed at committee meetings prior to being placed on the agenda. Matters not received or discussed at committee meetings may be placed on the agenda of the Council upon four affirmative votes of the City Council.

(H) Rule 8. Rules of Order. The most recent edition of Robert's Rules of Order shall govern all regular and special meetings of Council.

(I) Rule 9. Reading of the Minutes. Unless a reading of the minutes of a Council meeting is requested by a member of Council, the minutes may be approved as recorded

without reading if the Clerk of Council has previously furnished each member with a copy.

(J) Rule 10. Manner of Addressing Council. Each person addressing Council shall stand, give his/her name and address, and speak in an audible voice for no more than five (5) minutes. All remarks shall be addressed to the Council as a body and not to any individual member. No person other than the Council and the person having the floor shall be permitted to enter into any discussion, except by permission of the Presiding Officer. No question shall be asked of a Council member except through the Presiding Officer.

SECTION TWO (2): OFFICERS AND EMPLOYEES OF COUNCIL

(A) Rule 11. President of Council – Presiding Officer – Who Shall Act. The President of Council, and in his/her absence the President Pro Tempore, shall preside over the meetings of Council. In the absence of the President of Council and the President Pro Tempore, the Clerk of Council shall call Council to Order. If, after the roll call, a quorum is present, Council shall choose one of its members as Presiding Officer, until the President of Council or the President Pro Tempore appears. In no event beyond such meeting, shall the Presiding Officer discharge all of the duties of the President of Council during his/her absence.

(B) Rule 12. Presiding Officer - Duties. As used in this chapter, "Presiding Officer" means the President of Council, President Pro Tempore or the person empowered to act pursuant to Rule 10. The Presiding Officer shall call the meeting to order and proceed with the order of business. If a quorum is present he/she shall give the members an opportunity for correcting/approving the minutes of the previous meeting(s).

He/she shall preserve order and decorum, confine members in debate to the question under discussion, and decide all points of order. The President of Council shall appoint members to committees and designate the chairman of each committee. The President of Council shall determine the committee to which ordinances, resolutions, or other matters shall be referred.

(C). Rule 13. Roll call upon election of President Pro Tempore, Clerk, and Clerk Pro Tempore and other employees of Council and filling vacancies in the membership of Council. For the election of President Pro Tempore of Council, Clerk, Clerk Pro Tempore or other employee of Council, or for filling any vacancy in the membership of Council, the affirmative vote of at least four (4) members of Council are required.

(D) Rule 14. Clerk of Council – Duties. That the Clerk of Council elected under Section 731.04 of the Ohio Revised Code, an unclassified employee, shall have the following duties and responsibilities to perform during his or her term of office: The Clerk of Council, and in his/her absence the Clerk Pro Tempore, shall be responsible to City Council for the completion of all paperwork; attend, record, and transcribe City Council meetings, regular and special; prepare minutes of Council Meetings and preserve meetings by use of audio/video medium; post all meeting dates; record, index, and publish all signed Ordinances and Resolutions, and sign as Attester for approved legislation; initiate notification of vacancies of elected officials; attend to all correspondence; attend to the codification of the ordinances and update the Codified Ordinance Book on an annual basis; responsible for recording all documents passed by Ordinance or Resolution with the appropriate authorities; file all documents related to

Council business and make such records available to the public; keep fiscal records, prepare purchase requisitions; prepare and certify transcript of all annexation proceedings; follow procedures pertaining to notices to property owners, publications, and objections; serves as the Secretary for the Financial Planning and Supervision Committee, forwarding information and legislation on to the City Council; assist in the preparation of the annual budget for City Council and Clerk of Council; report to Council the reason for members absence from Council meetings; and performs other duties as assigned by a majority vote of Council. Further, the Clerk of Council shall prepare ordinances and resolutions to come before Council in conjunction with and in coordination with the Director of Law, and shall have such additional duties and roles as outlined in the Ohio Revised Code for the clerk of the legislative authority elected pursuant to ORC Section 731.04. The Clerk of Council, or Clerk Pro Tempore, shall utilize “flex-time” if possible, being one hour for each hour attended at a meeting being taken off his/her 40 hour work week obligation to the City of Galion. If the use of “flex-time” is not possible then “compensatory time” will be used.

(E) Rule 15. Sergeant-at-Arms. The Council may appoint a Sergeant-at-Arms, who, under the direction of the Presiding Officer, shall preserve order. The Sergeant-at-Arms may be a police officer, if available, assigned by the Chief of Police, with the approval of council to be in attendance at meetings of Council when the subject of the meetings may deem it necessary.

SECTION THREE (3): COMMITTEES OF COUNCIL

(A) Rule 16. Committees. Committees shall have three members each. The names of committees and subject matters are as follows:

- (1) Finance
- (2) Parks, Recreation, Streets and Trees
- (3) Law and Ordinances, Zoning, Permits and Economic Development
- (4) Police, Fire, and Health
- (5) Utilities Committee

(B) Rule 17. Committee Meetings. A majority of the members of a committee shall constitute a quorum. Each committee shall hold its meetings at a time set by the chairman, and shall be open to the public. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman, may cause the removal of such member from such committee by the President of Council.

(C) Rule 18. Reports of Committees. If any matter referred by Council to any committee is not reported on within six months of the time of such reference, the matter shall be brought by the Clerk of Council to the attention of the Council. If no report is made by the committee within four weeks after such reference, Council shall take further action as it may deem best.

(D) Rule 19. Reference to more than one committee. Whenever any pending matter is referred to more than one committee for report, such committees may consider the same as a joint committee if the chairmen consent. The Chairman of the committee first named shall preside at such joint session, and each member of the joint committee shall have one vote for each committee of which he/she is a member composing the joint committee. A majority of the individual members of the several committees shall constitute a quorum.

(E) Rule 20. Committee of the Whole. When Council goes into a Committee of the whole, the President Pro Tempore of Council may preside. A Committee of the whole may be called in accordance with Rule 4, or by a Committee Chairman. The rules of Council shall be observed, except that no limit shall be placed on the frequency of speaking, that the yeas and nays shall not be taken and that a motion to rise and report progress shall always be in order and shall be decided without debate. The Clerk of Council shall be required to attend all meetings of Council as a Committee of the whole.

SECTION FOUR (4): DUTIES, PRIVILEGES AND DECORUM OF MEMBERS

(A) Rule 21. Decorum. While Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings while speaking or refuse to obey the orders of the Council or Presiding Officer. Any person making personal or slanderous remarks or who shall become boisterous, shall be barred by the Presiding Officer, unless permission to continue is granted by a majority vote of Council.

(B) Rule 22. Duty to Vote. Every member present shall vote on all questions, unless there is a conflict of interest.

(C) Rule 23. Yeas and Nays. On the passage of every ordinance or resolution and on the appointment of every officer the vote shall be taken by yeas and nays, entered upon the record. On any other question the yeas and nays shall be entered upon the record on the request of any member. The Clerk of Council shall take the first roll call in alphabetical order. Thereafter, the first council member's name shall be moved to the

bottom of the next roll; and this process shall continue in that manner for subsequent roll call voting.

(D) Rule 24. Change of vote. Before the announcement of the vote, any councilman on account of error or for any other reason may change his/her vote; but no councilman shall be permitted to change his/her vote as recorded after the result is declared.

(E) Rule 25. Right of Floor. When any member is about to address Council, he/she shall respectfully address himself/herself to the Presiding Officer; and when recognized by the chair, confine himself/herself to the question under debate.

(F) Rule 26. Members called to order. If any member is speaking or otherwise transgresses the rules of Council or Roberts Rules of Order, the Presiding Officer shall call the offending member to order.

(G) Rule 27. Excusing absent members of Council. Any member not present at any regular or special meeting of Council may be excused by Council. No member shall exceed more than three unexcused absences from regular meetings of Council. The Council may expel any member for gross misconduct or persistent failure to abide by the rules of Council, provided five (2/3) Council members shall concur. A Council person may be excused for illness, vacation, work, schooling, or business and family matters. Any Council person absent from 24 consecutive meetings shall be subject to removal by the Council. A Council person who is absent from a meeting and is not excused by the Council shall forfeit one-half (1/2) of his or her pay for that month. Council members shall notify the Clerk of Council and/or President of Council when they are going to be absent and provide the reason for the absence.

(H) Rule 28. Filling Council Vacancies. When a vacancy occurs on Council, Council shall advertise the vacancy in the local newspaper asking for resumes of interested citizens. Resumes shall include:

- (a) the citizen's experience and qualifications, and
- (b) the citizen's reasons for interest in the position.

Council members will then review the resumes in Executive Session to create a short list. The candidates on the list will be interviewed. A final selection will be made after the interview.

SECTION FIVE (5): ORDINANCES AND RESOLUTIONS

(A) Rule 29. Providing Agenda. The Clerk of Council shall furnish each member of Council, the Mayor, the Law Director, the Auditor, and Treasurer with a copy of the agenda and copies of the ordinances and resolutions prior to the Council meeting and as far in advance as time permits.

(B) Rule 30. Preparation. The Clerk of Council shall prepare ordinances and resolutions to come before Council in conjunction with and in coordination with the Director of Law.

(C) Rule 31. Readings; motions.

a. The following procedures shall apply to the passage of ordinances and resolutions:

i. Each Ordinance and Resolution shall be read by title only, provided that the legislative authority may require, by majority vote of its members that any reading be in full.

ii. Each Ordinance and Resolution shall have three readings, unless Council suspends this rule by a vote of at least three-fourths of its members.

iii. The vote on the passage of each Ordinance or Resolution shall be taken by yeas and nays and entered upon the minutes/journal.

iv. Each Ordinance and Resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority Council members.

b. Action by the legislative authority, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

(D) Rule 32. Vacation of Streets and Alleys-Planning Commission. No ordinance or resolution pertaining to the vacation of streets or alleys shall be acted upon without prior consideration and a report from the Planning Commission, unless this requirement is suspended by a majority vote of all members elected to Council.

SECTION SIX (6): ADMINISTRATIVE OFFICERS.

(A) Rule 33. Attendance Required. The Mayor, Director of Law, Safety/Service Director, City Auditor, and City Treasurer shall be required to attend the regular meetings of Council. Other city officials may be requested to attend upon notice being given to them.

SECTION SEVEN (7): MISCELLANEOUS RULES

(A) Rule 34. Amending Rules. These Council rules may be amended or new rules adopted by a majority vote of all members elected to Council. These Council rules shall remain in effect and be in full force until amended or repealed.

SECTION EIGHT (8): REPEAL OF FORMER RULES

That Ordinance 2014-1, passed February 11, 2014 and all amendments thereto, containing the former rules of procedure for City Council, and any other ordinance which is inconsistent with the provisions of this Ordinance be, and the same are, repealed.

SECTION NINE (9): PUBLICATION

That this Ordinance be published in accordance with applicable Ohio law.

SECTION TEN (10): EFFECTIVE DATE

That in order to preserve the public peace, health, and safety, and in order to provide the rules and procedure for conducting the affairs and meetings of City Council, an emergency is found to exist and this Ordinance is declared to be an emergency measure and shall take effect immediately upon its passage.

CARL W. WATT
PRESIDENT OF COUNCIL

ATTEST:

JULIE L. BELL
CLERK OF COUNCIL

APPROVED AS TO FORM:

THOMAS N. PALMER
DIRECTOR OF LAW

PRESENTED TO MAYOR ON: _____

APPROVED: _____
THOMAS M. O'LEARY, MAYOR (Date)