

# **RULES OF COUNCIL**

## **CITY OF WAPAKONETA**

**ADOPTED**

**JULY 19, 1995**

**REVISED**

**MARCH 6, 2006**

**JANUARY 21, 2008**

**MARCH 21, 2016**

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# **RULES OF COUNCIL**

## **PLACE OF MEETINGS**

The regular and special meetings of Council shall be held at the Council Chamber in the City Administration Building located at 701 Parlette Court except where circumstances may require such meetings to be held at some other place, in which case due notice shall be given of the place of the meeting. All Council Committee Meetings will be held at 701 Parlette Court except where circumstances may require such meetings to be held at some other place, in which case due notice shall be given of the place of the meeting.

### **A. Meetings**

1. **Regular Meetings:** Regular meetings of Council shall be held in the Council Chambers at 7:30 p.m. on the first and third Monday of each month during the year, and such meetings shall at all times be open to the public. Should any holiday fall upon the date for a regular meeting, the Council shall appoint another date within the same month in lieu thereof.

2. **Special Meetings:** Council shall hold such special meetings as may be found necessary, which may be called by the Clerk upon the request of the Mayor or upon the written request of three members of Council. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered shall be considered thereat, and no other subject or subjects shall be considered except upon the approval of five or more of the members of Council in attendance at such special meeting. Twenty-four hour notice in writing of such special meetings, if called by the Mayor or by three members of Council, shall be given to each member of Council and to the Mayor by personal service or by delivery thereof at their usual places of residence, but members of Council may waive such notice by their attendance at such special meeting.

3. **Meeting Notices:** Regular and special notices shall conform to Ohio Revised Code 121.22 (f) known as the "Sunshine Law."

## **ORDER OF BUSINESS**

The order of business shall be as follows:

1. Invocation
2. Pledge of Allegiance

3. Roll Call
4. Approval of Prior Minutes
5. Reports of Standing Committees and/or Special Committees
6. Communications
7. Guest Petitions
8. Old Business
9. New Business
10. Ordinances/Resolutions
11. Mayor's Report
12. Safety Service Director's Report
13. Law Director's Report
14. Scheduling of Committee Meetings
15. Miscellaneous Business
16. Adjourn

Committee reports are to include:

1. Topics discussed and / or resolved at the committee meeting
2. Action items approved by the committee
3. Any necessary requests for legislation and / or council action
4. Date and time of the meeting including scheduled, beginning, and ending times
5. List of city government attendees present at the committee meeting

Committee reports not yet approved at a committee meeting shall be presented in draft form.

Seats in the Council chamber shall be arranged in numerical order and each member shall occupy the seat corresponding to his/her ward number. Every member, when about to speak on a question or make a motion, shall address the chair as "Mr./Ms. President" who shall pronounce the name of the member entitled to the floor. The speaker shall confine himself to the question and shall avoid personalities. All members shall be professional about all matters during their terms.

## **PUBLIC HEARINGS**

When public hearings are conducted, the discussion at public hearings shall be confined to the subject of the hearing. The following order will be observed for public hearings:

- A. Open public hearing
- B. Petitioner's presentation of requested action
- C. Questions from City Council
- D. Questions or comments from the public
- E. Petitioner's summary of the request
- F. Close public hearing

## **THE CHAIR: POWER AND DUTIES**

1. **Roll Call**: The President of Council, or the President Pro Tem, shall take the Chair at the hour appointed for Council to meet, and immediately shall call the Council to order. The roll shall then be called by the Clerk, who shall enter in the minutes of each meeting the names of the members present thereat. In the absence of a quorum at the time appointed for a meeting the members present by a majority vote may take a recess or recesses and cause the Clerk to procure the attendance of absent members.

2. **President Pro Tem**: In case of the absence of the President of Council, the President Pro Tem shall call the Council to order. The Clerk shall call the roll, if a quorum is found to be present, the Council shall proceed.

3. **Temporary Chairman**: In the case of the absence of the President of Council or the President Pro Tem, the Clerk shall call the Council to order; and if, after the roll call is called a quorum shall be present, the Council shall choose one of its members to act as Temporary Chairman, who shall preside until the President of Council or the President Pro Tem appears, but in no event beyond such meeting, and that person shall discharge all the duties and be clothed of all the powers of the President of Council as such presiding officer during the President's absence.

4. **Votes**: All questions shall be stated and put by Chair as follows:

A. **Roll Call Vote**: The Chair shall declare the vote after the Clerk has announced the number of votes on each side.

B. **Voice Vote**: The Chair shall count and declare a vote. It shall not be in order for members to explain their votes while the vote is being taken.

C. **Passage**: Following roll call or voice vote, Clerk shall state as the passage or failure of the vote.

5. **President of Council, Presiding Officer**: The President of Council shall have no vote except in the event of a tie vote of members of Council present, in which case the President of Council shall have the power to vote and his vote shall have the same legal effect as a vote of a member of Council. Any member of Council who is serving as Chairman shall have the same power to vote as other members.

The presiding officer shall call the meeting to order at the appointed time and announce the business before Council in its proper order, and state and put all questions properly brought before Council. He shall, in common with any member, call any member who shall violate any of the rules and shall, when in the chair, decide all questions of order, subject to an appeal to the Council, on demand of the member on which there shall be no debate; but the member making the appeal may briefly state his reasons for the same. It shall take five (5) members of Council to overrule the President of Council.

Nothing in the Order of Business shall be deemed to prohibit the President from permitting citizens or Councilpersons to address the Chair when properly recognized following a reading of an ordinance and prior to voting thereon.

The President of Council shall appoint the standing committees, including the committee chairpersons, with their concurrent council terms. He may change the membership of any committee at any time during the year provided that there is a valid reason. (If the reason is questioned by any member of the committee involved, the matter shall be put to a vote, and two-thirds majority will be required to override the decision of the President.)

All remarks shall be addressed to the Chair upon proper recognition by the President or the person seeking to address the Chair.

The presiding officer shall avoid any appearance of partisanship on the issue in question. His function is solely to see that the business properly brought before Council is conducted in an orderly manner, and that the members of Council observe the rules of procedure adopted by Council.

### **CLERK OF COUNCIL**

The Clerk of Council shall:

- A. Attend all Council meetings, regular and special.
- B. Prepare a record of all proceedings for all Council meetings which shall be termed the minutes.
- C. Record the exact hour and minute of the late arrival or early departure of a member of Council during a regular or special meeting.
- D. In conjunction with the President of Council, prepare an agenda for each regular or special meeting of Council.
- E. Assign numbers in their proper sequence to all ordinances and resolutions of Council.
- F. Maintain a permanent record of all ordinances and resolutions.
- G. Ensure timely transmission of an official, original copy of any and all official City Council documents.

- H. Prepare and keep a file of all Council correspondence.
- I. Research as required by Council.
- J. Perform duties as required by Section 709.01.1 (709.011), Ohio Revised Code, pertaining to annexations and coordinate with Zoning Officer.
- K. Prepare codification of ordinances and prepare an annual "update" to the Codified Ordinances of the City of Wapakoneta.
- L. Sign all Council documents attesting to official Council actions as required.
- M. Prepare the notice for and advertise all required public hearings.
- N. Perform all other clerical and secretarial duties incidental to the job.
- O. Perform such other duties as directed by Council.
- P. Ensure copies of meeting agendas are available at all regular meetings of council.

### **RULES OF COUNCIL**

Council shall determine its own rules and keep a record of its proceedings. It may punish or expel any member for disorderly conduct in Council or a violation of its rules and declare his seat vacant for absence without valid excuse where such absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds or all the members elected and until the delinquent member has been notified of the charge against him or her and has had an opportunity to be heard. (O.R.C. 731.45)

### **PRIVILEGE OF THE FLOOR**

The meetings of the Council are open to the Public; however, no person except members of Council, the Mayor, or city officials may speak unless that person secures "Privilege of the Floor" by one of the two following methods:

- A. Contact with the Clerk of Council either by phone or by letter prior to 4:30 PM on the Monday of a regular meeting of Council.
- B. Presenting to the Clerk of Council prior to the meeting a form (available from Clerk by request) showing the name and address of the person wishing to speak and the subject matter of his presentation.

Those receiving Privilege of the Floor will be permitted to speak only on matters which he or she identified in writing when requesting the Privilege of the Floor. The speaker shall make remarks from the speaker's stand. Each speaker shall be limited to five minutes for presentation and up to an additional five minutes to answer questions of council. Council will hold all questions until the second five minute period. Additional time may be requested by the speaker or by any member of council. A two-thirds majority vote of council shall be required to approve such a request.

No council member shall speak more than once upon any subject until every member choosing to speak shall have had an opportunity to be heard, nor for a time longer than five minutes without leave of Council upon a majority vote.

## **DEFINITIONS**

Majority	Four members of the Council
2/3 Majority	Five members of the Council
3/4 Majority	Six members of the Council
Quorum	A simple majority of the elected body

## **OFFICERS AND COUNCIL REPRESENTATION UPON OTHER BOARDS**

Within ten days from the commencement of their term, the members of Council shall elect a President Pro Tempore, a Clerk and such other employees as are necessary, and fix their duties, bonds and compensation. These officers and employees shall serve for two years, but may be removed at any time for cause, at a regular meeting of the Council, by a two-thirds vote of the members elected. (Wapakoneta Codification 220.04)

Within the same ten days, the members of Council shall elect representatives to other boards requiring council representation (e. g. WAEDC, Tourism board, fireman's fund, etc). Such elections shall include a nomination of candidates for the office in question, with council members being able to nominate themselves. A majority of the present quorum shall be required for election. A two-thirds vote of the council members elected shall be required to remove any representative from a position filled by this method.

## **EXECUTIVE SESSIONS**

The City Council may meet in executive session for the consideration of the following items. No action may be taken or business transacted in any executive session. Per Ohio Revised Code, a majority of a quorum of the city council determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

A. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of his official duties or for his removal from office.

B. To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.



C. Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

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

E. Matters required to be kept confidential by federal law or rules or state statutes.

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

G. To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

### **CONDUCT AT MEETINGS**

The presiding officer shall enforce orderly conduct at all meetings. Any police officer designated by the presiding officer of the meeting shall serve as Sergeant-at-Arms of the Council in the enforcement of the provisions of these rules.

### **AGENDA**

An agenda of business to be considered by Council shall be prepared and distributed on the Friday evening before the regularly scheduled meeting to each Council Member and 24 hours prior to each special meeting. In the case of a special meeting the notice of such meeting shall serve as the meeting agenda.

Any member of Council may request a matter of business be placed on the agenda for a regular meeting provided such request is received at the office of the Clerk of Council by the end of business on Thursday, but in no case later than noon of Friday preceding the regularly scheduled council meetings.

## **COUNCIL COMMITTEE OF THE WHOLE**

Council Committee of the Whole shall meet for the purpose of receiving and discussing verbal reports from standing or special committees, reviewing legislation, studying annual or supplementary appropriations, hearing of administrative matters other than those handled by standing committees, joint meetings with city boards and commissions or to consider other matters necessary to the conduct of public business.

Committee of the Whole shall be composed of all members of Council with the President (or President Pro Tem) acting as Chairman. Council may take no action of any kind during a meeting of Committee of the Whole.

## **DEPARTMENT HEADS**

The supervisors of all departments shall be available to attend committee meetings or council meetings as required by Council. Such notification shall be made through the Service Director.

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These Rules of Council shall not be altered, amended or rescinded except by a majority vote of all members of Council. Any such alterations or amendments shall be submitted, in writing, at a regular meeting of Council and shall be placed on the calendar under the order of "Communications", for consideration at the next regular council meeting. This requirement shall be waived only by unanimous consent and recorded vote of all members of Council. These rules shall remain in full force and effect until altered, amended or rescinded as above stated.

Authority for the adoption of these Rules of Procedure is derived from Section 220 of the City's Codified Ordinances, Section 121.22 of the Ohio Revised Code, and Chapter 102 of the Ohio Revised Code.

In the case of question on the rules of Council, Robert's Rules of Order, Newly Revised, shall prevail.

Revised by: City Council Communication  
and Rules Committee

Adopted: July 19, 1995

Revised: March 6, 2006

Revised: January 21, 2008

Revised: March 21, 2016