

COUNCIL RULES

FOR THE

CITY COUNCIL

OF THE

CITY OF ASHTABULA, OHIO
4717 MAIN AVENUE

Presented December 7, 2009

Adopted _____

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DEFINITIONS

Emergency Meeting: A 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 necessary.

Official Parliamentarian: The Council shall appoint the Clerk of Council as the Official Parliamentarian, as long as said Clerk is a Certified Parliamentarian.

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 should 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 Meetings

The Regular meetings of the Council shall be held in the Ashtabula City Municipal Building, on the 1st and 3rd Monday of each month (Charter Section 10), beginning at the hour of 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 meetings of Council shall operate to vacate the seat of that member unless the absence is excused by a majority vote of council and entered upon the journal, and each excused absence of a member of Council from a Regular meeting of the Council, in excess of three (3) in a 12 month period, there shall be deducted a sum equal to 2% of the annual salary of such member. An absence will be excused for the following reasons, however will not be limited to those listed: Funeral, Illness, Work or Vacation.*

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 for the transaction of which such meeting is called.

Rule 3 – Emergency Meetings

In the event of an emergency meeting requiring immediate official action, the member or members of the public body who are 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 meeting of this Council shall occur on a legal holiday, the Council shall meet on the day following and at the place and hour fixed by the rule governing the same.

Rule 5 – Work Sessions

The Council shall meet in a Work Session on the 2nd Monday of each month, unless otherwise ordered by a majority of Council. No formal vote of the Council may take place 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 directed to call the roll, which roll shall include the City Solicitor, City Manager, City Auditor and Clerk of Council. The Journal of the preceding session shall be read or disposed of, and said journal 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 shall then be present, the Council shall appoint one of its numbers to preside pro tempore.

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

A majority of all the 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 or may be 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 tape recorder to be operated in his or her absence.

Rule 8 – Leaving the Meetings

No member shall leave the Council meeting while in session, without permission being granted by the Council; and 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 Fifteen (15).

Rule 9 – Officials to Attend Meetings*

The City Manager, City Solicitor and City Auditor 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. The City Manager and City Solicitor shall be entitled to take part in the proceedings and deliberations on all questions before the Council. ~~upon permission being granted.~~ Likewise, the 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, upon permission being granted.

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 (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 Development and Parks & Recreation
2. Economic Development and Port Authority
3. Finance and Personnel
4. Public Utilities and Schools
6. Public Works
7. 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 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. Reading and Disposal of the Journal (Minutes)
6. Reports and Communications from the City Manager
7. Reports and Communications from the City Solicitor
8. Reports and Communications from the City Auditor
9. Reports of Standing Committees and action thereon
10. Public (Legislation) Portion (Comments/Inquiries re: Legislation agenda only)
11. Ordinances (2nd Reading), Resolutions & Liquor Permit Requests
12. Ordinances (1st Reading), Resolutions & Liquor Permit Requests
13. Unfinished Business
14. Miscellaneous Business
15. New Business
16. Public (General) Portion
17. Adjournment

No ordinance or resolution may be presented without first being presented to the proper Council committee, unless unanimous 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 no objection is made.

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 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 to, 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.

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 – Resolutions

Resolutions shall be reported upon for adoption, rejection or further reference, with or without amendment.

Rule 19 – 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 20 – Motions in Writing

When required by any Council member, every motion or proposition (except Privileged Questions) shall be reduced to writing before action is taken.

Rule 21 – 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 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 22 – Preparation of Legislation*

All requests for legislation must first go before the appropriate Committee of the Council for discussion and recommendation; 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 Solicitor or Assistant Solicitor shall approve 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 Council meeting and in a timely manner for all other meetings; the Clerk of Council will make copies and provide them to all appropriate persons; and 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 unanimous vote of the Council members present, by a roll call vote. The Council **SHALL NOT** vote on any legislation which has not first been approved as to "form and correctness" by the City Solicitor and that by the affixation of his or her signature thereto, **or when necessary by the granting of said approval by electronic means.**

Rule 23 – 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 24 – 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 meeting agenda unless received from the Solicitor's Office the Wednesday prior to the meeting at 12:00 Noon, unless approved by a majority of the full Council. Ashtabula City Charter Sections 12 and 13 are attached hereto and labeled Exhibit A and should be consulted for further instructions.

Rule 25 – Appropriating Money

NO money shall be appropriated except by ordinance. All ordinances for the appropriation of money, the issue 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. The vote on such suspension shall be taken by yeas and nays and recorded on the Journal.

Rule 26 – Reports from City Officers

All reports from Department/Division Heads and City Officers, 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 27 – 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 28 – “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 29 – New Rules

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

Rule 30 – Suspension of Council Rules

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

Rule 31 – Violating Council Rules (Point of Order or Question of Order)*

If any member of Council, in speaking or otherwise shall violate any Council Rule, the Presiding Officer shall, any member, or the Official Parliamentarian appointed by 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 can 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 can 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 an non-debatable question is pending.

RULE 32 – APPEAL

The Presiding Officer Official Parliamentarian appointed by Council 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 can not be made from a decision of the Council itself.

Rule 33 – Chief of Police Preserve Order

The Chief of Police or his designee, while in attendance at the 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 34 – Prayer

Prior to commencement of each Regular *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 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 35 – Use of Tape Recorder

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.

(council rules/council rules ashtabula 12 07 2009)