

# COUNCIL RULES

## City of Celina, Ohio

**EFFECTIVE DATE: 2-14-2022**

(Amended from Rules Adopted 2-27-2019)

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*Celina, Ohio City Law Director*

## **PLACE OF MEETINGS**

The regular and special meetings of Council shall be held at the Council Chambers at Celina City Hall, 225 N. Main St., Celina, Ohio, 2nd floor, 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.

## **RULES OF COUNCIL**

### **A. MEETINGS:**

1. **Regular Meetings:** Regular meetings of Council shall be held in the Council Chambers at 7:00 p.m. on the second and fourth Monday of each month. Whenever the date of the regular meeting falls on a legal holiday, Council may, by majority vote, change the same to a day and hour determined by a like vote of the members present if constituting a quorum.
2. **Special Meetings:** Council shall hold such special meetings as may be found necessary, which may be called by the Council President upon the request of the Mayor or upon the request of three (3) members of Council. Any such vote or request for the calling of a special meeting shall state the subject or subjects to be considered there at, and no other subject or subjects shall be considered. Twenty-four (24) hour notice in writing of such special meetings, if called by the Council President as set forth above, 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 or by other means agreed-upon by the Council, but members of Council may waive such notice by their attendance at such special meeting.

3. **Emergency Meetings:**

In the event of an emergency, the Council, or its designee, shall make every reasonable effort to notify the news media that have requested notification of the time, place, and purpose of the meeting.

The minutes and the notification of any such meeting shall state the general nature of the emergency requiring immediate official action.

4. **Regular and special meeting notices:** Regular and special meeting notices shall conform to Ohio Revised Code 121.22 (f), commonly-known as the "Sunshine Law".

5. **Executive Session:**

The City Council (as well as any of its committees and/or subcommittees) may meet in executive session for the consideration of any business authorized by Ohio Revised Code § 121.22 as amended from time to time. No action may be taken or business transacted in any executive session. The members of the Celina City Council, as a public body, as defined by Ohio Revised Code § 121.22 as amended from time to time, may hold an executive session only after a

majority of a quorum of the public body 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, City Council shall not hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office.
- (b) To consider the purchase or lease 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 City 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 their employment.
- (e) Matters required to be kept confidential by federal law or regulations or state statutes.
- (f) Specialized details of security arrangements if 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.

## **B. MINUTES OF MEETINGS**

A journal of the proceedings of each meeting of the City Council (including any committee/subcommittee meetings) will be kept by the City Clerk and shall be signed by the presiding officer and Clerk of the meeting and shall be open to public inspection. Proposed draft minutes of a meeting will be available for public inspection within ten (10) business days after such meeting. Approved minutes will be available for inspection not later than three business days after the meeting at which the minutes were approved. The minutes need only reflect the general subject matter of discussions in executive sessions as authorized in Ohio Revised Code 121.22 as amended from time to time. The minutes shall not be read at the meeting unless requested by a majority of the members present. The Clerk will make copies available upon request.

Posting of Minutes: The proposed minutes of the prior meetings will be posted with the Meeting Notices at City Hall and at the Public Library. Once approved, the minutes will be posted on the City's web site and City Hall, and will be on file at the Public Library.

### **C. CONDUCT AT MEETINGS**

All public attendees at Council meetings shall conduct themselves in an orderly fashion. Attendees shall not make unreasonable noises, offensively coarse utterances or displays, communicate unwarranted and grossly abusive language to others, insult, taunt or challenge others in such a manner that is likely to provoke a violent response, threaten harm, or conduct themselves in a violent or turbulent manner, or do anything which obstructs or interferes with the orderly conduct of the meeting.

Any violation of this section will result in the attendee(s) automatically forfeiting their right to address the City Council, unless otherwise determined by the Council President or other acting-presiding officer.

Any police officer designated by the presiding officer of the meeting shall serve as Sergeant-at-Arms of the Council and shall enforce the provisions of these Rules.

### **D. LEGISLATION**

#### **1. Ordinances and Resolutions**

Every proposed ordinance / resolution shall be first approved as to form by the Director of Law, and thereafter filed, in writing or electronically with the City Clerk. The City Council may discuss a proposed ordinance / resolution at the time it is introduced and changes to the proposed ordinance / resolution may be agreed upon by the Council at such meeting without invalidating the introduction of the ordinance / resolution at that time.

Not less than one (1) week must elapse between the introduction and passage of an ordinance; however this rule may be suspended by the affirmative roll call vote of five members of the Council.

#### **2. Copies of Ordinances and Resolutions**

The City Clerk will make available copies of ordinances or resolutions under consideration by the Council for public inspection.

#### **3. Reading of Legislation**

Ordinances and Resolutions shall be read in their entirety upon their first reading (with the exception of "fund/account numbers" contained therein) unless otherwise agreed upon and voted upon in the affirmative by a majority of the Council members present, and by their caption and/or short title for each and every subsequent reading thereafter unless otherwise agreed upon to be

read again in its entirety and voted upon in the affirmative by a majority of the Council members present, with all such readings hereunder constituting a reading of the legislation.

#### **4. Proclamations**

Proclamations may be issued by the Mayor from time to time to announce or acknowledge reasonable and worthwhile events. Material for proclamations should be submitted to the City Clerk's Office by 12:00 Noon on the Thursday preceding the regular Council meeting.

#### **5. Amendment**

Ordinances and Resolutions may be amended after the legislation is introduced. To amend an Ordinance or Resolution, it shall not be necessary to set forth the full detail of the Ordinance or Resolution, as amended. It shall be sufficient to identify with the section, subsection, or paragraph being amended and to set forth the general statement of the amendment. The proposed amendment must be seconded by another member of Council. A majority vote of the Council members present is required to amend the Ordinance or Resolution.

#### **6. Clerical Adjustments**

The City Clerk shall have the authority to make non-substantive changes to legislation (e.g., typographical errors) following passage by City Council with the consent of the Mayor and the Law Director.

### **E. THE CHAIR (POWERS 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 Clerk, who shall enter in the minutes of each meeting the names of the members present thereat, shall then call the roll. 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 Tempore:** The President Pro Tempore shall be elected every two (2) years by a majority of Council to coincide with the commencement of each "staggered term" of the members of City Council pursuant to division (B) of section 731.03 of the Ohio Revised Code. 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, and if a quorum is found to be present, the Council shall proceed.
3. **Substitute Chairman:** In the case of the absence of the President of Council and the President Pro Tem, a majority of the members present shall elect a President, such substitution not to continue beyond adjournment.

4. **Appeals from Decisions of the Chair:** The Chair shall preserve decorum and decide all questions of order, subject to appeal to Council. If any member transgresses the Rules of Council, the Chair shall, or any member may, call the member to order and in the latter instance the Chair shall render a decision as to the point of order. In case of an appeal from a ruling of the Chair, the question shall be “Shall the decision of the Chair stand as the decision of the Council?” The Chair shall be sustained unless overruled by a majority vote of the members of Council present.
5. **Votes:** All questions shall be stated and put by the Chair as follows:
  - i. **Roll Call Vote:** The Chair shall declare the vote after the Clerk has announced the number of votes on each side.
  - ii. **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.
6. **Chair’s Power to Vote:** 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 the President’s 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.

#### **F. EMPLOYEES OF COUNCIL**

Pursuant to Ohio Revised Code section 731.04, within ten (10) days from the commencement of each “staggered four-year term” of office of the members of City Council (pursuant to division (B) of section 731.03 of the Ohio Revised Code) which terms commence in January, 2016 and every four (4) years thereafter (Ohio Revised Code 731.04), the members of City Council shall elect any employees as are necessary (including but not limited to a clerk), and fix their duties, bonds, and compensation. Such employees shall serve for four (4) years coinciding with the “staggered terms” of the members of City Council which terms commence in January, 2016, and every four (4) years thereafter (Ohio Revised Code 731.04). However, any such officer may be removed at any time for cause, at a regular meeting of the City Council by a two-thirds vote of the members elected. (Ohio Revised Code 731.04).

1. Unless otherwise set by Council, the duties of President Pro Tempore shall be as set forth within these Rules, including but not limited to those promulgated under Section E, 2.
2. In addition to other duties which the Council may establish otherwise hereunder, the Clerk of Council shall be required to attend the City Council’s meetings, including regular meetings, special meetings, committee meetings, and the like. The Clerk’s duties shall be those set forth by law, including but not limited to under the Ohio Revised Code, with such duties including keeping the records of the City Council and performing such other duties as are required by ordinance or resolution. The Clerk shall also notify the Mercer County Board of Elections of all vacancies caused by death, resignation, or otherwise in the elective offices of the City of Celina. Such notification shall be made in

writing and filed not later than ten (10) days after the vacancy occurs. The Clerk shall also notify the Mercer County Board of Elections of all changes in the boundaries of Celina, Ohio, with such notification being made in writing and containing a plat clearly showing all boundary changes, with the same being filed no later than thirty (30) days after such change occurs.

## **G. MEMBERS' DUTIES AND PRIVILEGES**

1. **Addressing the Chair:** Members, when about to speak to a question or make a motion, shall address the Chair as "Mr. President", "Madam President", "Mr. Chairman" or "Madam Chairman", who shall pronounce the name of the member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid personalities.
2. **Limitation of Debate:** No member shall be allowed to speak more than once upon any one subject until every member choosing to speak shall have spoken, nor for a time longer than five minutes, without leave of Council as expressed by a majority vote of the members present.
3. **Voting:** Every member present when a question is put shall vote on the same, unless Council shall, for special reasons, excuse him from voting. An excuse shall be granted only if the member states reasons for the request before voting begins and Council, by majority vote of the members present, accepts them. There shall be no debate upon this question.

### **a. Abstention**

No member of Council shall vote on any question in which he, a family member, or a business associate shall have a financial interest such that the council member's objectivity and independence of judgment could be impaired. Nor shall any member of Council vote on any question which involves his personal or private rights, or the personal and private rights of an immediate family member, or on any question concerning his own conduct. Nor shall any member of Council vote upon any matter in which his/her vote would be in violation of any applicable law(s) or ethical requirement(s). Council members shall disclose the conflict of interest as the reason for the abstention. Subject to the above rules regarding abstention, each member who is present shall vote on each question when his/her name is called.

Council members should submit questions of potential ethic concerns to the Law Director for review prior to the requested abstention.

4. **Results of Voting:** In all cases where a vote is taken, the presiding officer shall announce the result.
5. **Division of a Question:** On demand of any member, a question under consideration that covers two or more points shall be divided where the question admits of such division.

6. **Demand for Roll Call:** Any member may demand a roll call vote upon any question before Council at any time before the decision on the question is announced by the Chair.

## **H. AGENDA**

1. **Order of Business:** The order of business of meetings of Council shall be as follows, subject to being modified by a majority vote of council:
  - i. Call to Order and Roll Call
  - ii. Approval and acceptance of the Agenda as presented or modified
  - iii. Review of Minutes - Changes, additions or deletions to minutes
  - iv. Committee Reports
  - v. Communications
  - vi. Audience Communications
  - vii. New Business
  - viii. Old Business
  - ix. Administrative Reports
  - x. For the Good of the Order
  - xi. Adjournment

## **I. COMMITTEES**

1. **Appointment of Committees:** The following Standing Committees consisting of three members each are hereby authorized. Appointment of members to such committees shall be made by the President of Council with the approval annually of a majority of Council. Council will review the authorization of Standing Committees annually.
  - i. Safety Services Committee
  - ii. Personnel and Finance Committee
  - iii. Streets and Alleys Committee
  - iv. Utilities Committee
  - v. Parks and Recreation Committee
  - vi. Community Betterment Committee
  - vii. Buildings and Grounds Committee



The President of Council may appoint such Special Committees as deemed necessary with the approval of a majority of Council, provided that matters referred to or pending before a Standing Committee may not, without consent of its members, be referred to or considered by a Special Committee.

2. **Committee of the Whole:** The President of Council shall preside when Council resolves itself into the Committee of the Whole except that no limit shall be placed on time or frequency of speaking and that the previous question cannot be moved. All questions shall be decided by the majority vote of those members present. When this Committee arises, any measure together with any amendments thereto, reported out, shall receive the immediate consideration of Council unless otherwise ordered placed upon the calendar.
3. **Meetings:** Committees shall meet on call of the Chairman, or on request of two members.
4. **Quorum:** A majority of members of a committee shall constitute a quorum.
5. **Temporary Chairman:** In the absence of the Chairman, a member named next shall act as temporary chairman.
6. **Reports:** A majority thereof shall agree to Reports of committees.
7. **Executive Sessions:** See procedures outlined in (A) Meetings, Section Five (5).

## **J. MOTIONS**

1. **Motions:** When a motion is made and seconded it shall be stated by the Chair. Any member may demand that it be reduced to writing. A motion, once seconded, shall not be withdrawn by the mover without the consent of Council.

Unless otherwise required by law, a motion shall be deemed passed (including a motion to pass an ordinance or resolution to a second reading or a third reading) it receives the affirmative vote of the majority of the members present including the Chair if entitled to vote thereon.

In the event that the motion that does not receive the affirmative vote of the majority of members present including the Chair if entitled to vote thereon is to pass an ordinance or resolution to a second reading or third reading of the same, then debate shall continue after the lack of majority vote and if no other motion(s) is/are made, then the Chair shall ask if there are any other motion(s) to be made. At that time, any member may make any motion(s) allowed by Council Rules including, without limitation, a motion to end debate.

If at that time a motion to lay on the table receives the affirmative vote of the majority of members present including the Chair if entitled to vote thereon: then the matter shall be handled under Council Rules, and if the matter pertains to an ordinance or resolution then the same does not automatically pass to a second reading or third reading.

If at that time a motion to refer the matter to committee receives the affirmative vote of the majority of members present including the Chair if entitled to vote thereon: then the matter shall be handled under Council Rules, and if the matter pertains to an ordinance or resolution then the same does not automatically pass to a second reading or third reading.

If at that time a motion to end debate receives the affirmative vote of the majority of members present including the Chair if entitled to vote thereon: then debate shall end, and if the matter pertains to an ordinance or resolution then the same does not automatically pass to a second reading or third reading.

If no such motion(s) is/are made and/or any such motion(s) is/are not passed by the affirmative vote of the majority of members present including the Chair if entitled to vote thereon, then the Chair once again shall ask if there is/are any other motion(s) to be made and if none is/are made, then the Chair shall declare debate closed on the matter and the matter shall proceed to the next reading as set forth by Council Rules and applicable law.

2. **Order of Precedence:** When a question is before Council, no motion shall be entertained except the following:
  - i. To adjourn.
  - ii. To lay on the table.
  - iii. To previous question.
  - iv. To postpone to a time certain.
  - v. To refer.
  - vi. To amend.
  - vii. To postpone indefinitely.

When there is a conflict with pending motions, motions shall have precedence in the foregoing order.

3. **Motion to Adjourn:** Motion to adjourn shall be in order at any time, except as follows:
  - i. When repeated without intervening business or discussion.
  - ii. When made while another member is speaking.
  - iii. When the previous question has been ordered.
  - iv. While a vote is being taken.

A motion to adjourn is not debatable, except as to time in which the meeting is adjourned.

4. **Motion to Lay on the Table:** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of the majority of the members present.
5. **Previous Question:** The previous question shall be stated in these words: "Shall debate now close?" The motion shall pass if two-thirds (2/3) of the members present favor it. If the motion is ordered, there shall be no further amendment or debate, but the question shall be put immediately.
6. **Motion to Postpone Indefinitely:** Motions to postpone may be amended as to time, excepting a motion to postpone indefinitely. If a motion to postpone indefinitely is carried as a majority, the principal question shall be declared lost.
7. **Motion to Amend:** A motion to amend shall be susceptible of but one amendment. An amendment once rejected may not be moved again in the same form.
8. **Motion to Suspend Rules:** A motion to suspend the rules which requires three readings in entirety or by title only on three separate days must receive the affirmative vote of three-fourths (3/4) of the members elected/appointed to Council and shall be debatable. Upon the passage of such motion, the main question shall be to open debate. All other rules may be suspended by a majority of members of Council present without debate.
9. **Motion to Reconsider:** A motion to reconsider a motion that has been acted upon must be made not later than the next regular meeting after the vote of Council thereon. In this case, only a member who voted with the prevailing side may make such motion. The motion may then be Seconded by any member of Council. The concurrence of a majority of the members present shall be sufficient for reconsideration of a vote. If a motion to reconsider is lost, it shall not be entertained again.

#### **K. MISCELLANEOUS RULES**

1. **Decorum in Council Chambers:** The Chair shall maintain decorum in Council Chambers during sessions. Persons, other than members of Council, City Officials and members of the press, shall not be permitted upon the floor of Council, or to address Council, except upon the introduction by the Chair or a member of Council. If anyone other than a City Official desires to speak to a member of Council while it is in session, that member, if agreeable to the request, shall leave his seat and retire from the Council Chambers until the conversation is finished.
2. **Rule on Readings and Suspension of Rules:** No bylaw, ordinance or resolution, of a general or permanent nature, or granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed, unless it has been fully and distinctly read on three different days. First reading to be in its entirety and the second and third time by title only. There shall be no authority to dispense

with this rule, except by a majority of all members elected/appointed to Council, taken by yeas and nays, on each bylaw, resolution or ordinance, and entered into the minutes.

3. **Emergency Measures:** All emergency measures shall require three readings, unless the rule requiring such readings, two by title only, is suspended as provided in subsection I. eight (8) hereof. In the event that an emergency clause is to be added to an ordinance or resolution after its initial reading, then a roll call vote shall first be taken on the addition of emergency clause and then a roll call vote shall then be taken on the legislation as a whole. In order to pass as an emergency measure, the affirmative vote of two-thirds (2/3) of all elected members of Council on the emergency clause is required.
4. **Majority:** Whenever the “majority” is used herein, unless otherwise expressly indicated, it means a majority of those members elected/appointed to Council.
5. **Amending Rules:** A majority vote is required to alter, amend, rescind, or supplement these rules. Any proposed alterations or amendments or supplements shall be submitted in writing at the regular meeting and placed on the calendar for the next regular meeting under the order of new business. By unanimous recorded vote of all members elected/appointed to Council, such proposed alterations, amendments or supplements may be adopted at the meeting at which the same are submitted.
6. **Quorum:** A majority of all members elected/appointed to Council shall constitute a quorum.
7. **Law Director:** The Law Director shall, when requested by a member of Council, give a verbal opinion on any question of law concerning City affairs in open Council, but may, if deemed a matter that requires more research, take a reasonable time to submit an opinion, either orally or in writing.

#### **L. PROCEDURE WHERE RULES DO NOT COVER SITUATION**

In such an event, the Chair shall rule on the matter in the interest of the orderly and prompt conduct of Council affairs subject to appeal and vote by Council members.

#### **M. CITIZEN PARTICIPATION**

##### **1. Specific agenda items**

During the discussion on each item on the agenda, the Council President or acting Presiding Officer shall ask members of the audience whether they have any general comments, questions or comments. When such discussion involves an agenda item, this inquiry shall be posed after the staff presentation and Council questions or statements on the matter. The content and time for the statement may be regulated in accordance with the rules of the City Council. At each council meeting, the agenda shall provide an opportunity for citizens to address the Council on any item of interest, subject to the rules of the City Council.

## **2. Length of Presentation**

The presiding officer may impose a time limit on presentations before the City Council.

## **3. Persons Addressing the Council**

Persons addressing the City Council shall state their name, home address and, if applicable, their affiliation.

## **4. Public Hearings**

Public hearing shall be conducted in accordance with paragraphs 1, 2 and 3 above in this section and discussion at public hearings shall be confined to the subject of the hearing.

The following order will be observed for public hearings, in addition to any other requirements proposed by law;

- (a) Open public hearing
- (b) Taking of attendance
- (c) Petitioner's presentation of requested action
- (d) Questions from City Council
- (e) Questions or comments from the public
- (f) Petitioner's summary of the request
- (g) Close public hearing

## **N. RECORDING OF COUNCIL MEETINGS**

### **1. Meetings May Be Recorded**

Any regular or special meeting or portion thereof, excluding executive sessions, of the City Council may be recorded through the use of a video or audio tape recorder or other electronic device ("Media Recordings"). Any official "Media Recordings" made by the City will be under the control and supervision of the City Clerk, or the City Clerk's designee.

### **2. Retention**

"Media Recordings" from City Council meetings will be retained by the Clerk, or other designee as designated by Council, for a period of six (6) months from the date of the meeting, unless otherwise governed by a Records Retention Schedule in effect for the Council.

## **O. RULES OF PARLIAMENTARY PROCEDURE**

The presiding officer shall provide for the orderly transaction of business at meetings of the City Council. Robert's Rules of Order will be used as a guide provided they are not in conflict with

these rules or the ordinances of the City of Celina. The presiding officer will interpret and apply the rules of practice and the presiding officer's interpretation and application shall be final and conclusive.

**P. AUTHORITY OF RULES**

Authority for the adoption of these rules of procedure is derived from the Ohio Revised Code, including but not limited to Chapter 102 and section 121.22 thereof.

**Q. CONCLUSION**

The purpose of Council Rules is to expedite the functioning of the Municipal Legislative Body and to provide for the orderly conduct of business of Council.

Well-drafted Council rules and knowledge of those rules by members of Council and other officials will expedite the Council's affairs and improve the image of the City in the eyes of the public.

Council rules once adopted by Council shall remain in full force and effect until amended or repealed by Council.

**CROSS REFERENCES**

Composition – See Ohio R.C. 731.01, 731.06

Qualifications – See Ohio R.C. 731.02, 731.44

Election and Term – See Ohio R.C. 731.03, 733.09

Clerk – See Ohio R.C. 731.04

President Pro Tempore – See Ohio R.C. 731.04, 733.08

Legislative Powers – See Ohio R.C. 731.05

Powers as to Salaries and Bonds – See Ohio R.C. 733.07 et. seq., 731.49 et. seq.

President – See Ohio R.C. 733.07 et. seq.