

**RULES OF COUNCIL
CITY OF CHILLICOTHE, OHIO
Amended and Adopted on August 26, 2019 per Ordinance 73-19**

RULE 1. MEETINGS

(a) Regular meetings: Shall be held on the second and fourth Mondays of each calendar month at the Council Chamber in the City Hall Building located at 26 South Paint Street, or at a special location decided on and publicized by the President of Council. Such meetings shall commence within a reasonable time following the Invocation or Prayer, but in no case shall the meeting commence later than 7:05 p.m.

In the event the Council President determines that a state or national holiday conflict or an emergency situation exists, the Council President may postpone a regular Council meeting. An emergency situation may include, but is not limited to, death of a public official or other City employee, an act or threat of terrorism or violence toward Council or the City, state, or nation, or existence of a national, state, or local weather emergency.

Upon the determination that a holiday or an emergency situation exists, the Council president shall announce the regular meeting is postponed and shall announce a new date for conducting the meeting, with no less than 24 hours notice thereof provided to each member and the public. Any meeting postponed pursuant to this provision shall be held no later than the evening of the following Monday, but no later than the last day of the calendar month.

(b) Special Meetings: The Mayor or any three (3) Members of Council may call special meetings upon at least 24 hours notice to each Member, served personally or left at his or her usual place of residence. (R.C. 731.46)

(c) Review Meetings: The President or any three (3) Members of Council may call a review meeting to allow Council to meet as a quasi-committee of the whole or in informal consideration, thus enabling Council to give detailed consideration to a matter under conditions of freedom approximating those of a committee. The President remains in the chair and presides at a review meeting.

RULE 2. COMMITTEE APPOINTMENTS

At the first regular or special meeting of each newly elected Council, the President shall appoint the standing Committees and designate a Chairman for each. Special Committees may be appointed at the discretion of the President. In the event the chairman vacates his chairmanship, the President shall fill that vacancy with one of the remaining committee members and appoint a new member to fill that committee.

RULE 3. INVOCATION OR PRAYER

Invocation shall be held at 7:00 p.m. per the Invocation / Prayer policy that was adopted on May 9, 2011 pursuant to Resolution No. 9 -11.

RULE 4. ORDER OF BUSINESS

1. Roll call; 2. Pledge of Allegiance to the Flag of the United States; 3. Reading and Disposal of Journal; 4. Reports of Committees; 5. Reports of Officials; 6. Audience Participation; 7. Old Business and Responses; 8. Petitions and Correspondence; 9. New Business; 10. Committee Assignments; 11. Reading of Ordinances and Resolutions; 12. Adjournment.

RULE 5. DISPOSAL OF SUBJECT MATTER

(a) Any subject matter brought before the City Council shall first be referred to the proper Committee (Council assignment made by President of Council) or Official and that Committee or Official shall by the time of the second regular meeting after referral, make a report thereon to Council.

(b) If an assignment request is not referred to the proper committee by the second meeting after the request was made it may be referred to the proper standing committee by three members of Council.

(c) If the matter requires considerable time and study for completion, such Committee Chairman or Official shall advise Council of the progress of such study at least every other regular meeting of Council until the subject matter is completed by official action or Council action. After the first meeting of a new term of Council, the President of Council, through the Clerk of Council, shall review and assign all unresolved assignments to the appropriate Committee.

(d) When the subject matter is referred to a Committee, the Chairman of that Committee shall determine the urgency of the matter and arrange with the President of Council for a time for Committee discussion and study at a future review session. The President of Council shall allot time at review sessions to Committees or Officials so as to provide an orderly schedule of subjects, taking into account their urgency, the amount of time needed for discussion, and the prevailing order of discussion. At review meetings, the President of Council, at his or her discretion, may permit public participation dealing with the subject matter of the review session allowing three (3) minutes per person and 15 minutes per topic.

(e) As a matter of protocol and courtesy, complaints from Members of Council concerning any department of city government should first be made to the Mayor or other elected Official involved, before the same are brought before or entertained by Council. However, any Council Member retains his or her right to offer suggestions, observations or debate on the floor of Council on any issue or matter.

(f) Once a subject is assigned to a committee, it must remain in that committee, unless a majority of the committee votes it out of committee.

(g) If, after a reasonable time (sixty days), the committee has not made progress or reported a legitimate time delay, the Council President or three members of Council can call for a vote of full Council to remove the assignment from the committee. The Council President shall then reassign the matter to another committee, a new committee, or committee of the whole.

RULE 6. REPORTS OF COMMITTEES

Any subject matter having been referred to a Committee of the Council or City Officials shall be reported upon by such Committee or Official. The minority of a Committee shall have the right to register a separate report if done in the regular order.

RULE 7. ORDINANCES AND RESOLUTIONS

(a) Ordinances and Resolutions dealing with substantive law may be placed upon the Council Agenda only by majority action of either the Council Committee to which the specific matter has been assigned or Council as a whole. However, Ordinances and Resolutions dealing with substantive law may be placed upon the Council Agenda by the Chairman of the Committee to which the specific matter has been assigned. An item placed on the Agenda by the Committee Chairman in this manner may be removed from the Agenda by the request of a majority of the Committee to which the specific matter has been assigned at the first regular Council meeting at which time the item appears on the Agenda. Resolutions not dealing with substantive law may be placed upon the Council Agenda by one or more Members of Council.

(b) All proposed Resolutions and Ordinances must be reviewed by the Director of Law, or a duly authorized Assistant Director of Law, prior to being placed upon the Council Agenda.

(c) All proposed Resolutions or Ordinances involving an expenditure, appropriation, transfer or obligation of funds must be reviewed by the Auditor, or his or her duly authorized designee, prior to being placed upon the Council Agenda.

(d) Ordinances and Resolutions shall be consecutively numbered and shall be referred to by number after passage by vote of Council.

(e) The proposed legislation shall be listed as numbered items on the Council Agenda but the agenda number should not be confused with the Ordinance/Resolution number after passage.

(f) All unpassed but read Ordinances and Resolutions shall, after the first meeting of a new term of Council, continue on the Agenda, unless otherwise ordered by Council.

(g) Request for Council action by non-council members must be accompanied by a written explanation at the time this request is presented by a non-council member. All requests for Council action by non-council members, must be assigned to a Council Committee before coming before Council for action.

(h) Prior to the submission of any Ordinance for the addition or removal of a street light or lights within the City of Chillicothe, all the criteria for introduction of an Ordinance as set forth in "RULE 7." shall be followed. In addition, the City Engineering Department and the Chief of Police shall review the request and advise whether removal or addition of a street light is recommended for purposes of public safety.

RULE 8. LEGISLATIVE INFORMATION TO MEMBERS

The Clerk of Council shall insure that copies of any new Ordinance or Resolution to be voted upon at any meeting of City Council shall be delivered to each Member of City Council at least three

(3) days before such meeting by electronic mail, U.S. mail, or in person. To facilitate this process, for regular meetings, all legislation shall be in the hands of the Clerk of Council by the end of the business day on the Thursday immediately preceding the regular (Monday) Council meeting, and shall be listed on the Agenda for the regular meeting on the following Monday. If electronic mail delivery is chosen as a delivery means, a hard printed copy of the legislation shall be furnished to Council members at the meeting.

RULE 9. RECONSIDERATION

A Member who voted with the prevailing side may move for reconsideration of any motion or action of Council, provided that the motion to reconsider is made not later than the next regular meeting after the vote on approval or disapproval of the subject matter.

RULE 10. AMENDMENT OF MOTIONS

(a) Any amendment, if duly seconded, is in order; likewise, an amendment to any amendment; but any amendment to an amendment of an amendment is never in order.

(b) Motions to amend legislation may be made at any time during the Council meeting at which said legislation is read.

(c) Motions to amend are not covered by RULE 8 and do not need to be in Council Members' hands three (3) days prior to motion. However, if in the opinion of the President, the considerations of RULE 7(b) or 7(c) apply to a particular amendment, final action will not be taken on the legislation containing said amendment until the Officials set forth in RULE 7(b) or 7(c) have conducted a new review of the amended legislation.

(d) Amended legislation retains the same status, in terms of readings, it had prior to amendment, unless, in the opinion of the President, the proposed legislation has been substantially changed by the amendment (in which case, it will go back to first reading status).

RULE 11. VOTING-LEGAL REQUIREMENTS

The action of Council shall be by Ordinance or Resolution, and on the passage of each Ordinance or Resolution, the vote shall be taken by "yeas" and "nays" and entered upon the Journal, but this shall not apply to the ordering of an election or direction by Council to any Board or Officer to furnish Council with information as to the affairs of any Department or office. No Ordinance or Resolution shall be passed unless it has been fully and distinctly read on three (3) different days, and with respect to such Ordinance or Resolution, there shall be no authority to dispense with this rule, except by three-fourths (3/4)("7") vote of all Members elected thereto, taken by "yeas" and "nays" of each Ordinance or Resolution, and entered upon the Journal. No Ordinance or Resolution shall be passed by Council without the concurrence of a majority ("5") of all Members of Council. (R.C. 731.17) Emergency Ordinances or Resolutions must, upon a yea or nay vote, receive a two-thirds vote of all the members of Council, and the reasons for such necessity shall be set forth in one section of the Ordinance or Resolution. (R.C. 731.30)

RULE 12. VOTING

All Members should cast a vote on a measure unless forced to abstain due to a conflict of interest.

RULE 13. MOTIONS TO DELAY OR AVOID ACTION

(a) Lay on the Table: The subsidiary motion to *lay on the table* enables Council to lay the pending legislation aside temporarily when something else of urgency has arisen.

(b) Take from the table: The motion to *take from the table* places again before Council a motion or series of adhering motions that, for urgent reasons, were *laid on the table*. A question *laid on the table* must be *taken from the table* by the end of the next regular meeting and can be read or it dies.

(c) Postpone to a certain time: *Postpone to a certain time* (or Postpone definitely) is a subsidiary motion that allows Council to delay action on pending legislation to a definite day, meeting, hour, or after a certain event - but never later than the next regular meeting.

(d) Postpone indefinitely: A motion to *postpone indefinitely* is a motion that allows Council to avoid taking a direct vote on pending legislation, and if adopted, stops the legislation.

(e) Commit: The subsidiary motion to *commit* (or refer) allows pending legislation to be carefully investigated further by a Council Committee, prior to Council's action:

- (1) A motion to *commit* pending legislation to Committee for further study is in order at any time;
- (2) Committed legislation will return to Council's Agenda at the same reading as when committed, provided that the three-day receipt rule (RULE 8.) is met. *Suspension of the three-day receipt rule is not permitted for committed legislation and it returns to Council's Agenda at the next regular or special meeting.*
- (3) Committed legislation within the current term of Council in office will be listed at the end of the current Agenda for reference purposes only.
- (4) Committed legislation returning to the agenda on its third (3rd) reading can be placed on the agenda but will not be read until the next regular meeting or until a special meeting is called to consider the legislation.

(f) Recess: The privileged motion to *recess* authorizes a short, immediate intermission while legislation or another motion is pending, and provides time and the opportunity for Council Members to get together to talk things over before a decision is made.

(g) Not to read legislation: A main motion *not to read legislation* (an Agenda item)(requires a majority vote, "5") allows Council to delay proceeding with reading or voting on pending legislation until the next regular meeting or until a special meeting is called to consider the "not read" but pending legislation.

(h) Remove legislation from the Agenda [see RULE 7 (a)]: A main motion to *remove legislation from the Agenda* allows Council to avoid reading legislation for the first time.

RULE 14. QUORUM

A majority ("5") of all Members elected shall constitute a quorum for the transaction of business. A lesser number, however, may adjourn from day to day and compel the attendance of absent Members.

Any three (3) Members shall have the right to demand a call of Council and the majority of those present may require absent Members to be sent for; but a call of Council cannot be made after voting has commenced.

RULE 15. CHAIRMAN

The President of Council, or in his or her absence, the President Pro-Tem, shall act as Chairman when Council meets as a Committee of the Whole.

RULE 16. ABSENCE OF PRESIDENT AND PRESIDENT PRO-TEM

In the absence of the President and the President Pro-Tem, the Clerk shall call the Council to order and proceed to call the roll. If a quorum ("5") shall be present, the Council shall then appoint one of its Members President Pro-Tem. He or she shall preside during the meeting or until the President or President Pro-Tem appears. If a quorum ("5") is not present, the Members may, by a majority vote of those present, take a recess for a period of not more than one (1) hour; after which, if there is still no quorum ("5"), the Members present may, by a majority vote, adjourn to meet again at some future time previous to the next regular meeting of Council, and the Clerk shall notify the absent Members of the action taken.

RULE 17. RECOGNITION

Members of Council and Officials wishing to gain the floor shall first obtain recognition from the President.

RULE 18. ADJOURNMENT

A motion to adjourn shall always be in order unless the Council is engaged in voting or unless some Member has the floor; but being decided in the negative, shall not again be entertained until some motion, call or order shall have been made.

RULE 19. VIOLATION OF RULES

If any Member, speaking or otherwise, shall violate any rule of this Council, the President shall, or any Member may, call him or her to order. If such Member shall be called to order while speaking, he or she shall immediately cease speaking; take his or her seat unless permitted to explain. The question in order shall be decided without debate, and if the decision shall be in favor of the Member called to order while speaking, he or she shall be at liberty to proceed with his or her speech without leave of Council.

RULE 20. ROBERT'S RULES OF ORDER

In the absence of any rule not herein provided, and in the absence of any conflicting statutes applicable to Council, concerning any parliamentary question or procedure, Council shall be governed by the current edition of Robert's Rules of Order, Newly Revised.

RULE 21. CHANGE OF RULES

These rules may be suspended at any meeting of Council by a majority vote (5) of Council members.

The vote on all amendments or additions to the "RULES OF COUNCIL" shall be taken at the third

of three successive regular meetings at which the amendments or additions are considered by Council. All amendments or additions shall require a majority of all the Members of Council ("5") vote for passage.

RULE 22. AUDIENCE PARTICIPATION

At any regular or special meeting, any person other than a Member appearing before Council shall be limited to five (5) minutes for the presentation of his or her topic or problem. Any person wishing to address Council must first provide his or her name and address. In the event that more than one person wishes to speak on the same subject, a limitation of fifteen (15) minutes will be imposed on the total amount of time allowed for that group's presentation. If a visitor is questioned by Members of Council, the time spent in the question and answer period will not be counted as part of the speaker's allotted time. The President, unless overruled by a majority vote of the Members of Council present, or a majority of the Members of Council present may extend the foregoing time limits relative to audience participation.

RULE 23. EXPLANATION OF LEGISLATION

Any department head or Official who requests a Council Member to sponsor legislation for the Agenda shall give a written explanation of the reason for making the request; which explanation should be available at the time the legislation is submitted to Council for consideration.

RULE 24. EXECUTIVE SESSION

(a) Actual items to be discussed by Council or A Committee thereof may meet in executive session at a regular, review or special meeting for the sole purpose of the consideration of any of the following matters:

(1) Unless the public employee, Official, licensee, or regulated individual requests a public hearing 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. (An executive session may not be held for the discipline of an elected Official for conduct related to the performance of his or her official duties or for his or her removal from office.)

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

(3) Conferences with the Director of Law or his or her duly authorized Assistant or Special Counsel concerning disputes involving the public body that are the subject of pending or imminent court action.

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

(5) Matters required to be kept confidential by federal law or rules or state statutes.

(6) 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. [R.C. 121.22(G)]

(b) Upon commencement of executive session, actual items to be discussed during the executive session shall be announced at the start of the executive session to allow any council member with a conflict to leave the session.

RULE 25. NOTICE OF MEETINGS

Pursuant to R.C. 121.22(F), Council hereby establishes a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings. Council shall not hold a special meeting unless it gives at least 24 hours advance notice to the news media that have requested notification (except in the event of an emergency requiring immediate official action when the person or persons calling the meeting shall immediately notify the said news media of the time, place and purpose of the meeting).

Any person may, upon request to the Clerk and payment of a fee determined reasonable by the Clerk, obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

RULE 26. COUNCIL REPRESENTATIVES

At the beginning of each term of Council, and as necessary thereafter, the President of Council shall appoint Members of Council to serve as representatives and liaisons to designated groups or organizations. The Clerk of Council shall maintain a list of these groups and organizations, and the Clerk of Council shall attach a copy of such list to these Rules of Council.

RULE 27. READING OF CORRESPONDENCE

Correspondence addressed to Council, the Clerk, or the President thereof, shall not be read in session, but the Clerk shall summarize the contents of the correspondence. However, upon request of any Member of Council, correspondence addressed to Council, the Clerk, or the President thereof, may be read in its entirety at a Council session.

RULE 28. COMMITTEE MEETINGS

Each Committee Chairman shall notify the President of Council and the news media of their proposed committee meetings and others who request notice.

RULE 29. REVIEWS AND REPORTS

There shall be a current listing, maintained by the Clerk of Council, of all legislated Council reviews or legislated reports to Council. This will allow Council to schedule required reviews and/or reports so ordered by existing legislation.

RULE 30. RULE AMENDMENTS AND CHANGES

Any amendments or changes to the Rules of Council must be made by ordinance and by a majority vote (5) by members elected to Council.