

# **RULES OF ORDER/COUNCIL BYLAWS**

## **Governing the Council of the City of Olmsted Falls**

Council shall adopt its own rules, regulations, and/or bylaws – Charter 5.04

### **MEETINGS**

All meetings of the Council shall be held in the Council Chambers in City Hall unless otherwise ordered by Council. Regularly scheduled meetings shall be held on the second and fourth Tuesday of each calendar month, at 7:30 p.m., unless otherwise ordered by motion, resolution or ordinance. Whenever the regularly scheduled Council meeting falls on a legal holiday, then such meeting shall be held on the day following the legal holiday. (Charter 5.04 Codified Ordinances 220.01, 210.02, 220.01)

All meetings of the Council shall be open to the public, whether regular or special. However, the Council may go into Executive Session from a regular or special Council Meeting as outlined in the O.R.C. 121.22, to consider the following: (Ohio Attorney General Sunshine Laws)

- A. Personnel Matters.
- B. Purchase or sale of property.
- C. Matters of pending or imminent litigation.
- D. Negotiations or bargaining sessions with public employees concerning compensation.
- E. Any reason authorized by law as same exists now or in the future.
- F. Council members will receive their packets prior to each scheduled Council meeting at least three (3) days, preferably five (5) to six (6) days prior to meeting. This will be in either written or electronic form.

### **SPECIAL COUNCIL MEETINGS**

Special Council meetings may be called at any time by written notice signed by the Mayor, or any three members of Council. There shall be given at least twenty-four (24) hours notice in writing of such special meeting served personally on each member of Council or left at their usual place of residence. Such notice shall state the subjects to be considered at the meeting and no other matter shall be considered. City Officials requested to attend the special Council meeting shall also be notified in the above manner. (Codified Ordinances 210.03, 220.02)

### **SUMMER SCHEDULE**

During the months of July and August the Council shall generally recess, by vote of two-thirds (2/3) of the members, subject to Special Meetings as needed. (Charter 5.04)

### **QUORUM**

A majority of all members elected to Council shall constitute a quorum to do business, but a lesser number may adjourn a regular meeting to another time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. (Charter 5.05)

### **ORDER OF BUSINESS**

The business of all regularly scheduled meetings of Council shall be transacted in the following manner, unless with no objections of Council, the Presiding Officer wishes to dispense with the regular order of business: (Codified Ordinances 220.03)

1. Pledge of Allegiance to the Flag of the United States of America.
2. Roll Call of the members.
3. Approval of Minutes.
4. Consideration of Amendment of the Agenda (if any).
5. Mayor's Report.
6. Communications from Residents.\* (5 minutes to comment)
7. Approval of Pay Ordinances.
8. Committee Chairman Reports
9. Old Business
10. Introduction of New legislation
11. Miscellaneous New Business
12. Adjournment

\* Correspondence not received in a Council meeting by the Clerk shall be photocopied and distributed to Council members City Hall mailbox. It is not the policy of Council to read letters received aloud in Council meetings. Council shall also extend the five-minute policy if it so deems it necessary. Any written comments, questions or concerns may be submitted to the Clerk of Council for attachment to the record. If there is larger amount of residents who wish to address Council the Mayor will be given the opportunity to change the time limit to three-minutes.

### **OFFICERS & EMPLOYEES OF COUNCIL**

#### **Presiding Officer**

The Council President shall be the Presiding Officer at all regular and special meetings of Council. The Mayor shall have no vote. The Mayor shall call regularly scheduled meetings of Council to order at the appointed hour and shall

perform any duty, which may be imposed by the Council. He/she shall preserve order and decorum and confine members of Council in debate to the question under discussion. In the absence of the Mayor, the Council President shall preside over the meeting and reserves the right to vote. In the absence of the President of Council, the President Pro Tempore shall preside over the meeting and reserves the right to vote. (Charter 4.08 & 4.04)

### **President of Council**

Within ten (10) days from the commencement of the term, Council shall elect one (1) of the Councilmen-at-Large to the office of President of Council. The President of Council shall serve until the first (1<sup>st</sup>) day of January after the next regular municipal election, and his/her duties shall be to appoint various Council committees, to perform such duties as are assigned to him/her by Council and the Charter of the City of Olmsted Falls, and to co-ordinate the work of the various committees appointed by him/her. The President of Council shall succeed to the office of Mayor in the case of a vacancy, temporary or permanent, in that office. The Councilman serving as President of Council may be removed from that office at any time at a regular meeting of Council upon the concurrence of at least two-thirds (2/3) of the members elected thereto. Any vacancy in the office of President of Council shall be filled in the manner provided in Section 6.05 of the City Charter. (Charter 5.02)

### **President Pro-Tempore**

At the first organizational meeting after the commencement of the term, Council shall elect one (1) of the Councilmen-at-Large to the office of President Pro Tempore. The President Pro Tempore shall serve until the first (1<sup>st</sup>) day of January after the next regular municipal election. The President Pro Tempore shall succeed to the office of President of Council in the case of a vacancy, temporary or permanent, in that office and shall perform such other duties as are assigned to him/her by Council or the City Charter. The Councilmen serving as President Pro Tempore may be removed from that office at any time at a regular meeting of Council upon the concurrence of at least two-thirds (2/3) of the members elected thereto. Any vacancy in the office of President Pro Tempore shall be filled in the manner provided in Section 6.05 of the City Charter.

In the event of the absence of the Mayor, President of Council and President Pro Tempore, the members of Council shall elect a member of Council to serve as the Presiding Officer of the meeting with all powers of the office and be entitled to vote. (Charter 5.02)

### **Duties of Council-at-Large vs. Council Ward Representatives**

All Ward Councilmen and Council-at-Large will work with each other to communicate City, Ward and Resident issues.

### **Council Ward Representatives:** Duties shall be:

1. Attend assigned meetings of Council and Committees

2. Respond to Resident concerns within the ward.
3. Communicate to Council as a whole pertinent, significant issues relating to their ward since the last meeting of Council.
4. Communicate pertinent information from liaison roles.
5. Notify administration of major resident issues, complaints, or concerns.

**Council-at-Large Representatives:** Duties shall be:

1. Attend assigned meetings of Council and Committees
2. Respond to all Residents in the City
3. Relay to Council as a whole pertinent business in their Officials Report during Caucus meeting (City Business)
4. Relay to Council all pertinent city and liaison business
5. Work with Ward Councilmen on Ward related issues, if desirable

**Clerk of Council**

Council shall appoint a Clerk of Council. The Clerk shall serve until replaced. The Clerk of Council's duties shall include giving notice of Council meetings to its members and to the public, keeping a journal of the proceedings of Council, filing and indexing all ordinances and resolutions of Council and perform such other duties as may be required by the Council and not inconsistent with his/her responsibilities under law. He/she shall keep a record of roll calls in regard to all Council legislation and make sure records are available to the public during regular business hours at City Hall. In addition, the Clerk shall perform such other duties as may be prescribed by the City Charter or assigned by Council from time to time.

In the absence of the Clerk of Council, the Clerk, with the approval of the Council President Pro Tempore, will designate his/her own replacement. If the Clerk is unable to select a substitute, the majority of Council will select a temporary replacement for the Clerk. The Clerk shall advise all members of Council in writing, and placed in each Council member's City Hall mail box, a copy of the following: (Charter 5.02; Codified Ordinances 220.125)

1. Any vetoes of Council enactment's by the Mayor.
2. Any or all correspondence or documents directed expressly to Council or forwarded by the Mayor.
3. Any legislation not signed by the Mayor.

**Duties – Clerk of Council**

The Council President Pro Tempore or his/her designee shall supervise the Clerk. The Clerk shall perform secretarial work involving performance of a number of varied tasks, which shall include Codified Ordinances 220.125.

**DUTIES & PRIVILEGES OF COUNCIL**

Every member of Council shall be in his seat at the time of roll call, and the names of present members shall be recorded in the minutes. If a member of

Council arrives late, the member shall be recorded as present when he takes his seat and the time will be recorded in the minutes. If a Councilman cannot attend regularly scheduled meetings of Council he should notify the Council President of an anticipated absence. (Codified Ordinances 220.09)

### **VOTING**

Every member present shall vote on all questions upon the call of the roll with yeas, nays or abstention. On the passage of every ordinance or resolution, the vote shall be taken and entered in full in the Council minutes. Roll call shall be on a rotational basis determined by the Clerk. (Charter 5.06; Codified Ordinances 220.08)

### **ABSTAIN VOTES**

Any member of Council who abstains because of personal conflict or for any reason shall have their abstention vote so noted in the minutes. Members may abstain from voting, in which case their vote shall be counted as being with the vote of the majority of those who do vote. If no actual majority, then the motion fails. (Codified Ordinances 220.08)

### **RIGHTS OF APPEAL**

Any member may appeal to the Council from a ruling of the Presiding Officer. The member may briefly state his reason for the appeal, and the Presiding Officer may explain his ruling; all members of Council can debate the appeal and the ruling. The Presiding Officer shall then put the question "Shall the decision of the Chair be sustained?" Unless a majority of the members vote nay, the ruling of the Chair is sustained.

### **LEGISLATION**

#### **Introduction of Legislation**

Ordinances and resolutions shall be introduced to Council only in printed form, with the name of the members of Council, and/or the Mayor, introducing the same endorsed thereon. Ordinances submitted by the "Initiative" shall be endorsed thereon "submitted by initiative petition". (Charter 5.06; Codified Ordinances 220.07, 222)

#### **Submission of Legislation to the Law Department**

All legislation, excluding true emergencies, proposed to be considered by Council for adoption shall be submitted by the sponsor to the Law Department through the Clerk of Council whenever the law department is requested to prepare same for an upcoming Council agenda. The sponsor of such proposed legislation shall submit all relevant information necessary, in writing, to the Clerk of Council not later than the Wednesday preceding the Council meeting. The Clerk shall then forward same to the Law Department not later than 6:00 p.m. on the Wednesday before the upcoming Council meeting. Such submittal shall include the name(s) of all sponsors of the proposed legislation, and it shall further include a statement

as to whether or not the legislation shall be prepared as “emergency” legislation. If the legislation is to be prepared with an “emergency” clause, the submittal shall include a statement as to the reason for the emergency so that the Law Department may include same in legislation. In the absence of special or emergency circumstances, the Law Department is not required to prepare any legislation for a Council meeting, which is not received by the aforesaid deadline. The Law Department shall make every reasonable effort to prepare legislation promptly and without delay. Anyone wishing to submit legislation shall complete the form, which can be obtained from the Clerk of Council. (see attached)

### **Preparation of Legislation**

All legislation must be reviewed by the Law Department, under the direction of the City Law Director, and must be delivered or be available to Council members on the Friday before a regularly scheduled Council meeting. Draft Legislation must be sent to the Law Department no later than the Wednesday prior to the Council meeting for review and preparation and shall be dated. Any legislation not on the regular Council Agenda must be submitted on the Addendum. If a member of Council objects to any proposed legislation on the Addendum, it shall require a two-thirds (2/3) majority vote to consider that legislation.

### **Passage of Legislation**

No ordinance or resolution shall be passed until it has been read on three separate days. A majority vote of Council members shall be required for passage or adoption. However, Council may, by two-thirds (2/3) vote of Council, suspend the rules. Any measure necessary for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department in which the emergency is set forth and defined in a preamble thereto, may be an emergency. Emergency legislation shall require a two-thirds (2/3) majority vote for adoption.

Any ordinance or resolution passed by Council shall be signed by the President of Council or, in his/her absence, by the other President Pro Tempore, and within twenty-four (24) hours after passage, shall be presented to the Mayor by the Clerk of Council.

If the Mayor approves an ordinance or resolution, he/she shall sign it within ten (10) days after its passage or adoption by Council. An ordinance becomes effective thirty (30) days after passage and signature by the Mayor. If passed as an emergency, the ordinance or resolution becomes effective immediately upon passage and signature by the Mayor.

If the Mayor does not approve an ordinance, he/she shall veto it and return it to Council within ten (10) days by delivery to the Clerk of Council, together with a written statement of his/her reason for vetoing, which shall be entered in full in the journal of Council. The Mayor may approve or veto the whole or any item of an ordinance appropriating money, but otherwise his/her approval or veto shall

be addressed to the entire ordinance or resolution. If the Mayor does not, within the time specified, sign or veto an ordinance or resolution after its passage, it shall take effect in the same manner as if he had signed it.

When the Mayor vetoes an ordinance or resolution or item of it, as herein provided, Council may, but in no event later than the next regular meeting occurring not less than fourteen (14) days after notice of the veto is presented to the Clerk of Council, reconsider it and adopt it by an affirmative vote of at least two-thirds (2/3) of the members elected to Council; in such event, it shall take effect as if it had on that day received the signature of the Mayor. In all such cases, the votes shall be taken by yeas and nays and entered into the journal. (Charter 4.05, 5.06, 5.07, 5.08; Codified Ordinances 220.07, 222)

#### **REFERENCE TO COMMITTEE**

Any ordinance, resolution or any pending matter of general interest, may be referred to the appropriate Council Committee by the President of Council, unless otherwise ordered by Council. (Codified Ordinances 220.05)

#### **REFERENCE TO MORE THAN ONE COMMITTEE**

Whenever any pending matter is referred to more than one committee for consideration, said committees may consider the same in joint session as a joint committee if the chairmen of the committees concerned consent thereto. The chairman of the joint committee shall be named by the President of Council, and each member of the joint committee present shall have one vote, even if one member is a member of both committees. A quorum of a joint committee shall be a majority of the joint committee membership.

#### **TIME LIMIT**

Any legislation introduced and which is not passed or defeated by the end of the current Council term, shall be automatically removed from consideration.

#### **MOTIONS**

Motions shall be used only to expedite the orderly transaction of the business of Council and shall not be substituted for ordinances or resolutions. A second shall be required for any motion. Any motion may be withdrawn before it has been amended or voted upon. When a motion is made, it shall be stated by the Presiding Officer before any debate shall be in order. All motions shall be debatable except a motion for the previous question and a motion to adjourn. Motions ordering the hiring of personnel or expenditure of funds may be confirmed by legislation at the next session of Council. (Codified Ordinances 220.08)

#### **THE PREVIOUS QUESTION**

The motion for the previous question shall require a majority vote of all members of Council. It shall take precedence over all motions and no amendments can be made. When the previous question is moved and seconded by one other

member, it shall be put as follows: "Shall the main question now be voted upon?" There shall be no discussion. If the question motion is decided with a majority vote, the main question is voted upon by Council. If the question motion is decided with negative vote, the main question remains before Council.

## **COUNCIL COMMITTEES**

### **Committees Appointments**

Council Standing Committees shall consist of three (3) Council members, one of whom shall be the Chairman. Standing Committee chairman and members of a committee shall be appointed by the Council President as soon as convenient, after the municipal election and organization of Council. Standing Committees may have the benefit of community members for advice. (Charter 5.02; Codified Ordinances 220.05)

Standing Committee chairman and members of a committee shall be appointed by the Council President with the advice of the Council Pro Tempore, as soon as convenient, after the municipal election and organization of Council. Standing committee may also have benefit of administration staff in attendance for advice.

### **Terms of Committee Members**

Members of Council appointed to any Standing Committee shall continue as members thereof for the term of Council, except that the Council President, with the advice of the Council Pro-Tempore, may remove any committee member for the failure to attend committee meetings without just cause or excuse. However, such removal order may be overruled by a majority vote of Council, not later than Council's next regularly scheduled meeting. In case of a resignation of any member of Council, the Council President shall have the right to change the membership of all committees. (Charter 5.02; Codified Ordinances 220.05)

### **Committee Minutes**

If unapproved minutes remain unchanged, Council does not require a copy of the approved minutes. A rule of thumb will be if the unapproved minutes stand as approved, no additional distribution is required.

Accurate minutes shall be taken at each Council committee meeting by a member of the committee designated to do so by the chairman, unless there is a designated secretary who shall take the minutes. Such minutes shall be promptly recorded and open to public inspection within a reasonable time after the conclusion of the meeting at which they are approved, but in no event more than ten working days thereafter. (Codified Ordinances 220.065a)

Council committee minutes shall include, but not limited to, the location, the date, the time of commencement, those present, topics discussed, committee recommendations, if any, and the time of adjournment of that particular meeting. Copies of any correspondence referred to in the minutes are to be attached as a



part of the Minutes of Record and presented to interested parties upon request made to the Clerk of Council for the same. Minutes shall only reflect the general subject matter of discussion in executive sessions held by the Council committee i.e. personnel matters, litigation, negotiations, security and the like. (Codified Ordinances 220.065b) Minutes for executive session shall only include the motion for, vote, topic, time begun and time ended.

Minutes of a particular meeting of a Council committee shall be presented to that Council committee at its next scheduled meeting for approval. (Codified Ordinances 220.065c)

### **Standing Committees**

The following Standing Committee are established, however, the President of Council may form new Committees if the need arises: (Charter 5.02; Codified Ordinances 220.05)

1. **Finance Committee**: Deals with understanding of revenue sources and flows. Determine need for budgetary shifts or need for new or revised millage. Keep track of current ballot issues and impact on revenue streams. Review legislation at State or Federal level and financial impact on City.
2. **Insurance Committee**: Deals with coverage needs for both health and liability. Periodically review and update specifications prior to RFP. Initiate legislation for policy coverages.
3. **Legislation Committee**: Deals with major pieces of new legislation. Housekeeping legislation comes from Finance Director or Law Director. Review proposals from other jurisdictions. Be aware of pending state legislation and impact on city.
4. **Safety Committee**: Deals with manpower, equipment and training needs of police, fire and dispatch departments. Addressing issues raised by public on safety issues. Review requisitions needing Council action.
5. **Service Committee**: Deals with manpower, equipment and training needs of service and building departments. Responsible for all City buildings and property. Review requisitions needing Council action.
6. **Utilities Committee**: Deals with contracts with utilities such as Cleveland Water, Rural Lorain Water Authority, electricity, cable franchises, garbage collection and regulations. Deals with utility coalitions.

Members of Council also serve on the following Boards and Commission as Liaisons: Planning & Zoning Commission, Parks and Recreation, Architectural Board of Review, Board of Ethics, Shade Tree Commission, Civil Service Commission, Southwest General Hospital and Chestnut Grove Cemetery. The role of the Council Liaison shall be to facilitate communications between the Boards and Commissions and Council.

### **Committee Meetings**

A majority of members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its meetings at the time and place designated by the committee chairman and announced at a regularly scheduled Council meeting or by a written agenda. If it becomes necessary to schedule a committee meeting that has not been announced at a regularly scheduled Council meeting, members of Council shall be notified within twenty – four (24) hours, in writing, by telephone or email. Should a chairman of a committee find it necessary to change the time and place of a scheduled committee meeting, or call another meeting, he/she shall notify all Council members, in writing or by telephone, at least twenty-four (24) hours before the new fixed time and place. All aspects of the Sunshine Law shall be in effect.

Whenever a committee chairman schedules a committee meeting, the chairman shall announce what committee agenda will be discussed, and only those items shall be discussed. However, any information relating to other assignments may be presented to the committee.

Accurate minutes shall be recorded at each Council Committee meeting and transcribed by the Clerk. Such minutes shall be promptly recorded and open to public inspection within a reasonable time after the conclusion of the meeting at which they are approved, but in no event more than ten working days thereafter.

Council committee minutes shall include, but not be limited to, the location, the date, the time of commencement, those present, topics discussed, committee recommendations, if any, name of recorder (approved copies should be signed by two members of the committee) and the time of adjournment of the particular meeting. Copies of any correspondence referred to in the minutes are to be attached as part of the Minutes of Record and presented to interested parties upon request made to the Clerk of Council for the same. Minutes shall only reflect the general subject matter of discussions in executive sessions held by the Council committee i.e. personnel matters, litigation, negotiations, security and the like.

Minutes of a particular meeting of a Council committee shall be presented to that Council committee at its next scheduled meeting for approval. (Charter 5.04, Codified Ordinances 220.01, 220.04, 220.065)

**CHANGE OF PROCEDURE RULES**

Council may at any time, by affirmative vote of a majority of Council, suspend these rules. The Rules of Procedure herein may be amended by a majority vote of Council. In the absence of any rule, the Council shall be governed by the latest revision of **ROBERTS RULES OF ORDER**.

**THESE RULES OF ORDER/BYLAWS SHALL BE IN COMPLIANCE WITH THE CHARTER OF THE CITY OF OLMSTED FALLS, THE CODIFIED ORDINANCES OF THE CITY OF OLMSTED FALLS AND THE OHIO REVISED CODE. IN THE CASE OF A DISCREPANCY THE CHARTER OF THE CITY OF OLMSTED FALLS, THE CODIFIED ORDINANCES OF THE CITY OF OLMSTED FALLS AND THE OHIO REVISED CODE, WHERE APPLICABLE, SHALL SUPERSEDE.**