

NEW FRANKLIN CITY COUNCIL
RULES OF PROCEDURE

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SECTION 1 - Meetings

Rule 1.1 – Organizational Meetings

Within the first seven (7) days of January of each year, Council shall meet for the purpose of organization. The Mayor, or a person appointed by the Mayor, shall call this meeting and shall preside as temporary chairman only until the President of Council shall be elected.
(New Franklin Charter § 4.09)

Rule 1.2 – Regular Meetings

(A) Council shall meet at such times as may be prescribed by its rules, regulations or by-laws, or by resolution or ordinance, except that it shall hold regular meetings at least once during each calendar month. All regular meetings of Council shall be held at the Council Chambers unless extraordinary circumstances dictate otherwise.

(B) All meetings of the Council, its Committees and other Boards and Commissions of the Municipality shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

(New Franklin Charter § 4.10)

Rule 1.3 – Special Meetings

(A) Special meetings of Council may be called as provided by its rules, regulations or by-laws, or by resolution or ordinance. In the absence of any such provision, special meetings may be called by the Clerk of Council upon the written request of the Mayor, or the President of Council, or any four (4) members of Council, and written notice of any such meeting shall be served personally upon each Councilperson and the Mayor or left at the usual place of residence at least twenty-four (24) hours prior to such meeting. Service of notice of any special meeting shall be deemed conclusively to have been waived by the Mayor or by any Councilperson who shall be present at such meeting.

(B) All special meetings of Council shall be held at the Council Chambers unless extraordinary circumstances dictate otherwise and in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

(New Franklin Charter § 4.11)

Rule 1.4 – Holiday Scheduling

Council may choose to suspend a Regular Meeting, but not to exceed two consecutive Regular Meetings. Council shall hold at least one regularly scheduled meeting during each calendar month.

Rule 1.5 – Executive Sessions

An Executive Session may be called during Regular or Special Meetings in compliance with the Sunshine Law. Items discussed in Executive Session are to remain confidential. Any member of Council violating this rule may be subject to censure.

Rule 1.6 – Sunshine Law

All Regular Meetings, Special Meetings, Executive Sessions, and Committee Meetings shall be conducted in accordance with the Sunshine Law. (Ohio Revised Code 121.22) All meetings of Council, and its committee members, shall be public and any citizen shall have access to the minutes and record of these meetings at all reasonable times.

Rule 1.7 – Quorum

A majority of the members of Council shall constitute quorum for the transaction of business at any meeting of Council, but a lesser numbers may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be provided by resolution or ordinance.

(New Franklin Charter § 4.13)

Rule 1.8 – Order of Business

The business of all Regular Meetings of Council shall be transacted in the following order:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call of Council Members
4. Approval of Minutes of Previous Meeting
5. Public Comment
6. First Readings of New Legislation
7. Second Readings of New Legislation
8. Third Readings of New Legislation
9. Mayor's Report
10. Old Business
11. New Business
12. Public Questions and Answers on Issues Raised at Meeting
12. Adjournment

SECTION 2 – Council Organization

Rule 2.1 – President and Vice President

Within the first seven (7) days of January of each year, Council shall meet in the Council Chambers for the purpose of organization. At such organization meeting, Council shall, by a majority of the members elected and appointed to Council, elect from its membership a President of Council and a Vice-President of Council, each to serve for a term of one (1) year. The President of Council shall have all the powers, duties, obligations and rights of any other member of Council, including the right to vote, and shall appoint the various committees of Council.

The President of Council, or in his or her absence, the Vice-President of Council, shall preside at all meetings of Council. The President and Vice-President of Council, neither by holding such offices, nor in performing the duties of the acting Mayor as provided in Section 3.03 A and B of the Charter, shall be deprived of their powers and rights or be relieved of their duties or obligations as members of Council.

(New Franklin Charter § 4.04)

Rule 2.2 – Removal of Officers

The officers of Council shall serve at the pleasure of Council. A vote of a majority of members of the Council shall be required to remove a member from office.

Rule 2.3 – Vacancies

(A) Whenever the office of a Councilperson shall become vacant for any reason, whether occurring by death, disqualification, recall, removal, or resignation, the vacancy in the Council shall be filled by a majority vote of the remaining members of the Council. If the vacancy occurs subsequent to twenty (20) days before the date when candidates for the office of Council member must file their nominating petitions of it two (2) years or less remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve for the unexpired term. If the vacancy occurs at least twenty (20) days prior to the date when candidates for the office of Council member must file their nominating petitions and more than two (2) years remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve until a successor is elected at the next regular municipal election and qualified to serve for the remainder of the unexpired term. The person elected for the unexpired term at the next regular municipal election shall take office immediately upon certification of the results by the Summit County Board of Elections.

(B) If the Council shall fail to elect a person to fill a vacancy in the Council under Division (A) of this Section within forty-five (45) days after the occurrence of the vacancy, its power to do so shall lapse and the Mayor shall appoint a person to serve for the time as provided in Division (A) of this Section.

(C) If the vacancy is in an office of a Councilperson representing a ward, such vacancy must be filled from that ward. If the vacancy occurs in the office of a Council-at-large, such vacancy can be filled from any ward within the Municipality.

(D) If the office of President of Council becomes vacant because of the succession of the President of Council to the office of Mayor or for any other reason, the Vice-President of Council shall become President of Council and Council shall elect by a majority vote of the members elected and appointed to Council a new Vice-President from its members. If the President of Council declines to serve as Mayor, he or she may remain as President of Council and Council shall then appoint one of its remaining members to the office of Mayor.

(E) The person elected or appointed to fill a vacancy on the Council shall have the qualifications for the particular office as specified in Section 4.03 of the New Franklin Charter.

(New Franklin Charter § 4.05)

Rule 2.4 – Duties of the President

The President shall preserve order and decorum, prevent personal reflections and confine members in debate to the question. He may, in common with any other member, call any member to order who shall violate any of the rules and shall, when in the chair, decide all questions of order, subject to an appeal to Council on the demand by two or more members. On such appeal there shall be no debate, but the members making the appeal may briefly state the reason for the same, and the presiding officer shall have the right to a similar brief statement.

Rule 2.5 – Duties of the Clerk

The Clerk shall serve as Secretary of Council and shall perform the duties usually assigned to that office. In addition, he or she shall perform such other duties as may be required by law or ordinance, including but not limited to:

- (a) The Clerk shall have custody of journals, ordinances, reports and resolutions introduced in Council and shall carefully preserve them.
- (b) The Clerk shall keep and maintain accurate minutes of all meetings of council, provided, that unless otherwise requested by any member, the minutes and journal shall not indicate the name of the person moving or seconding any motion.
- (c) The Clerk shall distribute to the Committee of Council as designated in the Council minutes all ordinances, reports and resolutions assigned to that committee.
- (d) The Clerk shall forward to the Planning Commission or other Boards or Commissions, ordinances and resolutions which must be considered by that body.
- (e) The Clerk shall see that all notices of Council meetings and Committee meetings and hearings are posted and sent to the news media as required by these rules.
- (f) The Clerk shall deliver to the President of Council and the Mayor all ordinances and resolutions for approval.
- (g) The Clerk shall publish, as required by law, each ordinance and resolution or a summary thereof, which ordinances and resolutions shall be kept on file and available to the public for review at the office of the Clerk.
- (h) During the temporary absence or disability of the Clerk of Council, Council shall by affirmative vote of a simply majority of its members appoint a like-qualified individual to perform the duties of that office. *(New Franklin Charter § 4.07)*
- (i) The Clerk shall comply with all rules and regulations as to the Sunshine Law, Section ORC 121.22, as set forth in these Council rules under Section 12.01 through 12.07.

SECTION 3 – Committees

Rule 3.1 – Standing Committees

The Standing Committees shall be as follows:

- a. Safety Committee
- b. Community Development
- c. Public Utilities
- d. Laws and Ordinances
- e. Finance
- f. Streets and Drainage

Rule 3.2 – Special Committees and Committee Assignments

The President of Council, subject to the approval of a majority of Council, may appoint special committees or assign special matters to standing committees as necessary to carry out the duties of Council.

Rule 3.3 – Number of Members on Committees

There shall be three (3) members on each standing committee. Membership on special committees will be established by the President of Council.

Rule 3.4 – Committee Chair and Vacancies

The Chair is the first name appearing on the list of committee members and the Vice-Chair will be the second name appearing on the list of committee members. The President shall fill any vacancy occurring on a committee within forty (40) days after the vacancy occurs by appointing another member of Council to fill the unexpired term.

Rule 3.5 – Attendance by Non-Committee Members

Council members may attend Committee meetings of committees of which they are not a member, however, they are in attendance as a member of the general public and not in their official capacity.

Rule 3.6 – Committee Meetings

The Committee shall meet in the Council Chambers and/or Committee room at such time as the Committee Chair decides. The date and time of the scheduled meeting must be announced and posted. Written minutes of the meetings are to be taken by the Committee Chair and kept on file with the Clerk of Council. Questions or objections to Committee minutes may be raised at subsequent committee meetings.

Rule 3.7 – Duties of Committees

A. All proposed ordinances and resolutions, except those of a purely ceremonial nature, shall be referred by the President of Council to one (1) or more of the standing committees of Council

as appropriate to the subject matter, unless this requirement is waived by a vote of two thirds (2/3) of the members of Council.

B. Said committee(s) shall consider the proposed legislative action separately and/or jointly and shall report their recommendations to Council for final disposition.

C. Such report of the committee(s) recommendations shall be orally or in writing and shall be accompanied by the original documents, if any, upon which such report is based. Such report and documentation shall be entered or referred to upon the Journal of Council.

Rule 3.8 – Failure to Report

In the event any matter referred to committee has not been reported on for two (2) consecutive regular meetings of Council, such matter may be brought before Council, with or without an accompanying committee report, upon the vote of two-thirds (2/3) majority of the members of Council.

Rule 3.9 – Quorum for Committees

Committees containing three members must have two members present for a quorum. A majority vote of the members is necessary to take action.

Rule 3.10 – Committees of the Whole

The Council may resolve itself into a Committee of the Whole when it wishes, so that the entire Council may consider an issue.

SECTION 4 – Conduct within Council Chambers

Rule 4.1 – Call to Order and Roll Call

At the time appointed for Council to meet, the Council President shall take the Chair and immediately call the members to order. Before proceeding, the Clerk shall call the roll and enter into the minutes the members present or absent.

Rule 4.2 – Speaking by Council Members

Any member of Council desiring to speak shall raise his hand for recognition by the President. Upon recognition, the member shall be allowed to speak. No member shall speak longer than five minutes at one time, without leave, and no member shall speak again on the same motion until all members of Council desiring to speak on that motion have had an opportunity to do so.

Rule 4.3 – Invited Speakers and Presentations

The Mayor or any member of Council who wishes to present a speaker or presentation during the meeting of Council shall obtain the consent of the majority of Council as to the time, date and length of speech or presentation at least two (2) weeks prior to the date of the suggested speech or presentation. This requirement may be waived by majority vote of Council.

Rule 4.4 – Questions and Motions

When a motion is made and seconded, the President or Clerk shall state the questions, which then places it before Council. Any such motion and any amendment thereto may be withdrawn by the mover and or second thereof at any time before decision, if the majority of the members then present shall agree. Following debate, the President or the Clerk shall put the question to a vote and announce the results of the vote.

Rule 4.5 – Reconsideration

Any member who was absent or who previously voted with the prevailing side, may move to reconsider any vote or proceeding of the Council. This motion shall be made not later than the next regular meeting. An action taken by Council shall only be reconsidered once.

Rule 4.6 – Point of Order

A point of order is a motion made by a member of Council when they believe the Rules of Council are being violated. This motion may be made when another member has the floor and does not require a second. The presiding officer must determine the validity of the motion. If the decision is that the rules are being violated, the presiding officer shall enforce the Rules of Council.

Rule 4.7 – Point of Information

A point of information is a request by a member of Council to the presiding officer, requesting information relevant to the business at hand. The presiding officer shall direct the request to the appropriate person and all information shall be exchanged throughout the presiding officer in order to maintain decorum.

Rule 4.8 – Suspension of Rules

These rules of procedure may be temporarily suspended at any meeting of Council by a three-fourths (3/4) vote of all members present, insofar as said suspension is not a conflict with the Statutes or the Constitution of the State of Ohio or the New Franklin Charter. The vote on such suspension shall be taken by YES and NO and entered into the Journal of Council. Any measure to be adopted as an emergency measure requires an explanation be given prior to a motion being made as to why such an action is necessary.

Rule 4.9 – Amendments to Rules

The Rules of Council are to remain in full force and effect until amended or repealed by Council. These rules may be amended, altered, or new rules adopted by a simple majority of the Council members at any meeting of Council on the report of the Laws and Ordinance Committee to which the subject had been referred at a previous meeting.

Rule 4.10 – Suspension of Meeting

The Council may, with a majority vote by YES and No, vote to suspend the meeting in order to preserve order and decorum.

Rule 4.11 – Videotaping

Videotaping of Council meetings shall be under the direction of Council without any form of censorship, excepting the deletion of profanity, obscenity, or any matter unacceptable under FCC regulations.

Rule 4.12 – Procedures Not Included in Rules

In the absence of any rule governing matters of business in either the New Franklin Charter, Rules of Council, or the Statutes of the State of Ohio, Roberts Rules of Order. Revised shall be the standard of parliamentary usage.

SECTION 5 – Public Comment and Questions

Rule 5.1 – Citizens Addressing Council

Individual citizens shall be permitted to address Council at Regular and Special Meetings. This rule shall not pertain to previously set public hearings on specific matters before Council.

Rule 5.2 – Time Allotted

The Public Comment portion of the Meeting shall continue for no longer than forty five (45) minutes. No individual shall be permitted to speak longer than four (4) minutes.

Rule 5.3 – Speaking Roster

Any individual wishing to address Council shall state their name and address. The Clerk shall record that information on a speaker's roster.

Rule 5.4 – Conduct of Speakers

Each speaker must identify himself and shall state the subject of his comments which shall be addressed to the presiding officer. The presiding officer shall have the power to equitably divide the time available among the speakers. All speakers shall observe all rules of decorum. No debate, disrespect or obscenities shall be permitted.

Any person who through words or conduct poses a threat to persons or property, may be ordered removed by a majority vote of Council or order of the Mayor, in addition to any criminal sanctions which might be imposed. Removal shall be by the New Franklin Police Department.

Rule 5.5 – Employee Grievances

No person shall be permitted to speak on any individual City employee grievance problem unless all the City Grievance Procedure Steps have been exhausted by the person involved.

Rule 5.6 – Content

The privilege of public comment shall be used only for purposes of addressing Council on matters it may consider or act upon, and no speaker shall be permitted to address Council on personal or private civil or criminal matters or complaints.

Rule 5.7 – Public Questions and Answers on Issues Raised at Meetings

(A) Pursuant to the provisions of Council Rule 1.8, Citizens are permitted to put questions to Council at regular meetings regarding issues or matters raised or discussed by Council at that meeting.

(B) The questions may be addressed to the Chairperson or to an individual council person, subject to the authority of the Chairperson to preserve proper decorum. The Chairperson may also refer a question to an appropriate committee chair, ward council person or to the administration.

(C) The citizen posing the question may present appropriate follow-up questions but in no event shall the interchange exceed a time limitation of four (4) minutes.

SECTION 6 – Enacting Legislation

Rule 6.1 – Forms of Action by Council

Action of Council shall be by ordinance, resolution or motion. Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among and appointments made by Council members, to provide directions to and to make requests of administrative officers and employees and members of Boards and Commissions, and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section. (New Franklin Charter § 5.01)

Rule 6.2 – Introduction of Ordinances and Resolutions

(A) Any member of Council or the Mayor may introduce any ordinance or resolution, at a regular or special meeting, which shall be in writing or printed form and shall contain a concise title. Zoning ordinances or resolutions may be introduced in the manner as Council may prescribe by ordinance or resolution.

(B) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title, provided that appropriation ordinances may contain the various subjects, accounts and amounts for which monies are appropriated, and that ordinances and resolutions which are codified or re-codified are not subject to the limitation of containing one subject.

(C) All new legislation must be received by the Clerk of Council by 12:00 noon on the Friday preceding the meeting at which it is to be introduced. Legislation received after the time stated above will be deferred until the next regularly scheduled Council meeting unless authorized by Council President.

(D) When legislation is presented to Council, the Clerk of Council shall have copies made and distributed to each Council member.

(New Franklin Charter §§ 5.02 & 5.03)

Rule 6.3 – Number of Readings

Each ordinance and resolution shall be read by title only on three separate days, unless this requirement is dispensed with by a vote of at least two-thirds (2/3) of the members of the Council. Readings shall be by title only, unless a majority of the Council shall request that any ordinance or resolution be read in full. Not less than one (1) copy of each ordinance and resolution shall be available for public inspection at the meetings of the Council at which the ordinance or resolution is considered.

Resolutions of congratulations, commendations, condolences, and the like, which are not a general and permanent nature, may be voted and acted upon at once after one reading.

(New Franklin Charter § 5.04)

Rule 6.4 – Amendments

A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council present and voting on the amendment, and such amendment shall not require additional readings of the ordinance or resolution.

Any ordinance or resolution, or the codified ordinances or resolutions of the Municipality, may be amended by the passage of subsequent ordinances or resolutions that; revise existing sections or parts thereof; enact new or supplemental sections or parts thereto; or repeal existing sections or parts thereof. This Division does not prevent repeals by implication.
(New Franklin Charter § 5.11)

Rule 6.5 – Appropriation of Money

No money shall be appropriated except by ordinance. All ordinances for the appropriation of money, the issue of bonds, the transfer of any money to any fund or the payment of claims shall designate the code number of the funds from which and to which such monies are appropriated or transferred.

Rule 6.6 – Vote Required for Passage

The vote on the questions of passage of each ordinance, resolution and motion shall be taken by a roll call of members to be entered on the Journal, or other record of proceedings of the Council, and none shall be passed without concurrence of a simple majority of the members of Council.

Each emergency ordinance or resolution shall require the affirmative vote of at least two-thirds (2/3) of the members of Council for its enactment. If an emergency ordinance or resolution shall fail to receive the required two-thirds (2/3) affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation.

(New Franklin Charter § 5.06)

All members of Council present shall vote on the question on the call by YES or by NO, the only exception being if the Council member feels he has a personal interest in the matter, at which time it is permissible for him to abstain from voting. Any members, not being excused, who refuses to vote on the question when the YES or NO are taken, shall be guilty of contempt of Council and may for such contempt be censured by a majority vote of Council.

Rule 6.7 Emergency Legislation

Each emergency ordinance or resolution shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for the emergency.

(New Franklin Charter § 5.07)

Rule 6.8 – Legislation Requiring a Public Hearing

No action of Council authorizing

- a) the surrender of joint exercise of any of its powers; or
- b) the granting of any franchise; or
- c) the enticement, amendment, or repeal or any zoning or building resolution or ordinance;
or
- d) an increase of utility rate; or
- e) the changing of any ward boundaries; or
- f) any change in the boundaries of the City,
- g) an implementation or increase in City Income Tax

shall be taken until a public hearing on said action shall have occurred, no later than seven (7) days before final enactment by Council.

Rule 6.9 – Effective Date of Legislation

Each resolution or ordinance providing for

- a) the appropriation of money; or
- b) improvements petitioned for by a majority of the adjacent property to be benefited and specially assessed therefore; or
- c) any emergency resolution or ordinance necessary for the immediate preservation of public peace, health, welfare, or safety,

shall take effect, unless a later date be specified therein, upon its passage and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage over veto by the Mayor, as the case may be.

No other resolution or ordinance shall become effective until thirty (30) days after its passage and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage over veto by the Mayor, as the case may be.

Rule 6.10 – Definition of Majority

For as long as Council shall consist of seven (7) members, a simple majority shall be deemed to be four (4) members, a two-thirds (2/3) majority shall be deemed to be five (5) members, and a three-fourths (3/4) majority shall be deemed to be six (6) members. Should the size of Council be different, the number of votes satisfying these definitions shall be revised appropriately to be consistent with the stated types of majority, providing that the number of votes satisfying each definition shall be different and unique.

(New Franklin Charter § 13.12)

SECTION 7 – General

Rule 7.1 – Access to Information

Any person may visit or telephone the City Administration Office during that office's regular office hours to determine, based on information available at that office, the time and place of regular meetings; the time, place, and purpose of any then known Special Meetings; and the agenda for such meetings as then available.

Rule 7.2 – Council Relationship to Administrative Officers

Neither Council, nor any of its committees, nor any of its several members, shall in any manner take part in the discipline of, give orders to, any subordinates and employees in the administrative service of the City responsible to the Mayor, but must deal directly with the Mayor. Council may inquire into the conduct of any office or department and into the performance of any contract or any of the affairs of the City.

Rule 7.3 – Notifications

Any notification provided herein to be given by the Clerk may be given by any person acting in behalf of or under the authority of the Clerk.

A reasonable attempt at notification shall constitute notification in compliance with these rules. The Clerk shall maintain a record of the date and manner, and time, if pertinent under these Rules, of all actions taken with regard to notices and notifications under these Rules, and shall retain copies of proofs of publication of any notifications or notices published hereunder.