

RULES OF THE COUNCIL, CIRCLEVILLE, OHIO

RULE 1. MEETINGS

- a) **Regular Meetings.** Regular meetings shall be held beginning at 7:00 pm on the first and third Tuesday of each calendar month in Council Chambers, City Hall, Second Floor, 127 South Court Street, Circleville, Ohio or at a special location decided by the President of Council and publicized. When a regular meeting date falls on a holiday, the meeting shall be held the following evening.
- b) **Special Meetings.** The Mayor or any three (3) members of Council may call a special meeting upon at least 24 hours' notice to each member, served personally or left at his or her usual place of residence. (ORC 731.46)

RULE 2. NOTICE OF MEETINGS

Pursuant to ORC 121.22 (F), the 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(s) calling the meeting shall immediately notify the said news media of the time, place, and purpose of the meeting). Any person, upon request to the Clerk, may obtain reasonable advance notification of all meetings in which any specific type of public business is to be discussed.

RULE 3. LEGISLATIVE INFORMATION TO MEMBERS

The clerk of Council shall ensure that copies of any new ordinance or resolution, to be voted upon at any regular meeting of Council, shall be delivered to each member of Council at least 72 hours prior to such meeting. To facilitate this process for regular meetings, all legislation which has been approved as to format by the Law Director or Assistant Law Director, accompanied by 12 copies, shall be placed in the mailbox of the Clerk of Council by the end of the business day on the Thursday immediately prior to the regular Tuesday Council meeting.

RULE 4. QUORUM

A majority (4 votes) 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 request a meeting be called and compel the remaining members to be present. A call of Council cannot be made after voting has commenced.

RULE 5. PRESIDENT OF COUNCIL

The President of Council, or in his absence the President Pro-Tempore, shall act as President when Council meets.

RULE 6. ABSENCE OF PRESIDENT AND PRESIDENT PRO-TEMPORE

In the absence of the President and President Pro-Tempore, the Clerk shall call the Council to order and proceed to call the roll. If a quorum (4 members) is present, the Council shall then appoint one of its members as a President Pro-Tempore. He/she shall preside during the meeting or until the President Pro-Tempore appears. If a quorum (4 members) 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 (4 members), the members present may, by a majority vote, adjourn to meet again at some future time. The clerk shall notify the absent members of the action taken. The President Pro-Tempore may cast one vote during roll call but may not cast a vote creating a tie vote and subsequently cast a vote to break said tie. (ORC 733.09)

RULE 7. RECOGNITION

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

RULE 8. VIOLATION OF RULES

If any member is speaking or otherwise, shall violate any rules of this Council, the President shall, or any member may call him/her to order. If such a member shall be called to order while speaking, he/she shall immediately cease speaking and take his/her seat, unless permitted to explain. The Council President will make the final decision as to whether a member can continue to speak without debate by other members.

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/she shall be at liberty to proceed with his/her speech without leave of Council.

RULE 9. ORDER OF BUSINESS

The standard order of business of Council meetings shall be as follows:

1. Roll call
2. Pledge of Allegiance to the Flag of the United States
3. Invocation
4. Reading & Disposal of Minutes
5. Reports from Council Members and Committee Reports
6. Reports from City Officials
7. Questions for City Officials
8. Public Addresses to Council
9. Communications
10. Readings of Ordinances and Resolutions
11. New Business
12. Adjournment

RULE 10. PUBLIC PARTICIPATION

At any regular or special meeting, any member of the public appearing before Council, shall be limited to five (5) minutes for the presentation of his/her topic or problem. 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 members of the public would like to present opposing views on an issue, each side will be allowed fifteen minutes, for a total of 30 minutes spent on the subject.

If a visitor is questioned by members of Council, the time spent in a 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, may extend the foregoing time limitations relative to audience participation.

RULE 11. READING OF CORRESPONDENCE

Correspondence addressed to Council, the Clerk or the President shall not be read in session, but the Clerk shall summarize the contents of correspondence received at least 72 hours prior to the meeting. Correspondence may be read in its entirety at a Council meeting, if such a motion is made, seconded, and a majority (4 votes) approves in a roll call vote.

RULE 12. DISPOSAL OF SUBJECT MATTER

- a) Any subject matter brought before City Council, with the exception of subject matter defined in Rule 13 b), shall first be directed to the proper Committee or City Official by the President of Council. Said Committee or City Official shall, by the time of the second regular meeting after referral, make a report thereon to Council. If the matter requires considerable time and study for completion, such Committee Chair or City 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.
- b) When announcing an upcoming committee meeting, the Chair shall state the ordinances and other agenda items that are to be discussed at the meeting. Committee meeting agendas are subject to change, however, and may be added to at any time.
- c) As a matter of protocol and courtesy, complaints from members of Council concerning any department of Circleville 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/her right to offer suggestions, observations, or debate on the floor of Council on any issue or matter with civility.

RULES 13. ORDINANCES AND RESOLUTIONS

- a) Ordinances and resolutions dealing with substantive law may be placed upon the Council agenda by 1) Council as a whole; 2) a majority action of the Council Committee to which the specific matter was assigned; 3) The Committee Chair to which the specific matter was assigned. Any items placed on the agenda by the Committee Chair alone may be removed from the agenda by request of the majority of the Committee to which the specific matter was assigned at the first regular Council meeting at which time the item appears on the agenda.

- b) Resolutions not dealing with substantive law may be placed upon the Council agenda by one or more members of Council.
- c) All proposed ordinances or resolutions shall be reviewed and approved as to the format by the Law Director or a duly authorized Assistant Law Director, prior to being placed on the Council agenda.
- d) All proposed ordinances or resolutions, involving expenditure, appropriation, transfer, or obligation of funds must be reviewed by the City Auditor or his/her duly authorized designee, prior to being placed upon the Council agenda. The Council Clerk shall email said ordinances or resolutions to the City Auditor when they are received.
- e) Ordinances and resolutions shall be consecutively numbered and shall be referred to by number, after passage by vote of Council.
- f) All read but unpassed ordinances or resolutions shall, after the first meeting of the newly – elected term of Council, continue on the agenda, unless otherwise ordered by Council.
- g) All requests for action by any non-Council city official must be accompanied by a written explanation at the time this request is presented and must be assigned to a Council Committee before being presented to Council for action.

RULE 14. VOTING REQUIREMENTS FOR PASSAGE

- a) The action of Council shall be by voting on each ordinance or resolution presented. The vote shall be taken by yeas or nays and entered upon the journal.
- b) Each ordinance or resolution shall be read on three different days. The legislative authority may dispense with the three readings rule by a vote of three-fourths (6 votes) of its members.
- c) An ordinance or resolution shall be passed by a vote of at least a majority (4 votes) of all members. (ORC 731.17)
- d) Ordinances and resolutions shall be in effect thirty days after passage. (ORC 705.16)

RULE 15. PASSAGE WITH AN EMERGENCY CLAUSE

- a) Emergency ordinances or resolutions shall be passed by a vote of two-thirds (5 votes) of all members elected to the legislative authority. In addition, the reasons for such necessity shall be set forth in one section of the ordinance or resolution. (ORC 731.30)
- b) An emergency ordinance goes into effect immediately after passage.
- c) With four affirmative votes, the measure will be considered as passed without the emergency clause and take effect thirty 30 days after passage. The council clerk will stamp the ordinance "Passed Without Emergency Clause," with the number of "for" and "against" votes noted.

RULE 16. VOTING

All members of Council should cast a vote on the measure unless forced to abstain due to a conflict of interest. A member of Council may “pass” from voting, however, must cast a vote on the measure when they are again called for a vote after the remaining members of Council have cast their votes.

RULE 17. 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.
- b) Take from the Table. The motion to “take from the table” returns before Council a motion or series of adhering motions that were laid on the table, as defined in 11 (a).
- c) Refer. The subsidiary motion to “refer” (or commit) allows pending legislation to be carefully investigated further by Council Committee, prior to Council’s action.
 - 1. A motion to refer pending legislation to Committee for further study is on order at any time.
 - 2. Referred legislation will return to Council’s agenda for the same reading as when referred, provided that the three-day receipt rule (Rule 3) is met. Suspension of the three-day receipt rule is not permitted for referred legislation when it returns to Council’s agenda.
- d) Recess. The privileged motion to “recess” authorizes a short immediate intermission while neither legislation nor another motion is pending and provides time and opportunity for Council members to discuss a matter prior to a decision being made.
- e) Not to Read Legislation. A main motion “not to read” legislation (an agenda item) requires concurrence of a majority of Council (4 votes) and 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.
- f) Remove legislation from Agenda (See Rule 13 a.) A main motion to “remove legislation from agenda” allows Council to avoid reading legislation for the first time.

RULE 18. MOTION TO AMEND LEGISLATION

- a) An amendment, if duly seconded, is in order. In addition, an amendment to an amendment is in order. However, an amendment to an amendment of an amendment is not 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 in Rule 3 and do not need to be in the hands of Council members three (3) days prior to motion. However, if in the opinion of the President, the considerations of Rule 13 b) or 13 c) apply to a particular amendment, final action will not be taken on the legislation containing said amendment until the Officials set forth in the preceding rules have conducted a new review of the amended legislation.
- d) In terms of readings, amended legislation retains the same status it had prior to amendment, unless, in the opinion of the President, the proposed legislation has been substantially changed by amendment, in which case, it will return to first reading status.

RULE 19. MOTION TO RECONSIDER

A Council member who voted with the prevailing side may move for reconsideration of the 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 20. EXECUTIVE SESSION

Council or a Committee thereof may meet in executive session at a regular or special meeting by using the procedures in Ohio Revised Code section 121.22 and for the sole purpose of consideration of any applicable matter as specified in the section. The motion may designate other persons to attend. Only persons designated shall be present with Council in executive session.

RULE 21. MOTION TO ADJOURN

A motion to adjourn shall always be in order unless the Council is engaged in voting or unless a 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 22. COMMITTEE APPOINTMENTS

At the first regular or special meetings of each newly elected Council, the president shall appoint the standing Committees and designate a Chair for each. Special Committees may be appointed at the discretion of the President. All members of Council, even if not serving on the Finance Committee, shall be able to participate and have a vote in the annual budget process including the recommendation of a final budget ordinance for the expenditure of all City funds.

RULES 23. EX-OFFICIO MEMBER OF COUNCIL COMMITTEES

The President of Council is to be ex-officio (by virtue of office) a member of all Council Committees. By this privilege, the President has all the rights extended to the members of each Committee. The President is not obligated to attend Committee meetings and is not counted in the quorum. However, it is the duty of the Committee Chair to notify the President of each Committee meeting.

RULE 24. BOARD AND COMMISSION APPOINTMENTS

Appointments to the Circleville Tree Commission, the Board of Zoning Appeals, the Historic Review Board, the Downtown Redevelopment District Board, the Circleville-Pickaway Lease Oversight Board, and the Joint Economic Development District Board are nominated and approved by City Council. In addition, the Ohio Revised Code requires Council to appoint individuals to certain boards and commissions. Mayoral appointments to the Pickaway County Board of Health require a majority vote for confirmation by City Council.

Procedure for Council's Board and Commission appointments:

1. Clerk records date that application is received, then forwards application to Council President and appropriate Committee Chairperson.
2. Within two weeks the Committee Chairperson completes the following steps:
 - a. Verifies the address of the applicant's residence.
 - b. Checks criteria specific to the relevant board.
 - c. Verifies community experience with references if possible.
 - d. Checks for conflicts of interest or ethical concerns.
 - e. Interviews applicant by phone or in person and invites them to the next committee meeting.
3. Applicant attends appropriate committee meeting to meet and receive questions from other committee members. If approved, committee motions to forward the application to the next Council meeting with a recommendation for approval.
4. At the next Council meeting, application is considered under New Business and voted on by Council.
5. If more applications are received than board or commission seats are available, in step e. the Committee Chairperson invites the applicants to the next Council meeting. The applicants will be interviewed by Council members, who may then go into executive session to discuss the applicants. Council will reach a consensus, then come back into open session for a vote to confirm the chosen candidate(s).
6. The process from receipt of an application to serve on a Board or Commission to the Council meeting where the application is voted on should be completed within 60 days.

RULE 25. 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 26. CHANGE OF RULES

These rules or any portion of them may be suspended at any meeting of Council by a vote of three-fourths (5 votes) of the members elected. A vote on all amendments to these rules shall be taken at the third of three successive regular meetings at which the amendments are considered by Council. All amendments or additions shall require a majority of all members of Council (4 votes) for passage.