City of Port Clinton, Ohio

Rules of Council

Adopted January 26, 2021

Margaret Phillips

Gabe Below

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Rule 1. Duties of the President of Council

(a) The **President of Council** shall preside at all regular and special meetings of Council but shall have no vote except in case of a tie, in which case the President shall have the power to vote and the vote shall have the same legal effect as a vote of a Member of Council, or, she may refuse to vote.

(b) The Presiding Officer shall call the meeting to order at the appointed time, announce the business before Council in its proper order, and state and put all questions properly brought before Council. The Presiding Officer shall, in common with any other Member, call any member who shall violate any of the rules, and shall decide all questions of order, subject to an appeal to the Council, on demand of a Member, on which appeal there shall be no debate, but the member making appeal may briefly state his or her reasons for the same.

(c) The Presiding Officer shall avoid any appearance of partisanship on any question. His or her function is solely to see that the business properly brought before Council is conducted in an orderly manner and that the Members of Council observe the rules of procedure adopted by Council.

(d) Seating in the Council Chambers shall be arranged by the President of Council and all members of Council shall occupy said seats at the beginning of their term.

(e) In the absence of the President of Council, the President Pro-Tem shall preside.

Rule 2. Election and Duties of the President Pro-Tem and Clerk

(a) The Members of Council shall, no later than the adjournment of the first regular meeting after the commencement of the term of office of the President of Council, organize the election of a President Pro-Tem, who shall be elected for a term of two years; and the election of a Clerk of Council, who shall be elected for a term of four years.

(b) The **President Pro-Tem** shall preside in the absence of the President of Council and shall have the same power to debate and vote as other members of Council. In the event that the President Pro-Tem is to act on behalf of the President of Council and the President Pro-Tem is not present, the first Chair of the following committees that is present will serve as acting President Pro-Tem: Finance, Environment & Public Works, Safety Services, Economic & Community Development, Arts & Culture.

(c) The **Clerk of Council** shall attend all Council meetings, regular and special, call the roll and record the vote at each meeting, enter in the minutes the names of the Members present at the meeting, record all proceedings in the minutes, maintain the meeting minutes, prepare an agenda for every meeting with the approval of the President of Council, attend to all correspondence incidental to the office, attend to the codification of the ordinances, according to the system employed by the City, attend public records training, maintain the permanent records of Council, and perform such other duties as may be assigned by a majority vote of Council, or as required by law. In the absence of the Clerk, the Chair shall appoint an Acting Clerk. All petitions, ordinances, and resolutions are strongly encouraged be filed with the Clerk not later than noon on the Thursday preceding the Council meeting day in order to be included in the agenda of said meeting. The Clerk shall only accept petitions, ordinances, and resolutions that include a memorandum summarizing the item to be placed on the agenda. An acceptable memorandum shall include (1) a short title of the item, (2) the city official who submitted the item, (3) a concise paragraph providing background information, (4) budgetary information, and (5) the action requested of Council. Memorandum language shall be original and informative for both Council and the public, and not duplicated or copied directly from legislative text of the ordinance or resolution. The memorandum shall accompany the corresponding ordinance or resolution upon circulation. Matters not filed with the Clerk shall not be included in the agenda, unless leave for immediate consideration is granted by the President of Council or majority vote of the members present at the regular meeting.

Rule 3. Majority and Quorum

(a) Whenever the term "majority" is used, unless otherwise expressly indicated, it shall be held to mean a majority of those members elected to Council, or four (4) of the seven (7) Members.

(b) A majority of all the Members of Council elected shall constitute a quorum, but a less number may adjourn from day-to-day and compel the attendance of absent members in such manner and under such penalties as are prescribed by law.

Rule 4. Meetings

(a) **Regular meetings** of Council shall be held in the Linda Hartlaub Council Chambers at 7:30 PM on the second and fourth Tuesday of each month. Whenever the date or the hour of a regular meeting falls on a legal holiday or other date that may conflict with the availability of majority of all the Members of Council or the general public, Council may, by majority vote, change the date and the hour of such meeting. Council may, by majority vote, change the location of a meeting if Council determines that conducting a meeting at an alternate venue serves a public purpose. Any change in the meeting date, time, or location shall be in accordance with the "Rules for Notification of Meetings to the Public and the News Media" and shall be the responsibility of the Clerk.

(b) **Special meetings** of Council shall be held as may be found necessary, which may be called by the Clerk upon the written request of the Mayor or upon the written request of three (3) Members of Council. Any such request shall state the subject or subjects to be considered at such meeting, and no other subject or subjects shall be considered. Twenty-four (24) hours notice in writing of such special meeting shall be given to each member of Council and the President of Council by personal service, by mail at their usual place of residence or city email. Any special meeting shall be called in accordance with the "Rules for Notification of Meetings to the Public and the News Media" and shall be the responsibility of the Clerk.

(c) **Committee meetings** shall be held as may be found necessary, which may be called at the discretion of the Committee Chair. Any committee meeting shall be called in accordance with the "Rules for Notification of Meetings to the Public and the News Media" and shall be the responsibility of the Clerk upon notification by the Committee Chair. Each Committee shall hold at least 12 committee meetings each calendar year. This requirement shall be waived during circumstances described in Rule 4 (d).

(d) **Meetings of Council and committees during a declared state of emergency by the Governor of Ohio** may be conducted remotely with the aid of internet or telephone as provided by state law. The President of Council shall determine the physical location or electronic method by which all meetings of Council will take place during the state of emergency. The President of Council may change the date and hour of regular meetings of Council, with the written agreement of two (2) Members of Council. Any change in the meeting date, time, or location shall be in accordance with the "Rules for Notification of Meetings to the Public and the News Media" and shall be the responsibility of the Clerk. Special meetings of Council shall be held as may be found necessary, and shall be called in the same manner as described in Rule 4 (b). The President of Council shall determine the physical location of the special meeting of Council, or electronic method by which the special meeting of Council will take place, during

the state of emergency. In the absence of the President of Council, the President Pro-Tem shall have the same authority as the President of Council during the state of emergency.

Rule 5. Schedule of Business

(a) The business of Council shall be conducted in accordance with the agenda attached hereto as Exhibit A.

(b) Public comment shall be conducted in accordance with the standards attached hereto as Exhibit B.

Rule 6. Member Duties and Privileges

(a) Members, when about to speak on a question or make a motion, shall address the Chair as "Madam President" or "Mrs. Chairman" or "Madam Chair," who shall state the name of the Member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid personalities.

(b) Any Member of Council may yield the floor during the meeting to allow visitors to make remarks concerning legislation or business then on the floor. Visitors are subject to a five (5)-minute speaking limit. Visitors may speak more than once but may not speak on a particular topic more than once or over five (5) minutes.

Rule 7. Business from the Floor

(a) When a motion is made by a Member of Council, it shall be stated by the Presiding Officer before discussion. Unless otherwise required by law, a motion shall be deemed passed if it receives the affirmative vote of a majority of the Members present, including the Chair if entitled to vote thereon.

(b) Three-fourths affirmative vote of all Members elected to Council, or six votes, shall be required to suspend the rules for the reading of legislation on three (3) separate days. The wording of a motion to suspend the rules shall be as follows: "I move to waive the three required readings of Ordinance ____." The motion is to be seconded and followed by a roll call vote. This motion is followed by a motion to adopt or such other motion as may be appropriate.

(c) Two-thirds affirmative vote of all Members elected to Council, or five votes, shall be required to pass emergency measures. The wording of a motion to retain the emergency clause shall be as follows: "I move to retain the emergency clause in Ordinance ____." The motion is to be seconded and followed by a roll call vote.

(d) The Presiding Officer shall declare the vote on all matters before Council, after the Clerk has announced the number of votes on each side, and declare the whether the motion passed or failed. A "pass" vote and an abstention will be counted with the majority.

Rule 8. Committees of Council

(a) The five (5) Committees of Council shall be Finance; Environment & Public Works; Safety Services; Economic & Community Development; Arts & Culture.

(b) **Finance Committee** shall have jurisdiction over revenue measures including taxation and fees, spending, contracts, and other budget matters impacting City services and employment. **Environment & Public Works Committee** shall have jurisdiction over street, sewer, water, parks, cemeteries, and related city services and projects. **Safety Services Committee** shall have jurisdiction over police, fire, and emergency medical services (EMS) services, and related state and federal partnerships and projects. **Economic & Community Development Committee** shall have jurisdiction over zoning, planning, incentive programs, county and state partnerships and projects, Chamber of Commerce/Main Street membership. **Arts & Culture Committee** shall have jurisdiction over city efforts to support and supplement non-governmental organizations' activities in said sector.

(c) **The five (5) Committee Chairs shall be Finance, Gabe Below; Environment & Public Works, Roseann Hickman; Safety Services, Margaret Phillips; Economic & Community Development, Gabe Below; Arts & Culture, Beth Gillman.**

(d) The Committees and all appointments of Committee Chairs by the President of Council, except such as are permitted by law to certain officials, shall be subject to the approval of a majority of all the elected Members of Council. Committee Chairs may select Members of Council to serve on said committees, with no more than three (3) Members comprising a single committee.

(e) A majority of the members of a Committee shall constitute a quorum.

(f) Committees shall meet as may be found necessary, at the discretion of the Committee Chair. Each Committee shall hold 12 committee meetings per calendar year. This requirement shall be waived during circumstances described in Rule 4 (d).

(g) Each committee shall keep the minutes and record the proceedings of the committee. Upon the conclusion of each committee meeting, the committee shall prepare minutes of the meeting and shall submit such minutes to the Clerk of Council for distribution to Council and for filing with the permanent records of Council.

(h) Since most matters coming before Council require some investigation and thoughtful deliberation, the President of Council shall refer such items to Committees for consideration and report. The Committees may then call meetings of their members and make such

investigation as they deem necessary. Committees shall report their findings and results of committee consideration. Committee recommendations must be submitted in writing and presented to the Clerk of Council and President of Council on or before the final reading of legislation to which they pertain. Committee Chairs may announce committee recommendations as to legislation any time after the first reading of the legislation.

(i) When any ordinance, resolution, petition or other matter has been referred to a committee, and said committee to which such has been referred fails, within a reasonable time, to report, or to offer a valid reason for its failure to report, any member of Council shall have the right to make a motion that such ordinance, resolution, petition, or matter be taken from the committee to which such matter has been referred, and, that the same be laid before Council for action. Such motion shall be decided without debate, provided that the member making the motion may state his or her reasons briefly for the motion.

Rule 9. Absence from Meetings

(a) Council shall determine its own rules and keep a record of its proceedings. Council may punish or expel any member for disorderly conduct in Council or a violation of its rules and declare a seat vacant for absence without valid excuse where such absence has continued for two months. No expulsion shall take place without the concurrence of two thirds of all the Members elected, and until the delinquent member has been notified of the charge against him or her and has had an opportunity to be heard.

(b) No Member of Council shall be excused from attendance at a Council meeting without notification to the President of Council or the Clerk prior to such meeting, or by a vote of a majority of the Members present.

(c) No Member shall be excused while Council is in session except upon permission of the Chair.

Rule 10. Notification of Meetings to the Public and News Media

This Council has adopted the following Rule, pursuant to Sec. 121.22(f), R.C., for the purposes of (a) establishing a reasonable method for any person to determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings, (b) making provisions for giving advance notice of special meetings to the news media that have requested notification, and (c) making provisions for persons to request and obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. These Rules apply to each Municipal Body, as defined in Article I, of this City, and are in addition to any applicable legal requirements as to notices to members of a Municipal Body or to others in connection with specific meetings or specific subject matters.

ARTICLE 1. Definitions

As used in these Rules:

Section 1.01. "Clerk" means the Clerk of Council

Section 1.02. "Day" means calendar day

Section 1.03. "Meeting" means any prearranged discussion of the public business of the Municipal Body by a majority of the members of the Municipal Body.

Section 1.04. "Municipal Body" means each of the following:
Council, Board of Control, Assessment Equalization Boards, Planning Commission, Board of Zoning Appeals, Civil Service Commission, and committees of the above Municipal Bodies comprised of members of such Bodies if such committees (I) are comprised of a majority of the members of the main Municipal Body, or (ii) are decision-making committees.

Section 1.05. "Oral Notification" means notification given orally either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone, at the telephone number of such person as shown on the records kept by the Clerk under these Rules.

Section 1.06. "Post" means to post in an area accessible to the public during the usual business hours at the office of the Clerk, City Hall, 1868 E. Perry Street, Port Clinton, Ohio. A notice identifying the locations at which notifications will be posted pursuant to these Rules shall be published by the Clerk within ten (10) calendar days after the adoption of these Rules.

Section 1.07. "Published" means published once in a newspaper having a general circulation in the municipality, as defined in Section 7.12, R.C., except that no portion of such newspaper need be printed in the municipality. If at the time of any such publication there is no such newspaper

of general circulation, then such publication shall be in a newspaper then determined by the Clerk to have the largest circulation in the municipality.

Section 1.08. "Special Meeting" means a meeting which is neither a regular meeting nor an adjournment of a regular (or special) meeting to another time or day to consider items specifically stated on the original agenda of such regular (or special) meeting.

Section 1.09. "Written Notification" means notification in writing mailed, telegraphed, faxed, email or delivered to the address of the person for whom such notification is intended as shown on the records kept by the Clerk under these Rules, or in any way delivered to such person. If mailed, such notification shall be mailed by first class mail, deposited in a U.S. Postal Service mailbox no later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.

ARTICLE 2. Notice of Regular and Organizational Meetings

Section 2.01. The Clerk shall post a statement of the time(s) and place(s) of regular meetings of each Municipal Body for each calendar year not later than the second day preceding the day of the first regular meeting (other than the organizational meeting) of the calendar year of that Municipal Body. The Clerk shall check at reasonable intervals to ensure that such statement remains so posted during such calendar year. If at any time during the calendar year the time or place of regular meetings, or of any regular meeting, is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meeting(s) shall be so posted by the Clerk at least twenty-four (24) hours before the time of the first changed regular meeting.

Section 2.02. The Clerk shall post a statement of the time and place of any organizational meeting of a Municipal Body at least twenty-four (24) hours before the time of such organizational meeting.

Section 2.03. Upon the adjournment of any regular or special meeting to another day, the Clerk shall promptly post notice of the time and place of such adjourned meeting.

Section 2.04. In addition to the posting of the statements as provided in Sections 2.01 and 2.02, the Clerk shall cause to be published once a statement of time(s) and place(s) of regular meetings for the calendar year of each Municipal Body, a statement of the time and place of any changed regular meetings, and a statement of the time and place of any organizational meeting of a Municipal Body. Such publication shall occur no later than the day preceding the day of the first such regular meeting of the calendar year, the day preceding the day of the first changed regular meeting, and the day preceding the day of any such organizational meeting, as the case may be.

ARTICLE 3. Notice of Special Meetings

Section 3.01. Except in the case of a special meeting referred to in Section 4.04, the Clerk shall, no later than twenty-four (24) hours before the time of a special meeting of a Municipal Body, post a statement of the time, place and purpose(s) of such special meeting.

Section 3.02. The statement under this Article 3 and the notifications under Article 4 shall state such specific or general purpose or purposes then known to the Clerk to be intended to be considered at such special meeting and may state, as an additional general purpose, that any other business as may properly come before such Municipal Body at such meeting may be considered and acted upon.

ARTICLE 4. Notice to News Media of Special Meetings

Section 4.01. Any news medium organization that desires to be given advance notification of special meetings of a Municipal Body shall file with the Clerk a written request therefore. Except in the event of an emergency requiring immediate official action as referred to in Section 4.04, a special meeting shall not be held unless at least twenty-four (24) hours advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification in accordance with Section 4.02.

Section 4.02. News media requests for such advance notification of special meetings shall specify: the Municipal Body that is the subject of such request; the name of the medium; the name and address of the person to whom written notifications to the medium may be mailed, telegraphed, faxed, or delivered; (and) the names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given. Any such request shall be effective for one year from the date of filing with the Clerk or until the Clerk receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects and such request may be conclusively relied on by the Municipal Body that is the subject of such request, and the Clerk.

Section 4.03. The Clerk shall give such oral notification or written notification, or both, as the Clerk determines, to the news media that have requested such advance notification in accordance with Section 4.02, of the time, place and purposes of each special meeting, at least twenty-four (24) hours prior to the time of such special meeting.

Section 4.04. In the event of an emergency requiring immediate official action, a special meeting may be held without giving twenty-four (24) hours advance notification thereof to the requesting news media. The persons calling such meeting, or any one or more of such persons, or the Clerk on their behalf, shall immediately give oral notification or written notification, or both, as the person or persons giving such notification determine, of the time, place and purposes of such special meeting to such news media that have requested such advance notification in accordance

with Section 4.02. The minutes or the call, or both, of any such special meeting shall state the general nature of the emergency requiring immediate official action.

ARTICLE 5. Notification of Discussion of Specific Types of Public Business

Section 5.01. Any person, upon written request and as provided herein, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed.

Such person may file a written request with the Clerk specifying: the person's name and the address (es) and telephone number(s) at or through which the person can be reached during and outside of business hours; the specific type of public business the discussion of which the person is requesting advance notification; the Municipal Body that is the subject of such request; and the number of calendar months (not to exceed twelve) which the request covers. Such request may be cancelled by request from such person to the Clerk.

Each such written request must be accompanied by cash, or a check, or money order payable to the City in the amount of $24.00 for the year covered by the request, which amount has been determined by the Council to represent a reasonable fee to cover costs of providing such advance notification.

Such request may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects and such request may be conclusively relied on by the Municipal Body that is the subject of such request, and the Clerk.

Section 5.02. The Clerk shall give such advance notification under this Article 5 by written notification, or by oral notification, or both, as the Clerk determines. The contents of written notification under this Section 5.02 may be a copy of the agenda of the meeting. Written notification under this Section may be accomplished by giving advance written notification, by copies of the agendas of all meetings of the Municipal Body that is the subject of such request.

ARTICLE 6. General

Section 6.01. Any person may visit or telephone the office of the Clerk 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 purposes of any then known special meetings; and whether the available agenda of any such future meetings states that any specific type of public business, identified by such person, is to be discussed at such meeting.

Section 6.02. 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.

Section 6.03. A reasonable attempt at notification shall constitute notification in compliance with these Rules.

Section 6.04. At the commencement of each meeting, the Clerk or a member of the Municipal Body shall submit a certificate of the Clerk as to compliance with these Rules as to notice and notification. (Such certificate shall be conclusive upon the City and the Municipal Body involved as to the facts set forth therein.) (Such certificate shall be conclusive evidence as to the facts set forth therein, upon which all persons can rely that these Rules have been complied with.)

Section 6.05. The Clerk shall maintain a record of the date and manner, and time if pertinent under this Rule, of all actions taken with regard to notices and notifications under Articles 3, 4 and 5 of this Rule, and shall retain copies of the notices delivered to the news media for publication.

CERTIFICATION

Rules of Council shall take effect and be in force from and after the earliest period allowed by law.

Passed: January 26, 2021

_____
President of Council

Attest: _____
Clerk of Council

Approved _____, 2021

CERTIFICATION

Rules of Council shall take effect and be in force from and after the earliest period allowed by law.

Passed: January 26, 2021

Lisa A. Sarty
President of Council

Attest: Sandra Catherwin
Clerk of Council

Approved January 26, 2021

EXHIBIT A

PORT CLINTON CITY COUNCIL
REGULAR MEETING AGENDA
(Date)

PLEDGE OF ALLEGIANCE

LORD'S PRAYER

ROLL CALL

APPROVAL OF MINUTES

CERTIFICATION OF CLERK

GUEST PRESENTATION *Guests may be invited by Members of Council or Executive officers with approval of the President of Council*

PUBLIC COMMENT *Members of the public shall provide in writing name and address for the record*

EXECUTIVE OFFICER REPORTS

- **PRESIDENT OF COUNCIL**
- **MAYOR**
- **AUDITOR**
- **TREASURER**
- **LAW DIRECTOR**

SUPERVISOR REPORTS

COMMITTEE REPORTS

CORRESPONDENCE

THIRD READING OF ORDINANCES AND RESOLUTIONS

SECOND READING OF ORDINANCES AND RESOLUTIONS

FIRST READING OF ORDINANCES AND RESOLUTIONS

BUSINESS FROM THE FLOOR *Motions and debate by Members of Council*

Meeting, event, service announcements by Members of Council

ANNOUNCEMENTS

ADJOURNMENT

EXHIBIT B

PORT CLINTON CITY COUNCIL
STANDARDS FOR PUBLIC COMMENT

1. Members of the public must provide in writing their name and address for the record.

2. Members of the public shall be subject to a five-minute time limit, unless the rule is waived by the President of Council or a majority of Members of Council present.

3. There shall be no debate on political issues or candidates appearing on election ballots. Candidates and issue campaign representatives may introduce themselves and speak briefly, subject to the same five-minute time limit.