



# CLEVELAND HEIGHTS

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**Council Committee of the Whole**  
**Monday, January 24, 2022**  
**6:30 p.m.**  
**City Hall – Council Chambers**

## **Public Hearing Agenda**

1. **Subject:** *An Ordinance to require that a public activity park be created on 1.07 acres of city-owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, Ohio*, submitted by a committee of electors of the City of Cleveland Heights consisting of Ralph Solonitz, Garry Kanter, Lee Barbee, Albert Oberst and Frances Mentch.
2. Discussion of Initiative Petition and Process
  - a. Committee of the Whole Recommendation to Council – must be provided on or before February 7, 2022 regular meeting of Council
  - b. Next steps for Council

**Council Retreat**  
**Monday, January 24<sup>th</sup> 9 am – 1 pm**

9:00 – 10:30 VISION (What do we want our city to be like in 2-4 years?)

- a. Population – level, diversity, income level, other
- b. Housing stock mix and quality, enforcement
- c. Economic development
- d. Responsiveness
- e. Amenities
- f. Public Services
- g. Community events
- h. Public safety
- i. Sustainability – at city hall, in the city
- j. Government
- k. Regionalization/Partnerships
- l. Economic opportunity
- m. People's view of the community
- n. Other

10:30 – 12:00 GOALS/STRATEGIES/OBJECTIVES TO FULFILL VISION

- a. Changes that may be needed
  - i. To existing ordinances needed to achieve vision
  - ii. To marketing needed to achieve vision
  - iii. To staffing needed to achieve vision
  - iv. Other – coordination with Mayor/Administration
- b. Steps/Pacing/Timing of changes (What goes in what years and what order/priorities)
- c. Year 1 Objectives (Smart, Measurable, Accountability, Results Oriented, Timely)
  - i. Legislation to pass
  - ii. Administrative – steps to advocate
  - iii. Other
- d. Tracking our progress
- e. Establish any task assignments/follow-up/next steps

12:00 – 12:20 How we work together to get the work done

12:20 – 1:00 COUNCIL RULES

- a. Legislative
- b. Decorum and respect
- c. Staff interactions (Charter provisions addressing this)
- d. Committees (scheduled meeting)
- e. Public events
- f. Use of city proprietary property (logos, etc.)
- g. Other

ADJOURN

# **TITLE THREE - Legislative**

Chap. 111. Council.

## **CHAPTER 111**

### **Council**

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- 111.01 Regular meetings.
- 111.02 Special meetings.
- 111.03 Emergency meetings.
- 111.04 Quorum.
- 111.05 Adjournment.
- 111.06 Meetings and records are public.
- 111.07 Organization.
- 111.08 President.
- 111.09 Absence of President.
- 111.10 Clerk.
- 111.11 Committees.
- 111.12 Business of Council.
- 111.13 Action of Council.
- 111.131 Consent agenda.
- 111.14 Enacting clause of ordinances or resolutions.
- 111.15 Subject and title of ordinances and resolutions.
- 111.16 Preparation of ordinances and resolutions.
- 111.17 Reference of proposed ordinances and resolutions to committee.
- 111.18 Amendments.
- 111.19 Required number of copies of proposed legislation.
- 111.20 Reading of ordinances and suspension of rules.
- 111.21 Voting.
- 111.22 Authentication of ordinances and resolutions.
- 111.23 Publication of ordinances and resolutions.
- 111.24 Robert's Rules of Order.
- 111.25 Amendments of rules.
- 111.26 Dispensation of rules.
- 111.27 Exception to majority vote.
- 111.28 Resignations.
- 111.29 Codification of ordinances.
- 111.30 Authorized expense expenditures.

#### **CROSS REFERENCES**

**Organization and general provisions - see CHTR. Art. III**

**Powers of Council - see Ohio R.C. 731.05, 731.47**

**Ordinances and resolutions - see Ohio R.C. 731.17 et seq.**

**Public meetings - see ADM. Ch. 107**

**111.01 REGULAR MEETINGS.**

Regular meetings of Council shall be held in the City Hall on the first and third Mondays of each month, at 7:30 p.m., except when any such Monday is on a legal holiday, Council shall meet in regular session on the following day without taking further action.

Council, by motion duly adopted, may authorize a change in the regular meeting schedule set forth above. Council, by motion duly adopted, may authorize a meeting of Council at some other public building located within the City of Cleveland Heights. Any such changes may be noticed under either Section 107.02(a) or Section 107.02(b).

(Ord. 37-2016. Passed 5-16-16.)

**111.02 SPECIAL MEETINGS.**

A special meeting of Council may be called by the President of Council or by any two (2) members thereof, or by the Mayor, upon at least twenty-four (24) hours personal telephone notice or by written notice served personally upon each member or left at his usual place of residence. Such notice shall state the subjects to be considered at the special meeting and no other subject shall be considered at that meeting, unless all members are in attendance and give unanimous consent to the consideration of other matters at such special meeting.

Special meetings may also be called by a majority vote by a resolution passed at any regular meeting, and an absentee at such regular meeting shall be notified thereof as hereinbefore provided. (A.O.; Ord. Passed .)

**111.03 EMERGENCY MEETINGS.**

In the event of an emergency requiring immediate official action, an emergency meeting of Council may be called by the President of Council or by any two (2) members thereof, or by the Mayor, upon at least four (4) hours personal telephone notice or by written notice served personally upon each member or left at his usual place of residence. Such notice shall state the subjects to be considered at the emergency meetings, and no other subject shall be considered at that meeting. (A.O.; Ord. Passed .)

**111.04 QUORUM.**

Four (4) members shall constitute a quorum of Council to do business and a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

(Ord. 2400. Passed 1-3-22.)

**111.05 ADJOURNMENT.**

By resolution concurred in by a majority of all members of Council present, any meeting may be adjourned to a later date prior to the date of the next regular Council meeting. The adjourned meeting shall be considered a special meeting, and public notice thereof shall be given pursuant to Section 107.02(b). Any absentee member of Council shall be notified personally, by telephone or by written notice, served personally or at his regular place of residence, at least twenty-four (24) hours prior to the date and hour of the adjourned meeting.

**111.06 MEETINGS AND RECORDS ARE PUBLIC.**

Except as otherwise provided in the Codified Ordinances, all meetings of Council shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times.

**111.07 ORGANIZATION.**

At its first regular Council meeting in January following each municipal election, Council shall organize and, by vote of at least four (4) members thereof, shall elect one (1) of its members as President and another as Vice President to serve for a period of two (2) years thereafter. If a vacancy occurs or if Council determines by at least four (4) members that the President or Vice President is unable to fulfill the duties of his respective office, Council shall immediately proceed to elect one (1) of its members to serve in such office.

**111.08 PRESIDENT.**

The President shall preside at all meetings of Council and shall have a voice and vote in its proceedings but no veto. He shall preserve order and decorum, prevent personal reflection and confine members in debate to the question. He may, in common with any other member, call any member to order who violates any of the rules, and when in the chair, shall decide all questions of order subject to an appeal to Council on demand of two (2) members. On such appeal there shall be no debate but each member making the appeal may briefly state his reason for the same and the presiding officer shall have the same right to a similar brief statement.

(Ord. 2400. Passed 1-3-22.)

**111.09 ABSENCE OF PRESIDENT.**

In the absence of the President, the Vice President shall discharge the duties and be clothed with all the powers of the President. In the absence of both the President and Vice President, the Councilmen present may choose one (1) of their members as President pro tem., who during such absence, shall discharge the duties and be clothed with all the powers of the President.

(Ord. 2400. Passed 1-3-22.)

**111.10 CLERK.**

The Clerk of Council shall keep its records and perform such other duties as may be required by ordinance or resolution.

(Ord. 2400. Passed 1-3-22.)

## 111.11 COMMITTEES.

Council may provide from time to time by resolution for such standing and special committees as the business of Council may require. The President, by virtue of his office, shall be a member and chairman of all committees whenever he attends their meetings and desires to so act. In the absence of provision to the contrary, the President shall appoint members of the committees and the member first named shall act as chairman of the committee when the President does not attend and act. A majority of the appointed members shall constitute a quorum. Vacancies in committee membership shall be filled by like appointment.

(Ord. 24-1949. Passed 3-21-49.)

## 111.12 BUSINESS OF COUNCIL.

The business of all regular meetings of Council shall include the following:

## Roll call.

#### Reading and disposal of journal.

## Reports and communications from the Mayor, City Administrator, and Department Heads.

### Communications from residents.

## Reports of committees.

### Approval of Consent Agenda.

#### Consideration of ordinances, resolutions, and motions not part of the Consent Agenda.

### Miscellaneous business.

(Ord. 24-2020, Passed 3-16-20; Ord. Passed .)

## 111.13 ACTION OF COUNCIL.

Council shall act by ordinance or resolution duly adopted at a regular, special or emergency meeting. Each ordinance, resolution and motion shall require the concurrence of at least four (4) members of Council for its passage or adoption. The vote upon its passage or adoption shall be taken by voice vote, and the vote of each member shall be individually entered on the journal, except that the presiding officer may require a roll call vote at his or her discretion. Further, a roll call vote shall be required whenever the vote is not unanimous, or for any motion to adjourn into executive session, or upon the request of any member of Council or the Clerk of Council, or when otherwise required by the Codified Ordinances or general law. In the event of a roll call vote, the vote taken by the "ayes" and "nays" shall be entered upon the journal.

(Ord. 50-2020. Passed 6-1-20.)

## 111.131 CONSENT AGENDA

The agenda at any regular meeting of Council may include a Consent Agenda. The Consent Agenda may consist of ordinances and resolutions, acceptance of property and dedications, easement agreements, and such other items as Council determines. The Consent Agenda shall not include those items which impose a tax or propose a levy or question for popular consideration on the ballot or which would be prohibited by the City Charter or Ordinances. Any member of Council, for any reason, may request that an item on the Consent Agenda be removed, and if such request is made, the item shall be removed and placed on the regular agenda without discussion on that request. Action on any item on the consent portion of the agenda shall not eliminate the need for a greater majority vote if one is called for by the Charter or these Codified Ordinances. Action upon the Consent Agenda will require two motions: the first to suspend the rules under Chapter 111 of the Codified Ordinances of the City of Cleveland Heights, and a second for approval or adoption of the items within the Consent Agenda. A vote upon adoption of the Consent Agenda operates as to all items on the Consent Agenda at the time the motion to approve or adopt is made. (Ord. 24-2020. Passed 3-16-20.)

#### **111.14 ENACTING CLAUSE OF ORDINANCES OR RESOLUTIONS.**

The enacting clause of all ordinances and resolutions passed by Council shall be "Be it ordained (resolved) by the Council of the City of Cleveland Heights, Ohio". The enacting clause of all ordinances submitted to popular election by the initiative

shall be "Be it ordained by the People of the City of Cleveland Heights, Ohio". (Ord. 2400. Passed 1-3-22.)

#### **111.15 SUBJECT AND TITLE OF ORDINANCES AND RESOLUTIONS.**

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one (1) subject which shall be clearly stated in the title. However, related subjects may be grouped in one (1) ordinance or resolution and the legislation relating to the installation of public improvements in different streets may be consolidated so that the various ordinances and resolutions in connection therewith may contain provisions for all of the streets. General appropriation ordinances may contain the various subjects and accounts for which money is to be appropriated. (Ord. 2400. Passed 1-3-22.)

#### **111.16 PREPARATION OF ORDINANCES AND RESOLUTIONS.**

The Director of Law, upon the request of any member, shall draft the form of any proposed legislation desired by such member, and any legislation not prepared by the Director of Law shall be referred to him for approval as to form and have his approval endorsed thereon before adoption. Each resolution or ordinance when introduced shall have the name of the member introducing the same endorsed thereon and have a number assigned to it by the Clerk of Council and shall thereafter be referred to by number.

(Ord. 40-1950. Passed 6-5-50.)

#### **111.17 REFERENCE OF PROPOSED ORDINANCES AND RESOLUTIONS TO COMMITTEE.**

Each resolution or ordinance upon introduction shall be referred to the appropriate committee or committees by the presiding officer and, except in an emergency, no resolution or ordinance shall be acted upon by Council until it has been so referred and reported upon by such committee or committees.

(Ord. 40-1950. Passed 6-5-50.)

#### **111.18 AMENDMENTS.**

No resolution or ordinance shall be changed or altered by a committee, but any committee may recommend in writing either amendments or a substitute resolution or ordinance and any member of Council may, at any time, introduce in writing an amendment to or substitute for a pending piece of legislation which shall be subject to the same approval as to form by the Director of Law as legislation originally introduced.

(Ord. 40-1950. Passed 6-5-50.)

#### **111.19 REQUIRED NUMBER OF COPIES OF PROPOSED LEGISLATION.**

Legislation when introduced and any amendment or substitute therefor shall be submitted in at least three (3) copies, one (1) of which shall be filed with the presiding officer, one (1) with the Clerk of Council and one (1) with the Director of Law and it shall be the duty of the Clerk of Council to furnish sufficient copies for the consideration of Council and its committees. Upon adoption, all legislation of the character referred to in Section 111.20 or relating to the administration of any administrative department shall forthwith be reproduced in printed form or by other process of duplication. One (1) copy thereof shall be furnished to each member of Council, to the Director of Law, to the Director of Finance and to the Mayor, and it shall be the duty of the Mayor to furnish copies to the proper subordinates in any of his departments. The Clerk of Council shall also have in his office such quantity of additional copies as seems to him necessary for the information of the public.

(Ord. 40-1950. Passed 6-5-50; Ord. \_\_\_\_\_ Passed \_\_\_\_\_.)

#### **111.20 READING OF ORDINANCES AND SUSPENSION OF RULES.**

No ordinance of a general or permanent nature, or granting a franchise, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property shall be passed until it has been read at two (2) regular meetings, or the requirements for such reading have been dispensed with by a vote of at least five (5) members of Council. This provision, however, shall not apply to an emergency measure. Where there is a series of ordinances and resolutions required to provide for any public improvement including the raising of money therefor, the above rule shall apply only to the first ordinance or resolution in the series, and all subsequent ordinances and resolutions required in such series, may be passed on their first reading by the concurrence of four (4) members of Council.

(Ord. 2400. Passed 1-3-22.)

#### **111.21 VOTING.**

Every member present shall vote on any question on the call for a voice or roll call vote unless the member recuses themselves. Whenever a member has a personal or financial interest in any matter under consideration or believes that voting on the matter could for any reason constitute a violation of an ethics law, the member shall disclose the interest or ethical concern and recuse themselves from voting. Any member present, not recusing themselves from voting, who fails or refuses to vote on any question when the voice or roll call vote is being taken shall be counted as voting in the affirmative.

(Ord. 51-2020. Passed 7-6-20.)

## **111.22 AUTHENTICATION OF ORDINANCES AND RESOLUTIONS.**

Any ordinance or resolution passed by Council shall be signed by the President or other presiding officer and by the Clerk.

(Ord. 2400. Passed 1-3-22.)

## **111.23 PUBLICATION OF ORDINANCES AND RESOLUTIONS.**

Pursuant to Section 8 of Article III of the City Charter, the method and manner of giving public notice of passage of ordinances and resolutions of a general and permanent nature shall be as follows: the title and either an abstract thereof prepared by the Director of Law or the full text thereof, as may be directed by Council in a section of such ordinance or resolution, or by separate resolution shall be published. Provided, further, that if such ordinance or resolution is a printed publication, it need not be published otherwise. Such publication shall be by notice or advertisement printed once in one (1) newspaper of general circulation in the City.

(Ord. 104-1949. Passed 12-27-49.)

## **111.24 ROBERT'S RULES OF ORDER.**

In the absence of any rule upon the manner of business, Council shall be governed by the current edition of Robert's Rules of Order.

## **111.25 AMENDMENTS OF RULES.**

These rules may be repealed, amended or altered or new rules adopted by a vote concurred in by five (5) members of Council on the report of a committee to which the subject has been referred at a previous meeting.

## **111.26 DISPENSATION OF RULES.**

These rules or any of them may be temporarily suspended at any meeting of Council by a concurrent vote of five (5) members.

## **111.27 EXCEPTION TO MAJORITY VOTE.**

If applicable, when any provision of the City Charter, or any provision of this Administrative Code or any ordinance hereafter passed requires the concurrence of more than the majority of members of Council in order to legally adopt an ordinance or resolution, the provision of the Charter or the provision of this Administrative Code or such subsequent ordinance shall govern, and the rule set forth in Section 111.20 shall be subject thereto.

## **111.28 RESIGNATIONS.**

The resignation of a member of Council shall not take effect until the resignation has been accepted by vote by a majority of Council members exclusive of the person tendering the resignation.

(Ord. 2400. Passed 1-3-22.)

## **111.29 CODIFICATION OF ORDINANCES.**

Notwithstanding any of the provisions of this chapter, Council may at any time revise, rearrange and codify the general ordinances of the City by the following procedure:

(a) An ordinance may be adopted pursuant to the procedure of this chapter determining in general terms to amend, revise, rearrange, renumber and codify the general ordinances of the City. The determining ordinance shall set forth in a skeleton form a general plan of the recodification with appropriate titles, chapters and other subdivisions. Such determining ordinance need not be published.

(b) At any time after the adoption of the determining ordinance provided for in the foregoing subsection, Council may proceed as follows:

(1) It may by one (1) codifying ordinance adopt in toto all general ordinances of the City so amended, revised, rearranged, renumbered and codified according to the general plan; or

(2) It may by a series of separate codifying ordinances and from time to time adopt one (1) or more chapters of the general plan. A chapter shall contain those of the general ordinances which Council may determine to properly belong in such classifications and which have been amended, revised, rearranged, renumbered and codified according to the general plan.

(c) Any codifying ordinance offered pursuant to subsection (b) hereof shall be submitted in typewritten form and shall contain in full all the ordinances proposed to be codified by the codifying ordinance. Such codification ordinance need not be read in Council except as hereinafter provided. Such codifying ordinance shall be referred by the Mayor to a committee consisting of Council as a whole, Mayor and Director of Law. It shall be the duty of the committee to study the codifying ordinance and make such changes therein as the committee believes proper and to report to Council. If, and when, such committee reports its final draft of the proposed codifying ordinance with the recommendation that it be adopted, the codifying ordinance as so reported may be passed by a vote of three-fourths (3/4) of all members elected to Council. The

proposed ordinance as recommended by the committee need not be read in Council except by title, provided, however, that any member of Council may request the reading of all or any part thereof in which case all or the part requested shall be read.

(d) Such codifying ordinance need not be limited in its scope strictly to amending, revising, rearranging, renumbering and codifying the present general ordinances of the City, but may contain new matter or provisions covering subjects not now embodied in existing ordinances.

(e) Any codifying ordinance shall specify whether or not the particular chapters so codified shall be published or printed and, if the same is to be published, may provide that the same may be published in sections and shall recite when such codifying ordinance shall take effect and be in force and shall provide for the repeal of all existing ordinances so codified.

(Ord. 42-1939. Passed 11-6-39; Ord. Passed .)

### **111.30 AUTHORIZED EXPENSE EXPENDITURES.**

The Mayor or designee may approve the expenditure of funds for meals, lodging and miscellaneous expense of Councilmen when they work through the meal hour in town at meetings on City business or when out of town on City business.

(A.O.; Ord. Passed .)

ORDINANCE NO. 54-2021 (AS)

By Council Member Ungar

An Ordinance authorizing the use of Temporary Standing Rules of Council; establishing the parameters thereof; and declaring an emergency.

WHEREAS, pursuant to Article III, Section 8 of the Charter of the City of Cleveland Heights, this Council has the authority to determine its own rules and order of business, including prescribing the form, method, and procedure for legislative enactments; and

WHEREAS, pursuant to Section 111.25 of the Codified Ordinances of the City of Cleveland Heights, this Council may, by vote of five (5) members of the Council, repeal, amend, alter, or adopt new rules for conducting the business that comes before it; and

WHEREAS, pursuant to Section 111.26 of the Codified Ordinances of the City of Cleveland Heights, the rules enumerated in Chapter 111, "Council," may be temporarily suspended by vote of five (5) members of the Council; and

WHEREAS, in furtherance of good governance and the general goal of civic efficiency, this Council desires to provide certain standing rules by which this Council must operate; and

WHEREAS, the adoption of Council standing rules will promote productivity of this Council and allow the most efficient use of staff resources; and

WHEREAS, this Council believes that adopting standing rules is in the best interest of the City and its residents.

BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, State of Ohio, that:

SECTION 1. Pursuant to Article III, Section 8 of the Charter of the City of Cleveland Heights, this Council hereby approves the Temporary Standing Rules of Council attached hereto and incorporated herein as Exhibit A, which shall be in effect until December 31, 2021 unless otherwise provided by subsequent legislation adopted by this Council.

SECTION 2. This Council may, at any time but consistent with the Temporary Standing Rules of Council, prescribe different or additional rules and limitations governing Council's conduct and the conducting of Council business.

SECTION 3. Pursuant to Section 111.26 of the Codified Ordinances of the City of Cleveland Heights, this Council temporarily suspends any and all provisions contained in Chapter 111, "Council," of the Codified Ordinances to the extent any such provision is inconsistent with the Temporary Standing Rules of Council. This Council suspends any such inconsistent provision

RESOLUTION NO. 54-2021 (AS)

during the time the Temporary Standing Rules of Council are in effect, pursuant to Section 1 herein.

SECTION 4. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to implement the above-described standing rules of Council at the earliest time possible to promote civic efficiency, good governance, and allow for the most efficient use of staff resources. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

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JASON S. STEIN  
President of the Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: May 3, 2021

**TEMPORARY STANDING RULES OF COUNCIL**

1. The President of Council shall decide all questions of order and decorum.
2. The City Manager and the President of Council shall prepare the agenda for each Council meeting, including each Committee of the Whole meeting. An ordinance or resolution that is not placed on the agenda may be added to the agenda only via a motion and second which is approved by the vote of at least five (5) members of Council. An ordinance or resolution that has been placed on the agenda may be removed from the agenda only via a motion which is approved by the vote of at least five (5) members of Council.
3. An ordinance or resolution or legislation requested by a member of the Council may be formally introduced and placed on Council's agenda only after receiving the support of at least one additional Council member, and remains subject to Temporary Standing Rule 2. Notwithstanding the provisions of Section 111.16 of the Codified Ordinances concerning the ability of any member of Council to request legislation, the Director of Law shall draft the form of any proposed legislation requested by a member of Council, or review legislation not prepared by him for approval as to form, only after receiving an indication of support for the request by an additional Council member. The requesting Council member shall copy the President of Council and the additional supportive Council member on such request to the Law Director or shall otherwise notify them before the Director of Law begins any drafting or review. Staff input and recommendations shall be obtained on any ordinance or resolution that affects the operations of the City.
4. Council Committee meetings other than Committee of the Whole meetings shall be scheduled only after the agenda for such meeting has been approved by the President of Council, who may remove from any such agenda any items he determines to be outside of the Committee's scope as prescribed by Resolution 1-2020. An item removed from the agenda of a scheduled Council Committee meeting by the President of Council may be added back to such agenda only via a motion and second which is approved by the vote of at least five (5) members of Council within a regular or special meeting of Council.
5. All opportunities for a Council member to appear in her/his official capacity (*i.e.* as a Council member) at any official city event pursuant to an invitation by an outside person or group shall be announced and made available to all members of Council.
6. Absent written approval from the city manager, no member of Council shall use the City logo in campaign materials or at campaign events, or take other actions that imply that any candidate has the support of the City.
7. A point of personal privilege may apply to a member of Council when she or he feels that their integrity, motives or character have been called into question. Consistent with Roberts Rules and Temporary Standing Rule 1, the President of Council shall rule on

## Exhibit A

each point of privilege, but his ruling may be appealed (requiring a second) and can be overridden by the vote of at least four (4) members of Council.

## **CHAPTER 111**

### **Council; Council Rules**

- 111.01 Regular meetings.
- 111.02 Special meetings.
- 111.03 Agenda.
- 111.04 President of Council; President pro tem.
- 111.05 Call to order.
- 111.06 Roll call.
- 111.07 Quorum.
- 111.08 Order of business.
- 111.09 Reading of minutes.
- 111.10 Rules of debate.
- 111.11 Addressing Council.
- 111.12 Silence constitutes affirmative vote.
- 111.13 Decorum.
- 111.14 Enforcement of decorum.
- 111.15 Persons authorized to be within rail.
- 111.151 Use of Council stationery.
- 111.16 Committees; meetings.
- 111.17 Moral claims against City.
- 111.18 Ordinances and resolutions; legislation for Council.
- 111.19 Reports and resolutions to be filed with Clerk.
- 111.20 Change of procedure.
- 111.21 Effect of resignation.
- 111.22 Absence of rule; Robert's Rules of Order.

#### **CROSS REFERENCES**

Council - see CHTR. Art. II

Council's power to combine or abolish departments - see CHTR. Art. V, Sec. 1

Recall - see CHTR. Art. VIII, Sec. 3

Nominations and elections - see CHTR. Art. VII

#### **111.01 REGULAR MEETINGS.**

Council shall hold regular meetings on the second and fourth Mondays of each month at 8:00 p.m., except during the month of August when no regular meetings shall be scheduled.

(a) All regular and special meetings of Council may be held and attended by either means of teleconference, video conference, or any other similar electronic technology or in person at a designated location within the City of South Euclid. The form and location of the meeting shall be designated by the Council President at least forty-eight hours in advance of the meeting. In addition, the following shall apply:

(1) Any ordinance, resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open meeting or hearing of the public body.

(2) Notwithstanding division (C) of R.C. § 121.22, members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology, shall be considered present as if in person at the meeting or hearing, shall be permitted to vote, and shall be counted for purposes determining whether a quorum is present at the meeting or hearing.

(3) Public bodies shall provide notification of meetings and hearings held under this section to the public, to the media that have requested notification of a meeting, and to the parties required to be notified of a hearing, at least twenty-four hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the public body shall immediately notify the news media that have requested notification or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing.

(4) The public body shall provide the public access to a meeting held under this section, and to any hearing held under this section that the public would otherwise be entitled to attend, commensurate with the method in which the meeting or hearing is being conducted, including, but not limited to, examples such as live-streaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. The public body shall ensure that the public can observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically.

(5) When members of a public body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the public body must establish a means, through the use of electronic equipment that is widely available to the general public, to converse with witnesses, and to receive documentary testimony and physical evidence.

(6) At the Council President's discretion, meetings may be of a hybrid format to allow for a combination of in-person and/or virtual attendance by members of City Council, Mayor and Administration.

(Ord. 22-54. Passed 5-24-54; Ord. 14-21. Passed 6-14-21.)

### **111.02 SPECIAL MEETINGS.**

The Mayor shall call special meetings of Council, whenever in his opinion the public business may require it, or at the express written request of any three members of Council. Whenever a special meeting shall be called, a summons or a notice in writing signed by the Mayor or the President of Council shall be served upon each member of Council at least twenty-four hours prior to the meeting, either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except as is stated in the notice.

(Ord. 22-54. Passed 5-24-54.)

### **111.03 AGENDA.**

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to Council shall, at least forty-eight hours prior to each Council meeting, be delivered to the Clerk of Council, whereupon the Clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of Council, the Mayor and the Director of Law with a copy of the same prior to Council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to Council by administrative officials except those of an urgent nature, and the same shall be presented only by the Mayor.

(Ord. 22-54. Passed 5-24-54.)

#### **111.04 PRESIDENT OF COUNCIL; PRESIDENT PRO TEM.**

Council shall elect one of its members as President of Council. The President shall assume the chair of the Presiding Officer immediately after his election. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of Council. He shall state all questions coming before Council, announce the decisions of Council on all subjects and decide all questions of order, subject, however, to an appeal to Council, in which event a majority vote of Council shall govern and conclusively determine such question or order. He shall vote on all questions, his name being called last. He shall sign all ordinances and resolutions adopted by Council during his presence.

At each organizational meeting, a President pro tem shall be elected by Council from its members. The President pro tem shall act as the President during his absence and shall sign all ordinances and resolutions adopted during such absence.

(Ord. 22-54. Passed 5-24-54)

#### **111.05 CALL TO ORDER.**

The President, or in his absence, the President pro tem, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call Council to order. In the absence of the President and the President pro tem, the Clerk of Council or his assistant, shall call Council to order, whereupon a temporary chairman shall be elected by the members of Council present. Upon the arrival of the President or President pro tem the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before Council.

(Ord. 22-54. Passed 5-24-54)

#### **111.06 ROLL CALL.**

Before proceeding with the business of Council, the Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

(Ord. 22-54. Passed 5-24-54)

#### **111.07 QUORUM.**

Four of the members elected to Council shall constitute a quorum at any regular or special meeting of Council. In the absence of a quorum, the Presiding Officer shall, at the instance of a majority of the members present, compel the attendance of members or adjourn the meeting to another day.

(Ord. 22-54. Passed 5-24-54)

#### **111.08 ORDER OF BUSINESS.**

All meetings of Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of Council, Mayor, Clerk of Council and Director of Law shall take their regular stations in the Council Chambers and the business of Council shall be taken up for consideration and disposition in the following order:

- (a) Roll call.
- (b) Approval of minutes.
- (c) Report of Mayor.
- (d) Report of Law Director and departmental heads.
- (e) Report of School District.
- (f) Public hearings related to agenda items.

- (g) Report of committees.
- (h) Public hearings related to open business.
- (i) Communications of City Council.
- (j) Adjournment.

The following departmental heads, or their authorized representatives, shall attend all regular Council meetings, unless excused by the Mayor or the presiding officer: Finance Director, Law Director, Municipal Engineer, Chief of Police, Chief of Fire, Building Commissioner and Service Director.

(Ord. 05-16. Passed 11-28-16; Ord. 14-16. Passed 11-28-16; Ord. 18-17. Passed 7-24-17; Ord. 29-18. Passed 10-22-18.)

#### **111.09 READING OF MINUTES.**

Unless a reading of the minutes of a Council meeting is requested by a member of Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a synopsis thereof.

(Ord. 22-54. Passed 5-24-54)

#### **111.10 RULES OF DEBATE.**

(a) Presiding Officer May Debate and Vote. The President, or such other member of Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the Presiding Officer.

(b) Getting the Floor; Improper References To Be Avoided. Any member desiring to speak shall address the chair and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions. A member, once recognized, shall not be interrupted when speaking, unless it is to call him to order, or as otherwise provided in this chapter. If a member, while speaking is called to order, he shall cease speaking until the question of order is determined, and if in order, he shall be permitted to proceed. A member once recognized may yield the floor to a fellow member, to the Mayor, or to any other official or officer of the City, but no member may yield the floor to any person who would not otherwise under these rules be entitled to address the meeting.

(d) Privilege of Closing Debate. The Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) Motion to Reconsider. A motion to reconsider any action taken by Council may be made only on the day such action was taken or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor. A motion to reconsider shall be debatable. Nothing in this chapter shall be construed to prevent any member of Council from making or remaking the same or any other motion at a subsequent meeting of Council.

(f) Remarks of Councilman; When Entered in Minutes. A Councilman may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by Council entered in the minutes. If Council consents thereto, such statement shall be entered in the minutes.

(g) Synopsis of Debate; When Entered in Minutes. The Clerk may be directed by the Presiding Officer, with consent of Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before Council.

(Ord. 22-54. Passed 5-24-54.)

#### **111.11 ADDRESSING COUNCIL.**

On the second and fourth Monday of each month, except during the month of August when no regular meetings are scheduled and at any special meetings of Council, Council shall make provisions for a period of time during such meeting to permit any person, regardless of his/her residence, to be heard on any matter. Any person desiring to address Council shall first secure the permission of the Presiding Officer to do so. During the business portion of the agenda at each regular or special meeting of Council, no audience participation shall be permitted unless Council, by majority voice vote, shall permit such participation.

Each person addressing Council shall rise, give his name and address in an audible tone of voice for the records, and unless further time is granted by Council, shall limit his address to such period of time as is stated by the President of Council. All remarks shall be addressed to Council as a body and not to any member thereof. No person, other than the Council members and the person having the floor, shall be permitted to enter into any discussion, directly or through a member of Council, without the permission of the Presiding Officer. No question shall be asked a Councilman or by a Councilman except through the Presiding Officer.

(Ord. 3-92. Passed 3-9-92.)

#### **111.12 SILENCE CONSTITUTES AFFIRMATIVE VOTE.**

Unless a member of Council states that he is not voting, his silence shall be recorded as an affirmative vote.

(Ord. 22-54. Passed 5-24-54.)

#### **111.13 DECORUM.**

While Council is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of Council nor disturb any member while speaking or refuse to obey the orders of Council or its Presiding Officer, except as otherwise provided in this chapter.

Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing Council shall be barred by the Presiding Officer from further audience before Council, unless permission to continue is granted by a majority vote of Council.

(Ord. 22-54. Passed 5-24-54.)

#### **111.14 ENFORCEMENT OF DECORUM.**

The Chief of Police, or such members of the Police Department as he may designate, shall be Sergeant at Arms of the Council meeting. He or they shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting.

(Ord. 22-54. Passed 5-24-54.)

#### **111.15 PERSONS AUTHORIZED TO BE WITHIN RAIL.**

No person except City officials and their accredited representatives shall be permitted within the rail in front of the Council chamber without the express consent of Council.

(Ord. 22-54. Passed 5-24-54.)

### **111.151 USE OF COUNCIL STATIONERY.**

Council members shall be provided with Council letterhead stationery and City letterhead stationery. Members may use the City letterhead stationery to communicate with anyone and may use Council letterhead stationery to communicate with any other City official. Council members shall not use Council letterhead stationery to communicate with anyone (other than a City official), except with the express written permission from each Council member identified on the stationery. Further, Council members shall not use any other Council member's name, either orally or in writing, as a sponsor or showing approval for any cause, campaign or project without the express written permission from the other Council member or members.

(Ord. 26-99. Passed 4-26-99.)

### **111.16 COMMITTEES; MEETINGS.**

(A) There shall be the following standing committees of Council which are established to aid Council in securing information and investigating questions pending before Council and to recommend action by Council:

- (1) Finance Committee.
- (2) Safety Committee.
- (3) Legislative Committee.
- (4) Public Utilities and Transportation Committee.
- (5) Service Committee.
- (6) Welfare and Recreation Committee.
- (7) Planning and Zoning Committee.

(Ord. 61-75. Passed 12-8-75.)

(B) Meeting dates for committees of Council shall be established in the following manner:

Committee Chairman shall announce meeting dates of individual committee at either regular or public meetings of Council, which dates shall be not less than forty-eight hours hence, unless in event of an emergency.

Committee Chairman may also call meetings of individual committee or joint committee meetings by posting of a public notice on the bulletin board at the City Hall not less than forty-eight hours prior to such scheduled meeting date. Such notice shall set forth the meeting date, time and purpose.

The foregoing rules shall be likewise applicable in the case of committees of the whole and meetings called by the President of Council. Such meetings shall be open to the public, except in those cases specifically exempted by law, and any citizen present thereat shall be permitted to address the committee at the discretion of the chairman and majority approval of committee members on any matter then before the committee for consideration and action.

(Ord. 19-92. Passed 10-26-92.)

Notice of meetings will be furnished to any interested person who requests the same and who furnishes a self-addressed stamped envelope to the Clerk of Council. (Ord. 61-75. Passed 12-8-75.)

### **111.17 MORAL CLAIMS AGAINST CITY.**

(a) All moral claims for money or restitution made against the City shall be, forthwith reviewed by the Law Department, which shall determine whether such claim, while not

presenting a legal or equitable obligation of the City, is nonetheless founded in justice and supported by a moral obligation.

(b) The Law Director shall make his determination in writing and forward same along with a copy of the claim and any supporting evidence submitted by the claimant to the chairperson of the Finance Committee of Council.

(c) The Finance Committee may make such review of such claim as it desires, and shall recommend to Council to approve, reject or approve with modification such claim, and shall forward a copy of such recommendation to the Law Department, who shall prepare a resolution consistent therewith for consideration of Council and place it on the agenda of its next regular session, or as soon thereafter as is practicable.

(d) The affirmative vote of a majority of those elected to Council shall be required to pass the resolution. In the event the resolution passes, the Finance Director shall forthwith reimburse the claimant in accordance therewith.

(Ord. 41-93. Passed 10-11-93.)

#### **111.18 ORDINANCES AND RESOLUTIONS; LEGISLATION FOR COUNCIL.**

All ordinances shall be prepared or approved by the Director of Law as provided in Section [127.02](#), or prepared by the Director of Law on his own initiative. The Director of Finance, however, may prepare and present through the Mayor, legislation of a strictly financial nature, such as abatement resolutions, budget and other appropriation ordinances.

(Ord. 22-54. Passed 5-24-54.)

#### **111.19 REPORTS AND RESOLUTIONS TO BE FILED WITH CLERK.**

All reports and resolutions shall be filed with the Clerk and entered on the minutes.  
(Ord. 22-54. Passed 5-24-54.)

#### **111.20 CHANGE OF PROCEDURE.**

The procedure of any meeting as given in this chapter may be changed by a majority vote of the members of Council present at such meeting.

(Ord. 22-54. Passed 5-24-54.)

#### **111.21 EFFECT OF RESIGNATION.**

The resignation of a member of Council shall not take effect until the same has been accepted by a vote of the majority of the other and remaining members of Council.

(Ord. 22-54. Passed 5-24-54.)

#### **111.22 ABSENCE OF RULE; ROBERT'S RULES OF ORDER.**

In the absence of any rule, upon any matter of procedure, Council shall be governed by "Robert's Rules of Order".

(Ord. 22-54. Passed 5-24-54.)

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## CHAPTER 121

### Council Rules

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#### **121.01 GENERAL**

**(A)** The City of Aurora Rules and/or Bylaws of City Council are to be adopted by the first meeting in March following the organizational meeting. These rules may be amended at any point in time, provided there is a concurrence of a majority of the members of Council. *(Charter 3.06)*

**(B)** The Council Assembly shall first and foremost be governed by the Charter of the City of Aurora and the laws of the State of Ohio. When either of the aforementioned entities is silent, and a provision is not listed in following rules, the current edition of Robert's Rules of Order shall prevail.

**(C)** Under Robert's Rules of Order, Aurora's Council sessions are defined as a "Deliberative Assembly" and a "Legislative Body for Structured Dialog."

**(D)** All references to the Charter and Ohio Revised Code are references only, included for continuity of the document, and are not to be amended by Council. The Law Department will be responsible for making the necessary corrections to the rules, whenever a Charter amendment or a change in the Ohio Revised Code has occurred. This change will not be subject to vote for amendment by Council. The changes will go in effect as soon as a new Charter or law becomes effective. *(Amended 3-13-2006)*

#### **121.02 MEETINGS**

**(A) General** The following meetings shall have minutes taken, and these minutes shall be approved by a majority of City Council and filed with the Clerk of Council.

**(B) Organizational Meeting**

- (1) The Council organizational meeting is to be held in January of each year following a regular municipal election. The Council shall meet in Council Chambers for the purpose of organization. No gathering of persons elected as members of Council, prior to the start of their term, shall be considered a Meeting of Council. *(Charter 3.06) (Amended 12-5-2011) (Amended 02-24-2020)*
- (2) The President of Council, the Vice President of Council, the Planning Commission representative, and the Clerk of Council and any deputies shall be elected by the members of Council at this meeting.
- (3) Committee, Board and Commission assignments shall be based on the seniority of the Members of Council. Council members shall list their top three (3) choices in order of preference. In order of seniority, each Council member will be assigned his/her top choice. The appointments made by Council shall be valid until the next organizational meeting or as otherwise determined by Council. *(Amended 12-5-2011; 03-24-2014; 12-7-2015)*
- (4) Seniority for the selection of assignments shall be determined by the length of uninterrupted councilmanic service only. *(Amended 12-7-2012)*
- (5) No meeting of a Committee of Council, Board or Commission shall convene during January of an even numbered year, prior to the Organizational Meeting of Council. *(Amended 12-7-2015)*

**(C) Regular Meeting** All meetings of the Council shall be held in Council Chambers in City Hall unless otherwise ordered by the Council. In December of each year, Council shall vote to set the Regular Council Meeting Calendar for the following year. *(Amended 12-5-2011; 12-19-2016)*

**(D) Special Council Meetings** Special Council meetings may be called by the Mayor, President of Council, or any three (3) members of Council. Unless an emergency exists requiring a shorter notice confirmed by at least two-thirds of the 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 except on the approval at that meeting by at least two-thirds of the members of Council. City officials requested to attend the Special Council meeting shall also be notified in the above manner. *(Charter 3.07) (Amended 3-13-2006; 2-22-2010)*

**(E) Worksessions** Worksessions may be called by the President of Council, three (3) members of Council, or by a motion of Council. There shall be given at least twenty-four (24) hours' notice in writing of such worksession served personally on each member of Council or left at their usual place of residence. Such notice shall state the subjects to be discussed at the meeting and no other matters shall be discussed except on the approval at that meeting by at least two-thirds of the members of Council. City officials requested to attend the worksession shall also be notified in the above manner. No legislative deliberation is to take place during a worksession. Citizens' comments may be permitted at worksessions. *(Amended 2-25-2002; 5-26-09; 12-5-2011)*

**(F) Public Hearings**

(1) Public hearings offer citizens an opportunity to express their opinion on a particular issue or piece of legislation in front of Council before final consideration. Public hearings may be a separate meeting or may be held before, during, or after a regular or special meeting. No legislative deliberation is to take place during a public hearing. Council will not approve the legislation the same night as the hearing. In the event that the timeline necessitates earlier approval, this provision may be waived. *(Amended 2-23-2004; 3-13-2006; 12-5-2011)*

(2) Public hearings in front of City Council must be held for the following issues:

- (a) Zoning Map and Regulation Changes
- (b) Budget Commission Tax Rate and Levy Certification
- (c) Annual Tax Budget Approval
- (d) Other issues as advised by the Law Director
- (e) Upon the request of the majority of Council
- (f) Building Regulation Changes

*(Amended 2-23-2004)*

(3) (g) CAUV Applications *(Amended 3-13-2006)*

Notification

- (a) Date of hearing must be set by a motion of City Council
- (b) Hearing must be advertised in at least one newspaper of general circulation
- (c) Hearing advertisement must occur at least thirty (30) days prior to the public hearing
- (d) Advertising must state the title of the legislation, the time, date and place of the hearing
- (e) All "Aurora reporting" press should be notified

**(G) Quorum** A majority of the members of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Council rules and regulations duly adopted. *(Charter 3.08)*

In the absence of a quorum at the hour appointed for the meeting the members present may, by majority vote of those present, recess for a period not exceeding thirty minutes.

**(H) Time Limit** Council meetings shall not exceed three (3) hours, not including executive sessions and the Mayor's Report, unless Council suspends the Rules of Council to continue the meeting. The questions and answers regarding the Mayor's Report are to be considered as a part of the report. *(Amended 11-13-2000; 2-23-2004)*

The Mayor's Report shall be limited to seven (7) minutes, not including questions and answers, unless a longer period of time is approved by the Chair. *(Amended 2-23-2004)*

**(I) Executive Session**

- (1) All meetings of Council shall be public. However, Council may go into executive session to consider only those subjects permitted by Ohio law. *(Amended 2-23-2004; 3-13-2006; 2-22-2010)*

- (2) Council must return to open session prior to the consideration of any order of business. (O.R.C. 121.22)
- (3) Executive sessions are privileged and confidential, and information shall not be shared with anyone other than the participants. *(Amended 2-25-2002; 3-13-2006)*

### **121.03 AGENDAS**

**(A) Posting** The agenda prepared for any regular meeting of Council shall be posted at City Hall, the Post Office, the Public Library, and in no less than two (2) other of the most public places in the City, as determined by Council, at least seventy-two (72) hours prior to the commencement of said meeting by the Clerk of Council or any deputies. *(Charter 3.06)* Please refer to Section 121.04(c) of this document for listing of posting locations.

**(B) Order of Business** *(Amended 4-9-2001; 11-13-2001; 1-5-2002; 2-23-2004; 3-13-2006; 12-5-2011)*

- (1) Call to Order
- (2) Pledge to Flag
- (3) Roll Call
- (4) Reconsideration of Prior Action
- (5) Consideration of Minutes
- (6) Public Hearings
- (7) Mayor's Report
- (8) Law Director's Report
- (9) Council President's Report
- (10) Citizen Comments – Legislation
- (11) Councilman Remarks – Legislation
- (12) Legislation
- (13) Citizen Comments – General
- (14) Councilman & Committee Remarks
- (15) Miscellaneous
- (16) Adjournment

**(C) Agenda Items**

- (1) Ordinances and resolutions may be placed on the legislative agenda when sponsored by committees, boards, and commissions, the Mayor with the endorsement of two (2) members of Council, at least three (3) Council members, or by a motion of Council. Those ordinances and resolutions

pertaining to the legislative powers of the municipality may be sponsored by the President of Council. *(Amended 2-25-2002; 2-23-2004; 3-13-2006)*

(2) Council agenda items must be submitted to the Clerk of Council no later than noon Thursday immediately preceding the Council meeting. A request to add an item to the agenda after the deadline will be deferred until the next meeting, unless extenuating circumstances exist to which consent to said request should not be unreasonably withheld. *(Amended 2-24-2020)*

(3) Committee of the Whole Agenda Items must be submitted to the Clerk of Council no later than noon Wednesday immediately preceding the Council meeting. A request to add an item to the agenda after the deadline will be deferred until the next meeting, unless extenuating circumstances exist to which consent to said request should not be unreasonably withheld. *(Ord. 2020-017; Approved 2-24-2020)*

(4) Any items requiring legislative action must be submitted in ordinance or resolution form pursuant to Section (c) (1) listed above.

**(D) Adding to the Agenda** Any ordinances or resolutions which were not placed on the agenda prior to distribution and posting need to be added to the agenda via motion and approval by a majority of Council. (Council reserves the right to determine the appropriateness of the request for immediate consideration.)

**(E) Removing from the Agenda** Any ordinances or resolutions which have been placed on the agenda, and deemed inappropriate for consideration by Council, shall be removed from the agenda via motion and approval by a majority vote of Council.

## **121.04 LEGISLATION**

**(A) General** All legislative action shall be done by ordinance or resolution, except when otherwise required by the Constitution or the laws of the State of Ohio, but departmental procedure and administrative matters may be transacted by motion recorded on the journal.

**(B) Format**

- (1) All legislation is to be prepared and/or submitted by the Law Department.
- (2) Every resolution and ordinance shall contain one (1) subject only, which subject shall be clearly expressed in its title. *(Charter 3.11)*
- (3) Every resolution and ordinance shall reflect, somewhere on its first page, who initially sponsored it for Council's consideration. *(Charter 3.11)*
- (4) Every resolution and ordinance shall be fully and distinctly read by title only on three (3) different days, unless at least two-thirds of the members of Council vote to suspend this rule. If this rule is suspended, then the resolution or ordinance shall be so read by title at least once before passage. *(Charter 3.11) (Amended 3-12-2006)*

**(C) Posting** All ordinances, resolutions, statements, orders, proclamations, notices and reports required by law, or by the Charter, to be published, shall be posted at City Hall, the Public Library, the Post Office, the City Website and in no less than two (2) other of the most public places in the City, as determined by Council. *(Charter 3.11)* Please refer to Section 123.01 of Aurora's Codified Ordinances for a listing of posting locations. The documents listed above shall be posted for a period of not less than fifteen (15) days prior to taking effect, except as may otherwise be provided in the Charter or applicable Ohio law. If legislation was passed as an emergency, it shall be posted for fifteen (15) days after passage by City Council. *(Amended 3-12-2006; 12-5-2011; 11-4-2014)*

**(D) Passage**

- (1) No ordinance, resolution, measure or other action shall be passed without the concurrence of at least a majority of the members of Council, unless a different number is required by the provisions of the Charter or applicable Ohio law. *(Charter 3.11) (Amended 3-13-2006; 12-5-2011)*
- (2) If the competitive bid process has been by-passed, then approval by at least two-thirds of the members of Council is needed for passage. *(Charter 6.02) (Amended 2-22-2010; 12-5-2011)*

- (3) On the passage of every ordinance, resolution, measure or other action, the votes shall be taken by yeas and nays and each Council member's vote shall be entered upon the journal. *(Charter 3.11)*
- (4) All legislation must be presented to the Mayor no more than forty-eight (48) hours after passage by Council, for approval or disapproval. If the Mayor approves the legislation, he/she must sign it and file it with the Clerk of Council within ten (10) days. If the Mayor does not return it within this time period, it shall become effective in the same manner as if it were signed. *(Charter 4.06)*
- (5) All legislation shall go in effect thirty (30) days after the signing of the Mayor, unless the legislation contains an emergency clause.
- (6) Any legislation with an emergency clause must state the reason for the emergency, and be approved by a vote of at least two-thirds the total members of Council, to go in effect immediately upon the signing of the Mayor. If the ordinance passes by less than the required number of votes to become an emergency, then it shall go in effect after thirty (30) days. *(Amended 12-5-2011)*

**(E) Reconsideration**

- (1) A motion to reconsider can only be made by a member who voted on the prevailing side. It may be seconded by any member.
- (2) A majority vote is required to pass a motion for reconsideration.
- (3) Reconsideration of legislation can only occur prior to the approval of the minutes from the meeting where the adoption or defeat of the legislation occurred. *(Amended 3-13-2006)*
- (4) No legislation shall be reconsidered after going into effect. *(Amended 2-25-2002; 2-23-2004)*

**(F) Veto**

- (1) If the Mayor disapproves a piece of legislation, the Mayor shall return it, with the objections, in writing to the Clerk of Council within ten (10) days after it is

presented to the Mayor by the Clerk, which objections shall be entered in full on the journal of Council. *(Charter 4.06)*

(2) For the next meeting of Council, the Clerk of Council shall place on the agenda, immediately following the roll call, the question of whether Council wishes to sustain or override the veto of the Mayor.

- (a) Sustain – If the Council agrees with the veto of the Mayor, it will be sustaining the veto. This agreement must be indicated by either no motion for reconsideration, or a motion for reconsideration with a failing vote for passage.
- (b) Override – If the Council does not agree with the veto of the Mayor, it will be overriding the veto. This disagreement must be indicated by a motion for reconsideration, followed by passage of the legislation.
- (c) Council may choose to reconsider a vetoed piece of legislation at its next meeting. This motion will require a majority vote of Council. If reconsidered, a two-thirds or more vote will be required for passage of the ordinance and overriding of the veto.
- (d) A vetoed piece of legislation, which has been overridden by Council, shall not be forwarded for the Mayor's signature. The legislation shall take effect based on the rules of the Charter. *(Amended 3-13-2006)*

## **121.05 VOTING**

**(A) Roll Call Votes** A roll call vote is taken by the Clerk of Council by calling each individual member of Council and recording the member's vote accordingly. Roll call votes shall be taken and recorded by the Clerk of Council by first calling the person who initiated the motion, then, the roll shall be called alphabetically, beginning with the person who seconded the motion.

**(B) Voice Votes** A voice vote is a vote taken by the chair asking "all in favor." If all members respond in the affirmative, and there is

no objection, then the issue has passed. If there is any objection, then a roll call shall be taken.

**(C) Abstention**

- (1) To "abstain" means not to vote on a question. The "abstain" response shall not be counted as either a "Yes" or "No" vote to decide an issue. *(Amended 12-5-2011)*
- (2) Although it is the duty of every member who has an opinion on a question to express it in a vote, the member can abstain, since the member cannot be compelled to vote. *(Amended 12-5-2011)*
- (3) No Council member should vote on a question in which the member has a direct personal interest. The member should respond: "I abstain." *(Amended 12-5-2011)*
- (4) No Council member shall vote on approval of the minutes of any meeting in which the member was not in attendance. When the vote is taken (whether voice or roll call), the member should respond: "I abstain." *(Amended 12-5-2011)*

**121.06 RULES OF CONDUCT**

**(A) Addressing the Assembly**

- (1) The "Chair" is properly addressed as Mr. or Madam President or Mr. or Madam Chairman. *(Amended 12-5-2011)*
- (2) Customs of formality are followed by the presiding officer. Members of the assembly are addressed as Mr. or Madam Mayor, Law Director, Finance Director, etc. All present in attendance shall be addressed as Mr., Mrs., Ms., or Miss.
- (3) No member of Council or member of the assembly may speak, unless they are first recognized by the chair.
- (4) All members of the assembly, or any other individuals addressing the assembly, cannot address one another directly, but must address all remarks through the chair.

(5) Council members may direct discussion at other Council members with approval of the chair.

(6) Council Rules apply to the Council, as well as all other speakers addressing the Council. Violators of these rules will be warned one time by the chair, that "these are the rules by which we function." Said violators will be requested to comply. No second warning will be made, only the request to surrender the floor (the privilege of speaking) at this time. Failure to comply during the rest of the meeting may lead to expulsion from the room, when determined appropriate by the Chair, or by a majority of Council. *(Amended 3-12-2012)*

**(B) Discussion**

(1) When a question is pending, a member of the assembly can condemn the nature or likely consequences of the proposed matter in strong terms, but must avoid personalities and under no circumstances attack the motives of another member.

(2) Inflammatory statements will not be tolerated. *(Amended 12-5-2011)*

(3) Profane language is prohibited. *(Amended 12-5-2011)*

(4) In structured dialog, a member's remarks must be germane to the question before the assembly - that is, his or her statements must have bearing on whether the pending question shall be adopted. The "wandering" into other non-pending, areas shall be considered "out-of-order" by the Chair. *(Amended 3-12-2012)*

(5) Polling - Although not a motion, if a question is asked of Council, then the Council shall be polled either by the President or the Clerk of Council. If a poll is not conducted, and no objections are voiced, then the recommendation from the vocal portion of the Council will be deemed as the wish of Council as a whole. Polling is done by a roll call only.

(6) "Point of Order" may be called for by any Council member, if the Chair has neglected a rule, or neglected to enforce a rule of the meeting. The

Council member does not need to first be recognized in this instance.

(7) "Personal Privilege" may be requested by a Council member to speak on a particular matter of personal interest. The Council member must explain the nature of the request. The personal privilege must be approved by the Chair. Personal privilege shall not be used for political purposes. *(Amended 3-12-2012)*

(8) The President of Council may request comments from Council Committee Chairmen or representatives regarding each pertinent piece of legislation without a motion for discussion. *(Amended 2-25-2002)*

**(C) Citizen Participation**

(1) In general, citizens will not be recognized by the Chair to enter the debate on pending legislative matters. There are exceptions, such as zoning issues, development issues, etc. The Chair will determine when a citizen shall be recognized during the legislative process. The decision of the Chair may be overridden by the majority vote of Council.

(2) Citizens may comment on any legislative item on the Council agenda during "Citizens Comments - Legislation." *(Amended 1-5-2002; 3-13-2006)*

(3) Citizens may comment on any issue, not limited to the Council agenda during "Citizens Comments - General" at the end of the meeting. *(Amended 1-5-2002; 3-13-2006)*

(4) When the rules requiring an ordinance to be read on three separate occasions have been suspended, and there has been a motion for adoption, then the President of Council shall recognize citizens who wish to speak on the ordinance or resolution. *(Amended 2-23-2004; 12-5-2011)*

(5) Citizen participation shall be directed to the Chair, and shall otherwise be done in conformance with all Rules of Conduct outlined in Section 121.06 of this document.

(6) There is a five (5) minute time limitation for citizens to speak during "Citizens Comments - Legislation".

There is a two (2) minute limitation for each other opportunity a citizen has to speak. The citizen may speak once under each order of business where citizen comments are allowed. *(Amended 1-5-2002; 3-13-2006)*

(7) Citizen comments are allowed at special meetings only regarding any legislation to be discussed, and prior to Council entering into the Legislative portion of the agenda. The time limitations shall be concurrent with the limitations established for regular meetings. *(Amended 2-25-2002)*

(8) Citizen comments during a public hearing are limited to three (3) minutes. However, additional time may be permitted subject to the decision of the Council President. The decision of the Council President may be overridden by a majority vote of Council. *(Ord. 2020-010; Adopted 2-24-2020)*

(9) Citizen comments, during the Committee of the Whole Meeting, may be permitted subject to the discretion of the Chair. *(Ord. 2016-016; Adopted 2-8-2016, Amended 2-24-2020)*

## **121.07 MOTIONS**

### **(A) Rules of Motions**

(1) A second shall be required for all motions. If there is no second, then the motion shall be considered "dead."

(2) As approved, the motion shall only represent those matters included by the movant, along with any duly made, seconded and approved amendments. While the motion is pending consideration on the floor, the movant may modify the motion, so long as the modification is approved by the member who seconded approval of the motion, and so long as the modification is clearly stated on the record. *(Amended 3-16-2006)*

(3) The Chair, the movant, or the Clerk of Council shall restate the motion on the table, in these cases:

(a) If the discussion eventually results in a "so moved" motion

- (b) If the vote on the motion has been delayed because of discussion
- (c) If the motion on the floor has been amended
- (d) At the request of any Council person

(4) Once a motion has been made and seconded, the movant may choose to withdraw the motion at any time, prior to a vote, by notifying the Chair.

(5) Discussion while a motion is pending shall be limited to the motion on the floor. (*Charter 6.03*)

**(B) Types of Motions**

- (1) Adoption/Approval – Requires a simple majority vote by roll call, unless: (*Amended 3-12-2006*)
  - (a) The expenditure involves more than \$10,000 and has not been competitively bid and is not a contract for professional services. Then the concurrence of at least two-thirds of the members of Council is needed for passage of legislation. (*Amended 3-13-2006; 2-22-2010; 12-5-2011*)
  - (b) The legislation has been vetoed by the Mayor, and Council wishes to override the veto. Then concurrence of at least two-thirds of the members of Council is needed for affirmation of the passage of the original legislation. (*Amended 3-12-2006; 2-22-2010; 12-5-2011*)
  - (c) Such other matters requiring an affirmative vote of more than two-thirds of the members of Council as may be required by the Charter, the Codified Ordinances of the City of Aurora or by law. (*Amended 2-23-2004; 2-22-2010; 12-5-2011*)
- (2) Postpone – Requires a simple majority vote by roll call. (*Amended 3-13-2006; 4-9-2007*)
  - (a) Delays legislation or a discussion until the next meeting or a certain time.
  - (b) If legislation is postponed before third reading, the legislation will immediately proceed to the next reading when the motion to postpone has expired.

- (c) The readings of postponed legislation shall not proceed while the items remain "postponed."
- (3) Reconsider - please refer to Section 121.04(e) of this document. The same guidelines apply to an issue that applies to legislation. This motion can be made at any time during the meeting in which a motion or piece of legislation has been passed. It may only be made thereafter, if the minutes from the meeting in which it was adopted have not yet been approved.
- (4) Suspension of the Rules (Suspend) - please refer to Section 121.04(d) of this document. This motion requires a two-thirds vote. Approval of a piece of legislation on first or second readings may occur, once this motion has been passed.
- (5) Amend - This motion requires a simple majority vote; unless, a recommendation submitted by the Planning Commission is being amended. Then concurrence of more than two-thirds of the members of Council is needed for passage of the amendment. (*Charter 13.04*) A motion to amend is necessary: *(Amended 2-22-2010; 12-5-2011; 11-4-2014)*
  - (a) Prior to the adoption of legislation, when any non-typographical changes need to be made. *(Amended 12-5-2011)*
  - (b) If typographical, then the changes need to be cited by the Chair, with no necessary action of Council required.
  - (c) This motion may be made when there is a motion for approval on the floor.
- (6) Miscellaneous Motions
  - (a) Call the Question - end debate, and take a vote on the question on the floor. It requires a two-thirds vote. *(Amended 3-13-2006; 4-9-2007)*
  - (b) Challenge the Chair - the polling of Council members to challenge a decision made by the Chair. This does not indicate the agreement or disagreement of the decision. A separate motion will need to be made. It requires a simple majority vote.

- (c) Adjournment – closing the meeting requires a simple majority vote.
- (d) Recess – requires a simple majority vote.
- (e) Executive/Open Session – requires a simple majority vote, and a roll call vote.
- (f) Motion for Discussion – a motion is not on the floor, and a Council member would like to discuss an issue before Council. It requires a simple majority vote. *(Amended 2-23-2004; 3-13-2006)*
- (g) Table – sets aside the main motion temporarily in order to take up something of immediate urgency. The motion ends debate and requires a simple majority vote. *(Amended 4-9-2007)*

## **121.08 PRESIDENT OF COUNCIL**

**(A) General** The President of Council shall preside over all meetings of the Council, and shall have all the powers, duties, functions, obligations and rights of any other member of Council, including the right to vote. *(Charter 3.16)*

**(B) Duties of the President of Council**

- (1) At each of its organizational meetings, Council shall select one of its members to serve as President of Council. *(Amended 1-5-2004)*
- (2) During any period when the Mayor shall be temporarily unable to perform the Mayor's duties, the President of Council shall be the acting Mayor, and shall continue to perform his/her duties as President of Council, and as a member of Council, and shall continue to enjoy all of the powers as President of Council and as a member of Council, including the right to vote. For each day or portion thereof that the President of Council serves as Mayor or acting Mayor, he/she shall receive per diem compensation based upon the elected Mayor's established annual salary. *(Charter 3.16) (Amended 11-4-2014)*
- (3) If the office of the Mayor shall become vacant for any reason, the President of Council shall thereupon become Mayor, and that person's position as Council

Member shall become vacant and shall be filled by Council as soon as possible as provided in Section 3.03 of the Charter. In the event that more than two (2) years remain in the Mayor's term, a successor shall be elected to complete the unexpired term at the next regular municipal general election. The individual who as President of Council became Mayor in the interim may be a candidate for the office of Mayor at that election. *(Charter 4.07) (Amended 11-4-2014)*

- (4) The President of Council shall be responsible for the ongoing supervision of the Clerk of Council and the Office of the Clerk of Council. However, the President of Council shall advise and present for Council discussion or approval any modifications in the duties of the Clerk of Council, evaluations or any developments concerning the position. The Clerk of Council, and any deputies, shall still serve at the pleasure of Council.
- (5) **EDITOR'S NOTE:** Former subsection (b)(5) hereof was repealed by Ordinance 2008-033, passed March 24, 2008.
- (6) Job Description: The President of Council's job description shall be as follows: *(Enacted 2-23-2004; Amended 3-24-2008)*
  - (a) The Council President is elected by the members of Council pursuant to Aurora's Charter and City Council Rules.
  - (b) The Council President is the presiding officer at all meetings of the Council, which includes preserving order and decorum in the Council Chambers at all times. The Council President observes and enforces all rules adopted by the Council for its government; decides all questions on order, in accordance with the "City Council Rules;" and recognizes other members of the Council in the order in which they request the floor. The Council President's position is an integral part of the City's legislative operations; however it is not administrative in nature and function.

(7) Illustration of Functions:

- (a) Supervises the Clerk of Council and his/her staff.
- (b) Approves Council staff timesheets, as well as Council staff vacation and sick leave approval slips.
- (c) Maintains regular contact with the Clerk of Council to remain current on any concerns and issues of special and/or significant interest.
- (d) Maintains regular contact with the Mayor and/or Law Director to remain current on any concerns and issues of special interest.
- (e) Maintains knowledge of all significant issues which impact the City of Aurora.
- (f) Performs any other related duties or as requested by a majority of Council or outlined in the Aurora Charter of City Council Rules.
- (g) In order to maintain continuity, in the event the Council President is not able to perform any of his duties, he shall promptly inform the Vice President of Council.

### **121.09 VICE PRESIDENT OF COUNCIL**

At its organizational meeting, or once this provision is adopted, Council shall elect a Vice President of Council. During any period when the President shall be absent, inaccessible or unable for any cause to perform the President's duties, the Vice President of Council shall be the President Pro Tem, and shall continue to enjoy all of the powers as a member of Council, including the right to vote. In the event that a vacancy occurs in the position of the President of Council, this position will succeed the President of Council.

### **121.10 CLERK OF COUNCIL**

**(A) General** Council shall appoint a Clerk of Council and such assistants as it shall determine from time to time, all of whom shall serve at the pleasure of Council. *(Charter 3.10)*

#### **(B) Duties of the Clerk of Council**

- (1) The Clerk of Council shall have custody of the records of the Municipality and shall keep an accurate and complete journal of all proceedings of the Council, and shall perform such other duties as the Council may require from time to time. (*Charter 3.10*)
- (2) During the absence or disability of the Clerk of Council, Council may appoint someone to perform temporarily all the duties of that office. (*Charter 3.10*)
- (3) The Clerk of Council shall perform the duties of the position outlined in the Ohio Revised Code, the City Charter, and the job description approved by Council. The duties of the job description may be modified by the addition or subtraction of non-mandated duties, as determined by an action of Council. (*Ord. 2006-049; Passed 3-13-06*)

## **121.11 COUNCIL COMMITTEES, BOARDS AND COMMISSIONS**

*(Amended 12-5-2011; 12-7-2015)*

**(A) General** The establishment of all committees of Council, boards and commissions, and any changes in configuration are subject to the approval of Council. (*Amended 12-5-2011; 12-7-2015*)

### **(B) Rules of Committees**

- (1) Council committees that contain in their membership a majority of Council members, or if the committee has a membership greater than seven (7), other than the Committee of the Whole, then only four (4) Council members need be in said membership. Boards and commissions are not normally considered council committees, as all members (in some cases except one (1) Council member, who is chosen by City Council) are appointed for definitive terms by the Mayor. (*Amended 12-5-2011; 12-7-2015*)
- (2) The Committee of the Whole shall be composed of all nine (9) members of Council. A Chairman and Vice Chairman will be elected at the Organizational meeting and will serve for two (2) years. The Committee of the Whole shall be the only committee of City Council, except for ad-hoc committees as

determined and created from time-to-time by a majority of the members of City Council. The Committee of the Whole shall act in a deliberative capacity rather than legislative capacity for informal debate, discussion, and preliminary consideration of matters awaiting legislative action. The Committee of the Whole may recommend legislation to City Council for its consideration.

*(Amended 12-5-2011; 12-7-2015)*

- (3) Council may remove any citizen representative from any committee upon a finding that the citizen representative has failed to abide by the rules of the committee or is otherwise found to be disruptive to the committee either by his action or inaction. The chairman of the committee shall request, in writing, that Council consider the removal of the offending citizen representative. *(Amended 8-28-2006; 12-7-2015)*
- (4) Any Council representative serving on a committee shall be appointed by Council. *(Amended 12-7-2015)*
- (5) All non-councilmanic appointments to the Planning Commission, the Board of Zoning Appeals, the Civil Service Commission, the Tree Commission, the Landmark Commission, the Master Plan Review Commission, the Audit Committee, the Architectural Board of Review, the Building Board of Appeals, and the Charter Review Commission shall be made by the Mayor and confirmed by Council via resolution. *(Amended 3-13-2006; 8-28-2006; 3-24-2008; 3-12-2012; 12-7-2015)*
- (6) No Council member shall be elected or selected to chair more than one (1) committee, commission or board of the City. Only under the most extraordinary condition may a Council member chair two (2) committees, boards or commissions. *(Amended 12-7-2015)*
- (7) The members needed for approval of an action for any committee, commission, or board, not otherwise governed by charter, ordinance, or its own rules, shall be the majority of the total number of committee members at the meeting, providing a quorum is present. *(Amended 2-25-2002; 12-7-2015)*

- (8) Each committee, board, or commission not governed by its own rules shall allow for citizens' comments, the length of which can be determined by the committee, board or commission, which shall be no less than two (2) minutes per citizen. *(Amended 2-25-2002; 12-7-2015)*
- (9) Such committees, when appointed, shall exercise supervisory and advisory jurisdiction over subjects normally included within the scope of each such committee, and shall perform such additional duties and possess such additional authority as may from time to time be designated or delegated by the Mayor or Council. *(Amended 3-13-2006; 12-7-2015)*
- (10) Additional committees may from time to time be appointed by the Mayor subject to confirmation of Council for the exercise of such authority and performance of such duties as may be determined to be necessary or advisable for proper operation of the City. *(Amended 3-13-2006; 12-7-2015)*
- (11) In the event that the Mayor fails to appoint anyone to a committee vacancy for a period of time exceeding forty-five (45) days from the date of official notification of the vacancy by the committee chairman to the Mayor, Council shall make the appointment. Council shall be informed of all vacancies and appointments to committees as they occur. *(Amended 3-13-2006; 12-7-2015)*

**(C) Meetings (Enacted 12-5-2011)**

- (1) Committee of the Whole meetings shall be in Council Chambers at City Hall prior to the regular Council meetings, or as otherwise scheduled, and shall operate as a Council worksession. *(Amended 3-12-2012)*
- (2) All other committees shall meet only as needed to consider matters directed to them by the Committee of the Whole. *(Amended 12-7-2015)*
- (3) All other boards and commissions shall meet on the designated dates established and approved by Council on the meeting calendar.

**121.12 ADDITIONAL COUNCIL RESPONSIBILITIES**

**(A) Assignments** Each Council member shall be required to accept and fulfill a minimum of one (1) assignment on the following boards, commissions, liaisons and committees:

*(Amended 12-7-2015)*

- (1) Firemen's Dependency Board, Recreation Advisory Committee, Audit Committee, Economic Development Board *(Amended 12-20-2004; 3-13-2006; 3-24-2008; 12-5-2011)*
- (2) Landmark Commission, Planning Commission, Tree Commission
- (3) Aurora Schools, Chamber of Commerce, Library Board *(Amended 2-22-2010)*