

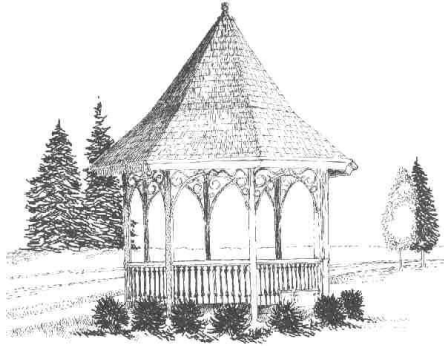
City of Centerville



Council Rules

Adopted 1971

Revised December 2022



Rules of Procedure for the Council of the City of Centerville, Ohio

Adopted 1971

Revised August 4, 1975

June 6, 1982

February 20, 1984

September 15, 1997

October 18, 2004

October 20, 2014

January 25, 2016

September 19, 2017

January 28, 2019

May 20, 2019

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January 25, 2021

November 15, 2021

December 5, 2022

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COUNCIL RULES AND PROCEDURES

ARTICLE I

No provision or section of these rules which conflicts with, or restricts those rights provided by the Constitution of the United States, the Constitution of the State of Ohio, the General Law, the Centerville Municipal Code, or the Centerville Charter shall have any force or effect.

ARTICLE II

MEETINGS

A. Definitions

1. "Meeting" means any prearranged discussion of the public business of the Council of the City of Centerville, any committee thereof, any board or commission of the City, by a majority of its members.
 2. "Pre-scheduled meeting" means any pre-arranged meeting of Council or Work Session.
 3. "News Media" means any newspaper, magazine of regular and general circulation and any radio or television station.
- B. A regular meeting of the City Council will normally be held on the first and third Monday of each month. Such meetings shall be called to order at 7:30 p.m. in the Council Chambers of the City of Centerville or in any other public place within the corporate limits of the City of Centerville. Council may set the calendar year meeting dates by motion in the prior year.

- C. Other meetings may be called by the Mayor, or any four (4) members of Council, provided that notice is given to all members of Council, the Clerk of Council and the City Manager, at least twelve (12) hours prior to such meetings, when practical, stating clearly the time, place and purpose of the meeting and provided that notice is given to persons and news media as provided in Subsection K of this Article. Council may, by motion, at any meeting of the Council, establish another meeting date. Notice will be given as provided above.
- D. All meetings of Council, any committee thereof, and all boards and commissions of the City shall be open to the public except as otherwise provided with respect to executive sessions.
- E. Work session meetings of Council shall be held upon call of the Mayor on Monday evenings at 5:30 PM or as otherwise agreed to by the majority of Council. Agendas for these meetings shall include an item “Council/City Manager Communications” to provide time for questions and announcements. Work sessions of Council shall be considered informal meetings for discussion purposes only with no formal action being taken.
- F. An executive session may be held only at a pre-scheduled meeting, after a majority of a quorum of the Council determines, by a roll call vote, to hold such a session for the sole purpose of the consideration of any of the following matters:
 - 1. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee, or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual

requests a public hearing. Except as otherwise provided by law, the Council shall not hold an executive session for the discipline of an elected official for conduct related to the performance of his or her official duties or for his or her removal from office.

2. To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. If the minutes of the Council show that all meetings and deliberations have been conducted in compliance with this provision, any instrument executed by Council purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this provision insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.
3. Conferences with an attorney for the City, concerning disputes involving the City that are the subject of pending or potential court action.
4. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
5. Matters required to be kept confidential by Federal law or rules or state statutes.
6. Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

7. To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Ohio Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

A resolution, rule, ordinance, or formal action of any kind is invalid unless adopted in an open meeting of the Council, committee thereof, board or commission. A resolution, rule, ordinance or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized herein.

G. Minutes of all meetings of the Council, a committee thereof, a board or commission shall be kept in the office of the Clerk of Council, promptly recorded and open to the public. Minutes serve as records of actions, not as actions themselves. Minutes need only reflect the general subject matter of discussions in executive sessions authorized herein.

- H. Any person may determine the time and place of all regularly scheduled meetings by contacting the Clerk of Council, who shall disclose such requested information.
- I. Any person upon request and payment of a fee not to exceed \$1.00 per meeting or a supply of sufficient self-addressed stamped envelopes given to the Clerk of Council, may receive reasonable advance notification of all meetings of the Council, committees thereof, or all boards and commissions at which any specific type of public business is to be discussed.

Said person shall specify to the Clerk of Council the particular meetings for which such notices are requested. In the event said self-addressed stamped envelopes are not provided to the Clerk of Council, or said fee is not paid, the Clerk of Council shall not mail said notices to said person.
- J. No meeting of the Council, a committee thereof, a board or commission shall be held unless at least twenty-four (24) hours advance notice has been given to news media that have requested notification, except in the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.

ARTICLE III

OFFICERS OF COUNCIL

At the first meeting in January after the local election, Council shall select a Deputy-Mayor in accordance with the City Charter.

Deputy-Mayor and Temporary Chairperson.

1. The Deputy-Mayor shall act as Mayor when the Mayor is absent or unable to serve.

2. The Deputy-Mayor, when presiding, shall have the same power and duties as may be prescribed by the Charter, rules of Council, the Municipal Code, and by the Ohio Revised Code.
3. In the absence of both the Mayor and the Deputy-Mayor, the Council may appoint from its members a temporary Chairperson.
4. The temporary Chairperson, when he or she is presiding, shall have the same power and duties as may be prescribed by the Charter, rules of Council, the Municipal Code, and by the Ohio Revised Code.

ARTICLE IV

CLERK OF COUNCIL

1. The Clerk of Council shall serve at the discretion of the Council and Council shall provide reasonable compensation for the services provided.
2. The Clerk of Council shall:
 - a. Attend all meetings of Council and other meetings upon request of the Mayor and/or Council.
 - b. Prepare a record of proceedings of all meetings of Council which shall be termed the "minutes" and be custodian of such records. All such proceedings shall be available to the public for inspection. The Clerk shall prepare a record of proceedings of other meetings upon request.
 - c. Prepare an agenda for each meeting of Council.

- d. The Clerk of Council shall furnish all transcripts, orders, and certificates, which may be properly required of the Clerk and shall be entitled to charge for all attested certificates and transcripts, the same fees that are allowed by law for similar services; provided, that the same shall be furnished free of charge when ordered by the Council or required by any Councilmember or City officer, in the prosecution of official duties.
- e. Assign numbers, in their proper sequence, to all ordinances and resolutions.
- f. Maintain a permanent record of all ordinances and resolutions, and by appropriate notation, show subsequent repeal and amendment thereto.
- g. Perform all other duties incidental to the office.
- h. Perform such other duties as directed by the City Charter, City Council, the Municipal Code, and the Ohio Revised Code.

ASSISTANT TO THE CLERK OF COUNCIL

The Assistant to the Clerk of Council shall perform such duties as are assigned to her/him by the Clerk of Council and shall have the same authority and duties as the Clerk of Council in the event of her/his absence or inability to serve.

ARTICLE V

QUORUM

A. **Definition**

1. A "Quorum" shall be four (4) members of the City Council.

ARTICLE VI

**APPOINTED OFFICIALS AND MEMBERS OF CITY STAFF
OF THE MUNICIPALITY AS THEY RELATE TO COUNCIL**

A. Appointed officials and Members of City Staff may be requested to attend meetings of Council and answer questions directed to them by Council, provided that such requests shall be made through the City Manager in accordance with the provisions of the City Charter.

B. **Mayor**

1. The Mayor, Deputy-Mayor, or temporary Chairperson shall serve as the presiding officer of Council, and shall be responsible for the conduct and order of the meetings of Council.
2. The Mayor shall be considered a member of Council and have the right to vote on all issues before the Council.
3. When a ruling or order has been made, it may be appealed to Council on the demand of two members. On such appeal there shall be no debate, but the member making the appeal may briefly state his or her reasons for the same, and the presiding officer shall have the right to a similar statement. A vote of 2/3 of the members present or 4 members if all are present in favor of overriding shall be necessary to override a ruling or order.

4. The Mayor shall sign all ordinances, resolutions and other matters requiring the approval of Council.
5. The Mayor shall perform all other duties prescribed for the office by Ordinance or Resolution of Council, by the City Charter, the Municipal Code, and by the Constitution of the State of Ohio.

ARTICLE VII

CONDUCT OF COUNCIL BUSINESS

- A. **THE AGENDA.** An agenda of business to be considered by Council and copies of all ordinances and resolutions listed thereon and other pertinent material shall be prepared by the Clerk of Council and delivered to each Council member at least 72 hours prior to each regular meeting of Council, when possible.

The agenda for a regular meeting shall contain:

1. A listing by title of each ordinance to be considered.
 2. A listing by title of each resolution to be considered.
 3. A listing of known persons wishing to appear before Council and the subject matter to be addressed.
 4. Any other matters of known business.
- B. **ORDER OF BUSINESS.** The presiding officer shall conduct the Council meeting in the order outlined by the agenda. However, agenda items may be rearranged by the presiding officer during the meeting to accommodate presenters, to make timely adjustments, and for other concerns that may arise. The order of the agenda shall be as follows:

1. Call the meeting to order.
2. Invocation and pledge of allegiance to the flag.
3. Roll call.
4. Excuse absent Councilmembers.
5. Action on minutes of previous meetings.
6. Communications.
7. Citizen comments and petitions.
8. Officials' Reports:
 - A. Mayor.
 - B. Council Member Reports.
 - C. City Manager's Report.
9. Old Business.
10. New Business.
11. Consent Agenda. (A member of Council may remove an item for separate discussion. A second is not required to remove that item.)
12. Adjourn the meeting.

Any person may request that a matter of business be placed on the agenda provided sufficient notice is provided to the Clerk for its preparation. All officers of the municipality and members of the public are urged to cooperate with the Clerk in making the agenda complete and accurate. Every effort shall be made to either provide Council with a memorandum regarding a matter or place matters before Council for discussion in a Work Session

prior to placing them on the agenda for a regular meeting of Council. While nothing in this section will prevent the introduction of new business not listed on the agenda, Council may require additional time to study any matter not included on the agenda.

All matters under the consent agenda are considered by the City Council to be routine and will be enacted by one motion. Any City Council member may remove an item from consent agenda by request. No second is required for removal of an item. Items removed for separate discussion will be considered after the motion to approve the consent agenda.

C. COMMITTEES. Council shall have the following standing committee:

1. Finance and Long-Range Planning to which shall be referred proposed legislation and other matters concerning budgets, audits, appropriations, tax programs, financing, land acquisitions, public improvements, general planning, and other matters of a similar nature.

The standing committees will be composed of two Councilmembers and a Chairperson who shall be appointed by the presiding officer for a two-year term and must be confirmed by a majority of Council present and voting.

A committee may appoint as many citizen advisory members as the majority deem necessary. Citizen members shall not vote.

D. SPECIAL COMMITTEES. The presiding officer may from time to time create special committees for limited purposes. The appointments of the presiding officer must be confirmed by a majority of Council.

Special committees will exist only for that length of time required to complete their purpose.

Special committees may appoint such citizen advisors as they deem necessary.

- E. COMMITTEE MEETINGS. Committee meetings will be called by the Chairperson of such committee. He or she shall give notice of the meeting to all members of the committee.

Each committee may adopt its own rules of order. In the absence of written rules, the ordinary parliamentary rules will prevail, as outlined by Robert's Rules of Order.

- F. COMMITTEE REPORTS. Each standing and special committee shall make a final report, in writing, of its recommendations to Council including minority reports, if any. Interim reports may be given orally or in writing.

- G. COMMITTEE RECORDS. The Clerk of Council shall maintain a record of all recommendations including minority reports presented to Council by a committee.

When an ordinance or resolution is reported on by a committee for the purpose of being introduced to Council, such prepared legislation must be approved by the Municipal Attorney as to form, consistency with existing ordinances, the Charter and constitutional provisions.

- H. TRAVEL BY MAYOR AND MEMBERS OF COUNCIL. Subject to budgetary limitations, any travel and related expenses on City business by the Mayor and Council members shall be paid by the City of Centerville. As quickly as possible after returning from a trip, a travel expense report shall be prepared for submittal to the Director of Finance. Receipts shall be attached to the travel expense report when submitted.

- I. PUBLIC HEARINGS. Public hearings shall be held in conformance with provisions of the City Charter, Municipal Code, the Ohio Revised Code, and when in the opinion of the Council, the public interest is served by such a hearing.

The presiding officer shall conduct such public hearings as may be held, and shall set forth rules of procedure and conduct for the hearing.

Notwithstanding the above, the following general rules shall be in force during any public hearing:

1. The purpose of a public hearing is to hear both sides of an issue; unruly outbursts will not be tolerated; courtesy shall be extended to all speakers on the question.
2. Speakers shall limit their remarks to the question at hand, in order to help ensure that as many views as possible can be recognized.
3. All questions and comments shall be addressed to the presiding officer.
4. No more than 10 minutes shall be given to any speaker.
5. Unless waived by a majority of Councilmembers present, a public hearing shall be limited to one (1) hour, with, as nearly as possible, half the time given to persons representing each view.

ARTICLE VIII

INTRODUCTION OF LEGISLATION

All ordinances and formal resolutions shall be sponsored by a member of Council. All such legislation shall bear the name of the sponsor.

ARTICLE IX

VOTING

Voting on all proposed legislation and motions shall be oral and in open meetings of Council. Voting need not be by roll call unless specifically requested by a member of Council. If by roll call the Clerk shall call the roll and each present Councilmember shall respond "yes", "no" or "abstain." No other comment shall be considered proper during the voting. The order of voting by the Council members shall rotate with each successive meeting, however, the Mayor shall always vote last. After the voting is completed, the presiding officer shall announce the result.

Except as otherwise provided in these rules, the Charter, the Municipal Code or the Ohio Revised Code, a simple majority of members present shall carry any motion, ordinance or resolution. A member who abstains shall be counted for the purpose of determining a quorum, but no vote shall be recorded for that member on the issue from which the member abstained.

The vote of any member of Council shall not be questioned.

ARTICLE X

DEBATE

The presiding officer may control debate according to the following rules:

1. No Councilmember shall be permitted to speak longer than 10 minutes on any motion.
2. While members of Council may yield to other members, the limitation in Item 1 still prevails.
3. The presiding officer may refuse the floor to any person when the tactics are obviously dilatory and not in the best interest of Council.
4. The above rules may be waived in the normal manner of challenge to the chair.

ARTICLE XI

MOTIONS

- A. When a question is before Council or under discussion, or a motion has been made, no motion shall be proper except the following:
1. Motion to adjourn.
 2. Motion to table until a stated future time. If no future time is stated, the item shall be tabled until the next regular meeting.
 3. Motion to request that discussion end and that a vote be called.

4. Motion to refer to a standing or special committee.
 5. Motion to amend a motion under discussion.
 6. Motion to postpone action for an indefinite time. A motion to postpone indefinitely should not be entertained by the presiding officer when in conflict with provisions of the Municipal Code or the Ohio Revised Code.
- B. Vote Without Discussion. Relative to the motions listed under A, motions will go immediately to a vote without discussion, except for a brief explanation by the person making such motion.
- C. A motion requesting that the discussion end and a vote be taken will not be proper until all members have had the opportunity to be heard on the motion in main. Once this has been accomplished, the motion will go to a vote without discussion, except for a brief explanation by the person requesting the motion.
- D. A motion to amend is susceptible to one amendment. An amendment, once rejected, may not be moved again in the same form.
- E. If a motion to postpone action for an indefinite time is carried, the principal question shall be declared lost.
- F. Motion to reconsider. A motion to reconsider may be made only by a member who had voted with the prevailing side.
- G. A motion to remove any matter from the table, or to remove any matter from committee, shall be in order at any succeeding meeting.

Such motion shall go to a vote without discussion except for a brief explanation by the members so moving.

H. All motions shall require a second.

ARTICLE XII

AMENDMENTS

These rules may be amended or altered or new rules adopted by a vote of the majority of all members elected at any meeting of the Council.

ROBERT'S RULES OF ORDER

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