

COUNCIL OF THE CITY OF WHITEHALL

RULES OF PROCEDURE

(2020 - 2021 Term)

ARTICLE I. No provision or section of these rules that conflicts with or restricts those rights provided by the Constitution of the United States, the Constitution of the State of Ohio, or the Charter of the City of Whitehall, Ohio, shall have any force or effect. Pursuant to Section 6(b) of the Whitehall City Charter, all meetings shall be held in compliance with the general laws of the state of Ohio and specifically the open meeting provisions of the Ohio Revised Code.

ARTICLE II. MEETINGS.

A. REGULAR MEETINGS of the Council shall be held on the first and third Tuesday of each month. Such meetings shall be called to order at 7:00 p.m. in the Council Chambers of the City of Whitehall or in any other public place within the confines of the City of Whitehall.

B. SPECIAL MEETINGS may be called by the Mayor, the President of Council or any three (3) members of Council. The following guidelines shall be followed:

- 1.** Written and electronic notice setting forth the date, time and place of the meeting, as well as the subjects to be considered at the meeting, shall be served personally on or left at the usual place of residence of each member of Council, the President of Council and the Mayor at least twelve (12) hours in advance of the Special Meeting.
- 2.** When a Special Meeting is called by the Mayor or President of Council and when the notice referred to herein provides that it is an "Emergency Special Meeting" the twelve (12) hour notice required above shall be waived and the notice may be given at any time prior to the time of the meeting.
- 3.** No subject shall be considered at a Special Meeting except those stated in the notice.
- 4.** Service of notice, or any defect in said notice or the service thereof shall be deemed to have been waived by any member of Council, the President of Council or the Mayor, who shall be present at the Special Meeting.

- 5.** Council may, by motion, at any meeting of the Council, establish a Special Meeting. However, notice will be given only to those members of Council not present at the time.
- C.** When any regular meeting of the Council falls due on a legal holiday, or on an election day, the Council may meet in regular session on a date to be set at the Council Meeting preceding the holiday or Election Day.
- D.** All meetings of Council, whether regular or special, or of its Committees shall be open to the public and any citizen shall have access to the minutes and records thereof at all reasonable times. Media requesting notification of special or emergency meetings shall be notified at least twelve (12) hours in advance of a special meeting or immediately upon the calling of an emergency special meeting.
- E.** At 7:00 p.m., local time, on the first Tuesday in January following a regular municipal election, unless such Tuesday shall fall on a legal holiday, the Council shall meet at the usual place for holding meetings, at which time the newly-elected members shall assume the duties of their offices. Should the first Tuesday in January fall on a legal holiday, then such meeting shall take place on the first Wednesday after the first Tuesday in January following a regular municipal election.
- F.** The Mayor, the Director of Public Safety, the Director of Public Service, the Director of Development, and other elective officers may be entitled to take part in such discussions and make reports as it affects their respective departments.
- G.** Members of Council may be excused if the President of Council or the Clerk of Council is notified six (6) hours prior to the meeting of the expected absence. Under emergency circumstances, this requirement may be waived.

ARTICLE III. OFFICERS OR EMPLOYEES OF COUNCIL.

Council will, of its own initiative, select a President Pro-Tem and a Clerk of Council.

- A.** The President Pro-Tem (Pro Tempore), in addition to the provisions of Section 3(c) of the Charter, shall serve as the President of Council when the elected President is absent and shall have the same powers and duties as the President of Council when presiding.

- B.** In the absence of both the President and President Pro-Tem of Council, the Council may appoint, from its members, a temporary Chairperson or President of Council.
- C.** Clerk of Council and Other Employees.
 - 1.** The Council shall appoint a Clerk of Council and such other officers and employees for the efficient conduct of the business of Council as it shall determine from time to time to be necessary. The Council shall provide reasonable compensation for the services provided.
 - 2.** The Clerk of Council and other officers or employees of the Council shall not be in the classified service of the City and shall serve at the pleasure of the Council.
 - 3.** The Clerk of Council shall:
 - a.** Attend all Council Meetings, regular and special, unless excused by the Council President.
 - b.** Prepare a record of proceedings of all Council meetings, which shall be termed the “minutes” or journal, and be a custodian of such records.
 - c.** Prepare an Agenda for each regular meeting of Council.
 - d.** Furnish all transcripts, orders and certificates that may be properly required and shall be entitled to charge for all attested certificates and transcripts, the same fees that are allowed by law to county officers for similar services; provided, that the same shall be furnished free of charge when ordered by the Council or required by any Council member or City officers in 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.
 - g.** Perform all clerical duties incidental to the office.
 - h.** Perform such other duties as directed by Council.

ARTICLE IV. LEGISLATIVE PROCEDURE.

- A.** Preparation, introduction, revision and passage of ordinances or resolutions shall be in accordance with Section 10 of the Charter of the City of Whitehall, Ohio.
- B.** All ordinances and resolutions, prior to the first reading, will be referred to an appropriate committee or committees by the President of Council.

ARTICLE V. DEFINITIONS.

- A.** Quorum – A simple majority of the elected body.
- B.** Majority – Four members of the Council.
- C.** 2/3 Majority – Five members of the Council.
- D.** 3/4 Majority – Six members of the Council.

ARTICLE VI. ELECTED OFFICIALS OF THE MUNICIPALITY AS THEY RELATE TO COUNCIL.

- A.** Elected officers and appointed officials may be requested to attend the Council meetings and answer any proper questions directed to them by Council.
- B. 1.** The President of Council, in addition to the provisions of Section 3 (d) of the Charter: (1) shall serve as the presiding officer of Council and shall be responsible for the conduct and order of the meetings of Council; (2) shall determine which committees shall consider new business, subject to challenge by a majority of Council; (3) shall sign for Council all ordinances, resolutions or other matters requiring the approval of Council; and (4) shall have no vote on any matter except for the purpose of breaking a tie vote of the Council.

PROPER CONDUCT OF BUSINESS

Any member wishing to partake in discussion must wait to be recognized by the President of Council before speaking.

When a member has been recognized by the President, he/she shall have the floor and shall not be interrupted by any other member.

Members shall refrain from side conversations when another has the floor.

Every effort will be made to allow each member an opportunity to state their opinion/make their point.

2. When a ruling of 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.

ARTICLE VII. REMOVAL, EXPULSION OR VACANCIES ON COUNCIL.

Provisions of Section 7 of the Charter of the City shall apply in any removal, expulsion, or vacancy of a member of Council.

ARTICLE VIII. CONDUCT OF COUNCIL BUSINESS.

A. THE AGENDA of business to be considered by Council shall be prepared and emailed to Council members' and placed in the electronic folder (One Drive) on the Friday prior to each regular meeting of Council. The Agenda for a regular meeting shall contain:

1. A listing by number and title of each ordinance to be considered.
2. A listing by number and title of each resolution to be considered.
3. Any other matters of known business.

B. 1. ORDER OF BUSINESS – The presiding officer shall conduct the Council meeting in the order outlined by the Agenda. The order of the Agenda shall be as follows:

- a. Call to Order
- b. Moment of Silence
- c. Pledge of Allegiance
- d. Roll Call
- e. Excuse absent members
- f. Action on minutes of previous meetings
- g. Poll Public for comments
- h. Standing Committee Reports:
 - (1) Administration and Financial Management Committee

- (2) Community and Elder Advocacy.
 - (3) Community Standards and Enforcement Committee
 - (4) Economic Development Committee
 - (5) Infrastructure, Maintenance and Services Committee
 - (6) Public Safety Committee
 - (7) Parks and Recreation Committee
 - i. Officials' Reports:
 - (1) Mayor
 - (2) Director of Public Service
 - (3) City Attorney
 - (4) Auditor
 - (5) Director of Public Safety
 - (6) Director of Development
 - (7) Treasurer
 - (8) President of Council
 - j. Communications, Petitions and Claims
 - k. Third Reading of ordinances and resolutions
 - l. Second Reading of ordinances and resolutions
 - m. First Reading of ordinances and resolutions
 - n. Poll Public
 - o. Community Date Board
 - p. Poll of individual Council members for comments
 - q. Adjournment
 - 2. The Clerk will receive items for the Agenda until 11:00 a.m. on Thursday preceding a regularly scheduled Council meeting. All officers of the municipality and members of the public shall cooperate with the Clerk in making the Agenda complete and accurate. Any person with legislation may request an addition to the Agenda by contacting the Council President. Council may require additional time to study any matter not included on the Agenda.
- C. **COMMITTEES** – Council shall have the following Standing Committees:
 - 1. Administration and Financial Management Committee
 - 2. Community and Elder Advocacy.
 - 3. Community Standards and Enforcement Committee
 - 4. Economic Development Committee
 - 5. Infrastructure, Maintenance and Services Committee
 - 6. Public Safety Committee
 - 7. Parks and Recreation Committee

The Committee members shall be appointed by the presiding officer and must be confirmed by a majority of Council.

Each Standing Committee shall have a Chairperson. Standing Committees will be composed of a minimum of three Council members. A committee may appoint as many citizen advisory members as the majority deem necessary. Citizen members shall not vote, but they may concur with committee reports.

Matters may be referred to the Committee as a Whole. This committee may consider current issues and problems of the city and work through Standing Committees; it may consider matters which obviously do not fall within the purview of any Standing Committee; and it may consider issues of a general nature which are of interest to all Council members.

D. SPECIAL COMMITTEES – The presiding officer may, from time to time, create special committees for limited purposes. Such special committees shall be composed of a minimum of three Council members. The appointments of the presiding officer must be confirmed by a majority of Council.

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 and comply with all open meeting provisions of the Ohio Revised Code.

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, Newly Revised.

The Clerk of Council shall prepare committee meeting agendas and distribute them by noon on the day of the meeting. Anyone with draft legislation for a committee meeting should have the draft to the Clerk of Council by Monday at 12:00 p.m. Any matter not listed on the committee agenda may be brought forward by the sponsor for discussion.

F. COMMITTEE REPORTS – The Chairperson of each standing and special committee shall record their committee’s recommendations on all ordinances and resolutions referred to their committee, including the text of any proposed amendments and the sponsor of the amendment proposed, and shall make a final report in writing on all ordinances and resolutions so referred. Minutes of the meeting will suffice. Any interim reports may be given orally or in writing.

When an ordinance or resolution is reported on by a committee for the purpose of being introduced to Council, such prepared legislation must be reviewed by the City Attorney as to form. If the City Attorney objects to the subject or language of the proposed ordinance or resolution, he or she shall report to Council, preferably in writing, the objections and the basis for challenging the proposed legislation.

ARTICLE IX. INTRODUCTION OF LEGISLATION.

- A.** All proposed ordinances and formal resolutions shall be sponsored by a member of Council, any elected or appointed official of the City of Whitehall or any applicant for a zoning change. All such proposed legislation shall be presented in writing and shall bear the name of the sponsor or sponsors.
- B.** All sponsors of legislation shall bring their draft legislation forward at the first available committee meeting. Said legislation should indicate that it has been approved as to form by the City Attorney and bear his/her initials indicating the same. At that time, the sponsor(s) may request placement on the Agenda.
- C.** No proposed legislation shall be placed on the Agenda unless sponsored by a member of Council, an elected or appointed official of the City of Whitehall or an applicant for a zoning change.
- D.** The presiding officer will determine final committee assignment in accordance with Articles IV B and VI B 1 of these rules, and may, subject to challenge by 2/3 vote of Council, refer proposed legislation to a committee for study.
- E.** Legislation may be introduced for adoption by its sponsor or by the committee chairperson to whom the legislation was referred. Whenever possible, said motion will be seconded by a member of such committee.

ARTICLE X. VOTING.

- A.** Voting on all proposed legislation shall be oral and in open Council. The Clerk shall call the roll and each Council member 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. After the voting is complete, the presiding officer shall announce the result.

- B.** Except as otherwise provided in these rules, or by law, a minimum of four (4) affirmative votes shall carry any motion, ordinance or resolution.
- C.** Legislation with an emergency clause shall require five (5) affirmative votes in accordance with Section 10 (d) of the Whitehall City Charter.
- D.** The vote of any member of Council shall not be questioned.

ARTICLE XI. DEBATE.

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

- A.** No person shall be permitted to speak longer than five minutes on any motion.
- B.** No person shall be permitted to speak more than twice on any one motion.
- C.** While members of Council may yield to other persons, the limitations outlined in items A and B still prevail.
- D.** The presiding officer may refuse the floor to any person when the tactics are obviously dilatory and not in the best interest of Council.
- E.** The above rules may be waived in the normal manner of challenge to the chairperson.

ARTILCE XII. MOTIONS.

- A.** **AMENDMENTS TO ORDINANCES AND RESOLUTIONS** - Any substantive amendments to ordinances or resolutions shall be made on the Council floor by a formal motion and shall be voted upon by the members. Simple, clerical amendments are exempt from this requirement.
- B.** When a question is before Council or under discussion, or a motion has been made, no motion shall be proper except the following, and in the order listed:
 - 1.** Motion to adjourn.
 - 2.** Motion to table until stated future time.
 - 3.** Request that discussion end and a vote be called.
 - 4.** Motion to refer to standing or special committee.
 - 5.** Motion to amend motion under discussion.
 - 6.** Motion to postpone action for an indefinite time.

- C. 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.
- D.** 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.
- E.** A motion to amend is susceptible to but one amendment. An amendment, once rejected, may not be moved again in the same form.
- F.** If a motion to postpone action for an indefinite time is carried, the principal question shall be declared lost.
- G. MOTION TO RECONSIDER.**
 - 1.** A motion to reconsider a subject that may have been acted upon favorably by Council must be made before the adjournment of that session of Council.
 - 2.** A motion to reconsider any other subject may be made not later than the next regular meeting after such action was taken.
 - 3.** A motion to reconsider may be made only by a member who had voted with the prevailing side.
- H.** 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 member so moving.
- I.** All motions shall require a second.
- J.** A motion to suspend the rules shall require 2/3 majority vote.

ARTICLE XIII. PUBLIC PARTICIPATION.

The City Council welcomes comments from the public. Two opportunities exist during the regular meetings of council for the public to speak. To participate in the opportunities, the following rules shall apply:

- A). During the Poll Public sessions, the President of Council will ask if anyone would like to come forward at this time. The speaker shall first state his/her name and address. The President of Council may waive the requirement for the participant to speak at the designated location if the speaker is limited due to a physical disability;
- B). Each speaker shall be provided up to three (3) minutes to address Council (at the discretion of the Council President) with no right to yield time to other speakers;
- C). No speaker shall address a subject more than once during a council meeting;
- D). The speaker shall refrain from making defamatory, slanderous, or obscene comments or statements. Council members are encouraged to reframe from engaging with members of the public. For answers to specific questions, the members of the City Council and Administration are available after each meeting;
- E). If any violation of the listed rules occurs or if the speaker engages in any inappropriate behavior the Council President shall give the speaker one warning. If any violation continues then the Council President may revoke the participant’s speaking privileges and the speaker may be removed from the Council chambers.

ARTICLE XIV. AMENDMENT TO COUNCIL RULES.

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, or by the report of a committee to which the subject has been previously referred.

ARTICLE XV. ROBERT’S RULES OF ORDER.

In the absence of any rules upon the matter of business, the Council shall be governed by “Robert’s Rules of Order, Newly Revised.”

DATE: _____

President of Council

ATTEST: _____, Clerk of Council