

**RULES**

**AND**

**ORDER OF BUSINESS**

**AS AMENDED**

July 20, 2009

**CITY COUNCIL**

**CITY OF NEWARK, OHIO**

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**RULES AND ORDER OF BUSINESS  
NEWARK CITY COUNCIL**

RULE 1. Regular meetings of the Council shall be held in the Council Chambers on the first and third Mondays of each month, at 7:00 p.m., and at such other times as may be ordered by the Council. When a regular meeting falls on a legal holiday the meeting will be held the following Tuesday at 7:00 p.m.

RULE 2. Special meetings of the council may be called by the Mayor, any three members, or the President of Council upon at least 24 hours notice to each member and the news media that have requested notification. Notice of a special meeting shall be served personally or left at the usual place of residence of the member of Council. The business to be transacted at a special meeting shall be identified in the notice to each member of Council. No other business shall be transacted.

2A. Committee Chairman shall provide 24 hours advance notice of all committee meetings to all Council members and all representatives of the news media requesting advance notification of the time, place, and purpose of the meeting.

2B. The Clerk of Council shall mail advance notification of the Council's meetings and regular agendas to any person who requests advance notice and pays a reasonable fee. The person requesting advance notice must provide self-addressed, stamped envelopes for this service. Upon request, the Clerk shall provide e-mail notification without fee.

2C. In the event of an emergency requiring immediate official action, the Mayor, President, or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting through the Clerk of Council.

RULE 3. All business for transaction by the Council must be in the Clerk's office no later than 4:00 p.m. Wednesday preceding a regular Council meeting, except when a regular meeting falls on a legal holiday then the deadline for submission of business shall be not later than 4:00 p.m. Thursday preceding the regular meeting. Any resolution or ordinance being offered for consideration by any committee of Council must be in the Clerk's office no later than 12:01 p.m. Thursday preceding the scheduled committee meeting except as set forth in Rules 11 and 12 herein.

All legislation, reports, and communications to Council that are listed on a regular meeting's agenda or on a letter of notice of a special meeting shall be made available for full public

inspection in the Clerk's office during normal working hours.

RULE 4. The President, or in his or her absence, the President Pro Tem, shall take the chair at the starting time for a meeting and proceed with the Order of Business. In the absence of the President and the President Pro Tem, the Clerk shall call the meeting of Council to order and call the roll. If a quorum is present, the council shall appoint one of its members President Pro Tem, for that meeting, or until the appearance of the President or the President Pro Tem, who shall proceed with the Order of Business. If a quorum is not present, the members may, by a majority vote of those present take a recess for a period not exceeding one hour. A majority of the members of Council shall constitute a quorum.

While conducting a council meeting the President Pro tem has voting privileges.

RULE 5. The President shall preserve order and decorum. He or she may call any member to order who shall violate any of these rules; and shall, when in the chair, decide all questions of order subject to an appeal to the Council by any member of council upon motion and second.

There shall be no debate on the motion to appeal, but the member making the appeal may briefly state his or her reasons for the appeal.

All questions are to be stated by the chair and the question shall be "Shall the decision of the Chair be sustained?"

It shall take a majority vote (6) to overrule the chair.

RULE 5A.

The President, in presiding over meetings of the Council, shall ensure that outside of the appointed times in the agenda for city officials as well as from citizens to address the Council, all participation in debate and other discussion during the meeting shall be by the members of the Council. The President shall further ensure that no member of Council individually invite verbal input or remarks from persons in the audience. However, with the President's permission, a member of Council may ask for verbal input and remarks from the mayor, members of the mayor's cabinet, and other city officials.

RULE 5B.

When called upon to cast a tie-breaking vote on any ordinance or resolution pending before council, the President may speak for not more than two (2) minutes to the issue pending and explain the basis for such tie-breaking vote. However, the President will be deemed to have waived the right to explain the basis for the tie-breaking vote if during the debate on the issue in question the President surrendered his/her status as presiding officer to the

President Pro Tem and took an active role to any degree in the debate on the issue in question.

RULE 6. No person except members, city officials, reporters for the media and persons especially invited, shall be admitted within the railing on the floor of the Council Chamber. It shall be the duty of the presiding officer to rigidly enforce this rule.

RULE 7. The Order of Business shall be as follows:

1. Roll Call, Invocation, and Pledge of Allegiance
2. Caucus  
Time for Council, the Mayor and the Administration to briefly discuss any item appearing on the Agenda relevant to the issues of amendment, tabling, anticipated abstentions or other procedural issues.
3. Minutes
4. Elections and Appointments  
Unfinished business
5. Reports of Special or Standing committees
6. Reports or Agenda Comments of City Officials
7. Petitions, Memorials, Communications
8. Public Hearings
9. Comments from Citizens
10. Non-binding Resolutions
11. Ordinances for 2nd reading
12. Ordinances for 1st reading
13. Resolutions for 2nd reading
14. Resolutions for 1st reading
15. Comments from citizens
16. Miscellaneous  
Auditor  
Law Director  
Mayor and Cabinet  
Council Members, including President of Council,  
in voting order.
17. Adjournment

Rule 7A. Miscellaneous comments shall be limited to three minutes each unless extended by permission of the President of Council. Should a member reference another member in Miscellaneous comments, the President of Council may allow the referenced member a one-minute rebuttal.

RULE 7B. If during either session of Citizen Comments a specific question is asked of Council, the Administration, or any specific Council member, Cabinet member, Administration Official, or other elected official, the person(s) to whom the question is directed shall, in the discretion of the President, be allowed up to one (1) minute to respond to such question or to provide for a more appropriate time and place to provide such answer(s). The number and extent of questions posed by any one citizen speaker shall be controlled by the President in his/her discretion in an effort to maintain decorum, discourage argument, and facilitate

timely meetings.

RULE 8. The action of Council shall be by ordinance or resolution and/or the passage of every ordinance or resolution the vote shall be taken by "yes" or "yea" or "no" or "nay" and entered in the Journal.

When demanded by any member, and seconded, the "yeses" and "nos" shall be taken on the adoption of any question or proposition submitted to the Council; and in taking the "yeses" and "nos" in any case, the Clerk shall call the names of the members in alphabetical order. However, the alphabetical order of voting shall be rotated on a monthly basis. The President shall announce the result of said vote. The Clerk may be required to read the vote taken upon the demand of any member.

The language to be used in moving the passage of both ordinances and resolutions shall be to "move adoption of" or "move to adopt".

RULE 9. Each ordinance and resolution shall be read by title only, provided the legislative authority may dispense with this rule by a vote of at least six yeas according to the Charter.

RULE 10. Any Ordinance or Resolution that comes to council carrying an emergency clause shall take seven (7) votes to adopt. If any ordinance or resolution comes to council without an emergency clause but at the meeting it is moved that an emergency clause be added to that particular piece of legislation, then it takes eight (8) votes to add the emergency clause, and then seven (7) votes to adopt.

A standing committee considering legislation shall determine by a majority vote of the committee members (or their designates) present whether the legislation is to be presented as emergency legislation. The decision of the committee shall be set forth in the minutes of the committee including the reason(s) for the requested emergency clause.

RULE 11. Under miscellaneous business, Council may, after debate, permit the introduction of legislation classified as emergency by a three-fourths (8) vote.

If a member introduces legislation and did not meet the time criteria to be numbered and placed on the agenda, then the clerk will assign it a number at the meeting the legislation is introduced. The President of Council will refer the legislation to the appropriate committee.

By agreement of the Minority and Majority Leader of Council, legislation may bypass committee review as long as it has been presented to the Clerk in conformity with the timetable established by Article 4.02 (C) of the City Charter and it is reflected on the Agenda that the Majority and Minority Leaders have agreed that committee review is not necessary.

RULE 12. The President may, at any time, permit a member to introduce an ordinance, resolution, motion, or order out of the regular order of business, if there is no objection on the part of any members. If any member introduces an ordinance or resolution out of the regular order of business, the ordinance or resolution shall be numbered by the Clerk of Council and the President of Council shall refer that matter to the appropriate committee pursuant to Council Rule 30 (A).

RULE 13. Any ordinance or resolution presented to the Clerk in a timely fashion as set forth in Rule 3 for consideration by Council will be numbered by the Clerk and referred by the Council President to the appropriate committee in consideration of the committee designations in Rule 30(A).

Any ordinance or resolution having been referred to any committee of the Council shall be reported upon, in writing, by such committee. Said written report may recommend the adoption or passage of the matter upon which said report is based, or its refusal, as the committee may decide. The same shall be reported upon pursuant to Rule 30(B), and shall be received and filed by the Clerk in the proper order of business.

RULE 14. All members addressing the President must be recognized before proceeding. In all cases the member who shall address the chair first shall speak first; when two or more members seek to address the chair at the same time, the President shall name the member who is first to speak. No member shall be allowed to speak except from his or her own desk; no member shall speak more than twice on the same subject or main questions except with leave of the President. No member shall speak more than once on the same motion until every member desiring to speak on that motion shall have had an opportunity to do so.

Any member while discussing a question, may read from books, papers, or documents, any matter pertaining to the subject under consideration, without asking leave.

If any member, in speaking or otherwise, shall violate any rule of the Council, the President shall call him or her to order; if such member shall be called to order while speaking he or she shall immediately cease speaking. The question of order shall be decided without debate, and if the decision shall be in favor of the member called to order while speaking, he or she shall be at liberty to proceed with his or her speech without leave of the Council.

Any member who indicates an intent to abstain from voting for whatever reason on any question shall not be permitted to participate in debate or speak to the issue in question and shall not be recognized by the chair for such purpose during debate. Members intent on abstaining from voting on any issue shall announce such intent publicly during Caucus as set forth at Rule 7.

RULE 15. Ordinances and resolutions shall be introduced by members of Council with their names endorsed on them.

RULE 16. After an ordinance or resolution has been once referred to a standing committee and report made thereof to the Council, the same may be referred again, but after an ordinance or resolution has been referred a third time (and a motion to pass or adopt has been made and seconded, it shall not again be referred

If any matter be referred to any standing committee or special committee of the Council, and the same be not reported upon by said committee at the next regular meeting of Council, the Council may, by a majority vote thereof take such matter so referred from said committee and act upon said matter without report at the meeting following the failure to report, unless, upon proper excuse an extension of time be granted said committee.

RULE 16A. If a motion is defeated by majority vote in a meeting of a committee of Council, that action will be reported to the next meeting of Council, and the issue will not be brought into the agenda of the Council for consideration, unless brought into the Council agenda by a two-thirds majority vote during the caucus section of the agenda. Alternatively, a member of Council, supporting a motion defeated in committee, can request the Council President to assign the issue to another committee of Council or to a special committee appointed by the Council President.

RULE 17. When a motion is made to refer any subject to a standing committee and it is moved to substitute therefore a select committee, the question of reference to a standing committee shall be first put.

RULE 18. A motion to adjourn shall always be in order, unless the Council is engaged in voting or a member is speaking, but in being decided in the negative shall not again be entertained until some progress has been made.

RULE 19. When a question or proposition is before the Council, or under debate, no motion shall be received except the following:

1. To adjourn
2. To lay on the table
3. Main question
4. To postpone to a day certain
5. to amend
6. To refer (or recommit)
7. To postpone indefinitely

RULE 20. A motion to take from the table shall be in order under caucus, and such motion shall be decided without debate; provided that the mover may be permitted to briefly state his or her reason for the motion.

RULE 21. Any member who voted on the prevailing side may move for a reconsideration of any action of the Council, provided the motion must be made not later than the next regular meeting after such action was taken, or at the meeting in which action was taken if the legislation was passed or adopted as an emergency. A motion to reconsider shall be in order any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table, may be taken and acted upon at any time when the Council is engaged in transacting miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject; the same number of votes shall be required to reconsider any action of the council as is required to pass or adopt the same.

RULE 22. When the main question has been moved and seconded, and a member of Council calls for the question, the main question as stated by the presiding officer shall preclude all further debate. If a call for the main question is not sustained by majority vote of council, the subject under consideration shall not be precluded and the business shall proceed as if no such call had been made.

RULE 23. When a motion is made and seconded it shall be stated by the President before any debate shall be in order. Every such motion and amendments thereto, if any, may be withdrawn by the movers thereof at any time before decision, if a majority of the members shall agree thereto.

RULE 24. Any member may call for a division of the question, or the President may direct the same; and the same, in either case, shall be divided if it involves questions so distinct that one being taken away, the other will stand as an entire question for question.

RULE 25. When required by any member, every motion or proposition shall be reduced to writing before action is taken thereon.

RULE 26. The following motions are not debatable:

To adjourn  
To lay on the table  
To take from the table  
For the main question  
Point of order

RULE 27. These rules or any of them, may be temporarily suspended at any meeting of Council by a three-fourths vote (8 votes) of all members elected and the vote on the suspension in these cases, shall be taken by "yeyes" or "yeas" and "nos" or "nays" and entered in the Journal.

RULE 28. Any proposed amendment or addition to the rules of the Council shall be first referred to the Rules Committee which shall report on the rules at a regular meeting of council.

RULE 29. Before the adoption of a Resolution for a Capital Improvement or Special Assessment Project or the Report of any Committee favoring the same, the Service Director (assisted by the advice of the Engineering Department and/or Engineering Consultant) shall submit in writing an estimate of the cost thereof and recommend source(s) of funds to be utilized for the proposed project. In the case of any project to be specially assessed upon either abutting or benefiting property holders in addition to the foregoing, such written statement will contain a recommendation as to the specific method to be employed in calculating the dollar amount of the individual assessment and shall further certify that such project can successfully meet all the statutory requirements set forth in the Ohio Revised Code pertinent to Special Assessment Projects.

RULE 30. The members of council shall be assigned to the following standing committees by a majority vote of the Council. The first named on each committee shall be the chairman and the second named shall be the vice chairman.

1. Finance - five members
2. Street - seven members, one from each ward
3. Public Service - five members
4. Public Safety - five members
5. Economic Development - five members
6. Ways and Means - three members
7. Rules - three members
8. Capital Improvements - five members
9. Recreation - three members
10. Personnel - five members
11. All others - three members

RULE 30A. The duties and responsibilities of the standing committees of Council will be as follows:

1. The Finance Committee shall consider matters relating to the finances and the various funds of the City, the development of the annual budget of the city, the authorization of expenditures (with the exception of the Capital Improvements budget, which shall be authorized directly by its own committee), the consideration of requests for funding, the payment of personal services and claims, and the authorization of the transfer of money from one established account to another within departments of the City. All requests for Finance Committee action shall be presented to the Auditor's Office by the Wednesday preceding a regularly scheduled Monday meeting of the committee. Requests for committee action that arise after the Wednesday deadline can also be considered by the committee, provided that the chair of the Finance Committee and the City Auditor have been notified twenty-four hours in advance and each City Council

member has been given a copy of the specific request. It shall be the further policy of the Finance Committee the transfer of budgeted monies of one hundred dollars or less may be submitted directly to the City Auditor for approval and transfer without prior action by the Finance Committee.

- 1a. A Special Budget Review Subcommittee shall meet at least annually at the discretion of the Committee Chair. It shall be the duty of this committee to monitor the city budget, including tax revenues and other income as compared to the outlay of funds, and to report to the Finance Committee any developing budgetary problems together with recommendations toward solving such problems. To serve on the subcommittee would be the City Auditor, City Treasurer, Mayor (or his appointee), Service Director and the majority and minority leaders of city council, the chair of the Finance Committee, and the ranking minority member of the Finance Committee.
2. The Street Committee shall consider matters relating to the streets, thoroughfares, and alleys of the City. It will consider the changing of street names, the vacating of alleys, issues of utility easements, and policy changes in terms of parking meters. It will consider, in conjunction with the Public Safety Committee, matters relating to policy changes in terms of traffic signals. It will annually review the status of street paving and improvement projects.
3. The Public Service Committee shall consider matters relating to the municipal cemetery, the municipal water and sewage utilities as well as outside utilities, regulation of cable television within the City limits, the maintenance of the City Hall and other municipal buildings and property, as well as matters related to the setting and reducing of development bonds for subdivisions within the city.
4. The Public Safety Committee shall consider matters relating to the operation of the municipal fire and police departments, traffic regulations, safety issues of persons and property within the city.
5. The Economic Development Committee shall consider matters relating to all economic development, abatement issues, community investment, and issues connected with enterprise zones. The committee shall deal with all business and manufacturing rezoning proposals. By request of Council the committee may deal directly with the private sector and/or private groups in the field of economic development. The committee shall consider matters relating to the Department of Community Development and will serve as a direct link between the

City Council and the Newark Area Chamber of Commerce. It shall relate to matters connected with grants and funding that are geared toward economic development and any changes in the business revolving loan program. The committee shall communicate with prospective job producers on behalf of the Council and the City, if so asked by the Mayor, Council, or a private sector organization such as the Chamber of Commerce. This committee shall consider requests for annexation into the City.

6. The Ways and Means Committee shall consider matters relating to the raising of revenue to run the municipal government, including municipal taxation and monies that come from the state and federal governments and other entities.
7. The Rules Committee shall consider amendments to the Council Rules and questions of interpretation of the existing Rules. It shall also handle questions of appointment of special Committees of Council and the appointment of Council members to bodies requesting Council representation. The Rules Committee shall also serve as the primary committee regarding any agreement relative to televising Council and committee meetings.
8. The Capital Improvement Committee shall consider matters relating to the development of the Capital Improvements Budget. It shall recommend and authorize the appropriation of funds for specific Capital Improvement projects and requests. It shall monitor the balance of Capital Improvement funds, and give consideration to financial legislation in the area of Capital Improvements.
9. The Recreation Committee shall consider matters relating to the parks and recreation programs of the City. The committee shall address issues directed to it by the Parks and Recreation Superintendent, the Director of Public Service, the Mayor, or the Citizen's Advisory Council for Recreation.
10. The Personnel Committee shall consider employment matters relating to salaried and hourly wage employees, that is, to uniformed and non-uniformed employees to employees who are members of the American Federation of State, County, and Municipal Employees (AFSCME), the Fraternal Order of Police (FOP), the International Association of Firefighters (IAFF), as well as to non-uniformed employees of the City. The committee shall deal with matters related to job classification, salary adjustments, additional staffing requests, and budget impacted personnel issues.

RULE 30B. All committees of the City Council shall submit to

the Clerk of Council a record of all actions and a summary of pertinent discussion from any and all committee meetings, using a "Committee Activity Form" devised by the Rules Committee in concert with the Clerk of Council and the President of Council, and approved by the City Council. The completed Activity Form shall be submitted to the Clerk of Council within twenty-four hours after all such meetings. The chair of each committee or the chair's substitute for a given meeting shall have the responsibility for the proper completion of this form and its prompt submission to the Clerk of Council.

RULE 30C. No committee of Council shall have the right to send letters of recommendation or other authoritative decisions to other entities, governmental or otherwise, without the whole council first having a vote on the matter.

RULE 30D. Each Council member shall personally attend at least sixty per cent (60%) of the Committee meetings of each committee to which that Council person is assigned. This provision shall not be applied until after the 10th meeting of the committee of that term.

When a committee member has missed twenty per cent (20%) of the meetings of the committee, the chairman of the Committee shall notify the Council President who shall notify the Committee Member in writing that he or she has missed twenty per cent (20%) of the committee meetings provided, however, the failure of the Committee Chairman or the Council President to do the above shall not affect the removal of the committee member from the committee.

Removal from the committee shall be automatic upon failure of the Committee Member to personally attend at least sixty per cent (60%) of the committee meetings of the committee to which that council person has been assigned and the removed committee person shall not thereafter be appointed to any other Council Committee. A replacement for the removed committee member shall be selected by a majority vote of Council.

RULE 31. No legislation shall receive final passage or adoption by Council until same has been approved as to form by either the Law Director or his assistant.

RULE 32. In the absence of any rule upon any matter of business the Council shall be governed by Robert's Rules of Order, General H.M. Roberts, Bantam Press, 1995.

RULE 33. The President of Council shall preserve order and decorum; and, by order of the Council shall compel the attendance of absent members as may by ordinance be prescribed.

RULE 34. The Clerk of Council is hereby authorized and directed to be the custodian of, keep and maintain the following special journals:

Special Journal No. 1, wherein there shall be filed or

transcribed for record, and all minutes pertaining thereto, the following: 'Elections & Appointments'; 'Petitions'; 'Memorials'; and, 'Report of City Officials'.

Special Journal No. 2, wherein there shall be filed or transcribed for record, and all minutes pertaining thereto, the following: 'Special Committee appointments and reports' and 'Standing committee appointments and reports'; and, 'Communications'.

Said special Journals shall be commenced anew every calendar year."

RULE 35. The Clerk of Council shall record the Council proceedings. The recordings shall be retained in the Clerk's Office pursuant to Ohio's Public Records Law and shall be available to the public at the convenience of the Clerk. The recordings are not to leave the Clerk's office during this time.

RULE 36. To amend a piece of legislation, it shall take the same number of votes to amend that piece of legislation as it would have taken to pass that particular piece of legislation before it was amended.

RULES 37. A committee member is permitted to designate an alternate council member to attend a committee meeting and vote when that particular member cannot be present, provided the chairman of the committee is notified in advance of the meeting subject to Rule 30. The alternate member cannot assume the duties of the chairman or vice chairman of the committee.

RULE 38. Nonbinding Resolutions and Nonbinding Honorarium shall be considered by the Finance Committee. It shall take a majority vote of the Finance committee to send a nonbinding resolution or nonbinding honorarium to the Council. Nonbinding resolutions shall be published in the same manner as other legislation. Nonbinding honorariums shall not be published.

RULE 39. Reserved.

RULE 40. The Council will not authorize the transfer of funds into other accounts from monies budgeted for salary and wages and related accounts. Rather, such funds in accounts for salary and wages in the City's annual budget must be used for such purposes. Further, funds from "contract hire" accounts are to be considered in the same category as salary and wages accounts.

RULE 41. It shall be the standing policy of the City Council that the contingency accounts established in the annual municipal budget for each department of the City shall be limited to the amount budgeted. It shall be the policy that once the annual budgeted contingency funds of a given department are expended, that contingency account may not be replenished for the remainder of that same budget year by transfer.

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RULE 42. The Clerk of Council shall schedule committee meetings at appropriate times after consultation with the Chair of the committee or the person requesting the meeting.

Rule 43. Council shall make provision to enable the clerk to arrange for the annual codification of its ordinances and other pertinent legislation in a form accessible to inquiring citizens and other members of the people.

Council shall also make provision for the posting of proposed ordinances and resolutions on the city's website by 4:00 p.m. four days prior to the council meeting at which such legislation is on the agenda. Likewise by the same time and date, printed copies of the proposed ordinances and resolutions shall be posted in some conspicuous location in the City Hall lobby.

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