

RULES OF CITY COUNCIL

Lima, Ohio

Effective October 29, 2012

Ordinance 229-12

MEETINGS OF COUNCIL and COMMITTEES

1. Regular Council Meetings. At 7:00 p.m. on the first Monday in January following a regular municipal election, unless that Monday falls on a legal holiday, the Council shall meet at the Council Chambers in the Lima Municipal Center, 50 Town Square, Lima, Ohio, at which time any newly elected members of Council shall take the oath of office and assume the duties of their offices.

1.1. Should the first Monday in January fall on a legal holiday, then the meeting shall take place on the first Tuesday after the first Monday in January.

1.2. Thereafter, Council shall meet on Mondays at 7:00 p.m. according to the schedule adopted and published by the Clerk of Council which shall serve as the Notice for such regular meetings, or as otherwise determined by Council.

2. Pre-Council. Council may meet one-half hour before the start of a regular meeting as an informal organizational working session to review its agenda for the regular meeting and to review any other items of business of the Council; provided, that such a meeting is open to the public and no votes shall be taken in any pre-council meeting.

3. Special Council Meetings. The Mayor, the President of Council, or any three members of Council may call a Special Meeting of the Council, upon 24 hours Notice.

4. Council Committee Meetings. The Chairperson of each council committee is responsible for calling meetings of the respective committees in accordance with the applicable provisions in these Rules.

5. Notice of Meeting. Notices for Special Council Meetings and Council Committee meetings shall be given as follows:

5.1. Notice of Special Council Meetings and Council Committee meetings shall be given upon at least 24 hours notice given to each member of the Council in one of the following methods:

5.1.1. By personal delivery of a written Notice; or,

5.1.2. By leaving the Notice at the place of residence or work of a member; or,

5.1.3. By email sent to the city email address of a member; or,

5.1.4. By facsimile transmission to a fax number provided to the Clerk by a

member.

5.2. Members may waive such notice in writing and filed with the Clerk of the Council.

5.3. Any Notice of Special Council Meeting and Committee meeting shall state the subjects to be considered at the meeting and no other subject shall then be considered at such meeting.

5.4. The Notice referenced herein for a Special Council Meeting may be given by the Clerk of Council; Council President, Mayor, one or more of the three members of Council who called a Special Council Meeting, or the Law Director acting on behalf of any one of the foregoing.

5.5. The Notice referenced herein for a Council Committee Meeting may be given by the Clerk of Council, the Chairperson of a council Committee, one or more of the Council Committee Members calling for a meeting, or the Law Director acting on behalf of any one of the foregoing.

6. Quorum. The physical presence of a majority of the members elected to Council shall constitute a quorum to do business for any regular or special council meeting. The roll shall be called and the Clerk shall enter in the minutes the names of the members present.

6.1. The physical presence of a majority of the members of a council committee shall constitute a quorum to do business for any authorized committee meeting.

7. Meetings Public. Council and its committees are governed by the Ohio Open Meetings Law, and the Council Clerk shall provide for public access to the minutes and records of the public meetings during the office hours of the Clerk.

8. Public Notice. The Council Clerk shall be responsible for providing public notice of all meetings of council and its committees. Such Notice may be posted on the official city website, but shall also be delivered to local media via email or facsimile transmission at least 24 hours in advance for any Special Meeting of Council or a meeting of a Council Committee.

8.1. The Clerk shall also notify the mayor, Auditor, and Law Director of all meetings. Any individual or other entity who wishes to receive Notice of a regular or special meeting of council (or of a committee) may contact the Clerk to be included on an email distribution list.

9. Minutes. The minutes are the official record of Council proceedings. At each Regular Council Meeting, the minutes of the preceding council meeting (and of any preceding special council meetings) which have been prepared by the Clerk, shall be presented to Council for filing and approval by a majority vote of the members present.

THE COUNCIL PRESIDENT Powers and Duties

10. The President of Council shall be the executive official for the Council. The President shall preside over all meetings of Council and shall be entitled to declare all votes and make all decisions on points of order before the Council, subject to appeal to Council. The President shall sign all ordinances and resolutions passed by Council, but the failure to do so shall not invalidate the effectiveness of any ordinance or resolution which has been properly passed by the Council.

10.1. In case of an appeal being taken, the question shall be: "Shall the decision of the President stand as the decision of Council?" A "no" or "nay" vote of a majority of the members present shall be required to overturn the decision of the President.

11. In case of absence of the President, the member of council with the most tenure in office without a break in service shall be President *Pro Tempore* in satisfaction of City Charter section 30.

11.1. If more than one council member has equal tenure in office, then the total number of those members shall be divided into the 12 months of the year to yield the equivalent number of months of the year to be served and the member first in alphabetical order shall serve the first number of months of the year as President *Pro Tempore*, the second in alphabetical order shall serve the next number of months, and so on.

11.1.1. By way of Example, if Council members Able, Better, and Capable all have the same tenure in office in the absence of the president, Able would serve as President *Pro Tempore* for any absence of the president during the first 4 months of the year, Better would serve during the next 4 months, and Capable would serve during the last 4 months.

11.2. Council may override the automatic selection procedure set forth above at any time by majority vote of the members elected to Council.

COUNCIL MEMBERS Duties and Privileges

12. Seats in the Council chamber shall be arranged in numerical order and each member shall occupy the seat corresponding to the member's ward number. The seat for the President of Council shall be positioned in the center. Every member desiring to speak on an issue or make a motion, shall address the chair as "Mr. President" who shall determine whether the member is

entitled to the floor. If permission for the floor is granted the member shall speak only to the issue.

13. No member shall be allowed to speak more than once on any one subject under discussion by council until every member choosing to speak has spoken, nor more than twice upon any one subject without permission from the President, nor for a total time longer than 10 minutes without leave of Council.

13.1. During the "Miscellaneous Business" segment of a council meeting, councillors shall limit their comments not to exceed a total of 5 minutes in duration. A majority of council members present may authorize more time if requested.

13.2. Councillors shall refrain from asking questions or engaging in comments, debate, or discussion in response to an issue raised by an individual speaking to council during the Privilege of the Floor segment of a council meeting. However, the President may exercise the discretion to make a brief response to, or briefly provide information to, or briefly answer a limited question from, the privilege of the floor speaker if the president determines it is simply a matter of courtesy or is otherwise appropriate to do so.

14. Every member present, when a question is put shall vote either "yes" or "no" (or using an equivalent term) or may abstain for special reasons. Any member may demand a call of the roll upon the vote upon any question before the Council at any time before the decision is announced by the President. Members shall not explain their vote during the call of the roll.

15. The call of the roll shall be on a rotating basis. In the case of the absence of the member who would start the vote, the roll call vote shall start with the next present member of Council.

16. No member of the City Council shall leave the Council Chamber while in regular session without permission of the President.

17. If any member transgresses the rules of Council, the President shall render a decision as to the point of order.

ORDER OF BUSINESS

18. Council shall transact business in the following order:

18.1. Call to order (reading of call if special meeting)

18.2. Invocation

18.3. Pledge of Allegiance

18.4. Roll call to determine the presence of a quorum

18.5. Resolutions Honoring Guests

- 18.6. Scheduled Public Hearings
- 18.7. Privilege of the Floor
- 18.8. Consent Calendar
- 18.9. Presentation of communications and reports
- 18.10. Presentation of official petitions
- 18.11. Presentation of reports of officials
- 18.12. Reports of Council Committees
- 18.13. Presentation of Resolutions
- 18.14. Presentation of Ordinances
- 18.15. Miscellaneous Business
- 18.16. The order of business for any meeting may be modified by majority vote of the members of Council present.

19. Tabled Issues. Any matter to come before Council can be tabled indefinitely or tabled until the next scheduled regular or special meeting, by majority vote of Council members present. If tabled indefinitely, it remains tabled until it is brought back to the Agenda by direction of the President or by simple motion of a majority of Council members present. If a matter is tabled to the next meeting it automatically will appear on the Agenda for consideration at that meeting.

20. All communications, petitions, reports of officials, resolutions, ordinances, and other documents shall be filed with the Clerk not later than 5 p.m. on the Wednesday prior to a Monday council meeting. The Clerk is authorized to change this schedule for any particular meeting as the Clerk determines to be appropriate. The Clerk shall include all timely submitted documents in the agenda for the meeting. Items may be added to the agenda prior to the meeting by a majority vote of the Council members present for the meeting.

21. The Council may punish or expel from a meeting any member for disorderly conduct or violation of its rules. No expulsion shall take place without the concurrence of two-thirds of all members present nor before the subject member has been given an opportunity to be heard.

CLERK AND OTHER OFFICERS AND EMPLOYEES

22. The Council shall choose a clerk and such officers and employees of its own body as it determines to be necessary. The clerk shall keep the records of the Council and shall perform such other duties as may be required by the Charter or by the Council.

23. The Council shall choose a Secretary for the Civil Service Board. The Secretary shall keep the records of the Board and shall perform such other duties as may be required by the Charter or by the Council or by the Board.

24. The Clerk, Civil Service Board Secretary, and all other officers and employees appointed

by Council shall be chosen by a majority of the members elected to Council. They shall serve at the pleasure of Council and may be terminated, suspended, laid-off, demoted, or otherwise disciplined by a majority vote of the members elected to council.

LEGISLATIVE PROCEDURE

25. A majority of all the members elected to Council shall be a quorum to do business.

25.1. However, a less number may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

26. The affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance or resolution.

26.1. However, an ordinance or resolution to compel attendance of absent members shall require the affirmative vote of a majority of the members present.

27. Legislation may be authorized by a majority vote of the Committee to which the matter is referred. Otherwise, legislation may be authorized only by a majority vote of those elected to Council, by the President of Council, or by the Mayor.

28. Ordinances and resolutions shall be introduced in the Council only in written or printed format prepared by the Law Director. The enacting clause of all ordinances passed by the Council shall be "Be it ordained by the Council of the City of Lima." The enacting clause of all ordinances submitted by the initiative shall be, "Be it ordained by the people of the City of Lima."

29. All ordinances and resolutions, except ordinances making appropriations shall be confined to one subject which shall be clearly expressed in the title, except as provided in the next section. Ordinances making appropriations shall be confined to the subjects of appropriation.

30. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "yes" and "no" votes (or equivalent terms as determined by the president) and entered upon the minutes.

31. Subject to the Mayor's right of signage and veto, Ordinances and Resolutions shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading thereof. If it does not so pass on first reading it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading thereof. If it does not so pass on second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading thereof.

Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

31.1. The reading of the caption of an ordinance or resolution shall constitute a reading of the legislation.

31.2. A motion to defeat legislation on first or second reading shall require a two-thirds vote of members elected to Council. A motion to defeat legislation on third reading shall require a majority vote of members elected to Council.

32. Ordinances may be revised, codified, rearranged and published in book or electronic form under appropriate titles, chapters and sections and such revision and codification may be made in one ordinance containing one or more subjects. The publication of such revision and codification in book or electronic form shall be held to be a sufficient publication of the ordinance or several ordinances contained in such revision and codification so published. Any such publication of a revision or codification of ordinances shall contain a certificate of the President of Council and the Clerk of the correctness of such revision, codification and publication; and such book or electronic format so published shall be received in evidence in any court for the purpose of proving the ordinance or ordinances therein contained, the same and for the same purpose as the original book of ordinances, minutes or journals would be received.

32.1. In publishing the codified ordinances, the Clerk is authorized to correct any clearly typographical or grammatical errors, which do not change the substance or meaning of the ordinance, as reviewed and approved by the Law Director.

33. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended, and the original ordinance, resolution, section or sections so amended shall be repealed.

34. Any ordinance or resolution passed by the Council shall be signed by the President or other presiding officer and presented forthwith to the Mayor by the Clerk. If the Mayor approves such ordinance or resolution, he shall sign it within ten (10) days after its passage or adoption by the Council. If the Mayor decides to veto an ordinance or resolution, he shall return it to the Clerk of Council with his written objections within said (10) days. If the Mayor does not sign or veto an ordinance after its passage or adoption within the time specified, it shall take effect in the same manner as if he had signed it. The Mayor may approve or disapprove the whole or any item or part of any ordinance or resolution appropriating money.

34.1. When the Mayor vetoes an ordinance or resolution or part thereof and returns it to the Council with its objections, the Council shall, after the expiration of not less than one week, proceed to reconsider it, and if upon reconsideration, the resolution or ordinance or part or item thereof disapproved by the Mayor be approved by the vote of two-thirds of all the members elected to the Council, it shall take effect without the signature of the Mayor.

35. Any ordinance or resolution acted upon by Council may be reconsidered upon motion made by a member who voted with the prevailing side. The prevailing side will be one who voted "yes" if the legislation passed, or "no" if the legislation failed. A motion for reconsideration may be made at the meeting at which final action was taken on the legislation or at the next regularly scheduled meeting of Council, or at the next special meeting of Council if called for that purpose. If the motion to reconsider carries by a majority vote, the legislation must be reconsidered at the next regularly scheduled meeting after passage of the motion to reconsider.

36. The council shall be the judge of the election and qualifications of its members.

COMMITTEES

37. The authorized Committees of Council are as set forth below. The committees are deemed to be constituted only when an issue has been referred to the committee by Council:

- 37.1. Economic and Community Development
- 37.2. Finance
- 37.3. Human Resources
- 37.4. Neighborhood Concerns
- 37.5. Public Works
- 37.6. Safety Services
- 37.7. Utilities
- 37.8. Council of the Whole

38. Members of authorized or special committees are appointed by the President and approved by a majority of Council. The Committee of the Council of the Whole shall consist of the entire Council presided over by the President or his replacement, as the case may be, and shall meet at a time called by Council President.

39. The President of Council is an ex-officio member of all committees and the Clerk is the Secretary to all Committees.

40. Committees have no authority to meet or act until an issue has been referred to a committee by Council. To keep all members of Council informed on referrals, a formal motion of referral on any matter to a Committee must be made in a regular or specially called meeting of Council prior to a committee meeting on the matter. All matters referred to a committee shall be considered pending until a committee report is made by the committee. Upon motion, and a majority vote of the members elected, Council may vacate the referral of an issue to a committee which shall relieve the committee of the authority to further consider any issue.

41. The reports of the committees shall be in writing and submitted to council for consideration. Nothing in this rule shall be construed to prevent the introduction of minority reports from a committee member.

42. It shall be the duty of the Chairman to call the committee together, but this shall not relieve the other members of the Committee of the responsibility if the Chairman does not act. If the Chairman fails to call a meeting within 30 days of the matter being referred to the Committee, the majority of the other members of the Committee may call a meeting, with proper notice.

42.1. If a Committee fails to meet within 90 days of the referral of an issue to the committee, the referral shall be deemed to lapse and the committee shall no longer possess authority to consider the matter, unless a new referral of the issue is made to the committee.

43. All questions in Committees shall be decided by a majority vote of the committee members present.

MISCELLANEOUS

44. The regular and special meetings of the Council and its committees are open to the public, excluding executive sessions; however, no person except members of Council, the Mayor, or city officials may speak unless that person secures "Privilege of the Floor" by one of the two following methods:

44.1. Contact with the Clerk of Council prior to 12:00 Noon on a Thursday preceding a regular meeting of Council.

44.2. Presenting to the President of Council prior to the meeting a form (available from the Clerk by request) showing the name and address of the person wishing to speak and the subject matter of his presentation.

45. Those receiving Privilege of the floor will be permitted to speak only on matters which are related to Lima City government or otherwise of public interest within Lima. The speaker shall make all remarks from the speaker's stand.

46. Normal time limits for persons speaking at Public Hearings and Privilege of the Floor are as follows:

46.1. Public Hearings: 3 minutes.

46.2. Privilege of the Floor: 3 minutes.

47. If a large group is present and each desires to speak, Council shall have the right to set a

time limit on each speaker, by simple motion approved by a majority of the members present.

48. Council shall have the right to increase or decrease any of the time limits set forth herein, by simple motion approved by a majority of the members present.

49. Whenever the term "majority" is used in these Rules, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to Council or appointed to a Committee.

50. During meetings of City Council and committee meetings the following conduct is prohibited:

50.1. Use of profanity, or personal insults directed to another person.

50.2. Council members advertising, encouraging, or otherwise soliciting monetary donations on behalf of the City, unless such donations are to be submitted to the City Auditor for deposit to an authorized account. All moneys received shall be subject to the same auditing standards and procedures as other funds held by the City.

50.3. Council members making monetary awards or other charitable contributions unless the Council member does all of the following:

50.3.1. Describes the source of the monetary award or charitable contribution;

50.3.2. Explains the amount or value of the monetary award or contribution; and

50.3.3. States that the monetary award or charitable contribution is not derived from funds or property of the City.

51. All meetings of the Council shall be held in the Council Chambers, 50 Town Square, unless directed otherwise by the President for specific reasons. The Council chambers may also be used for the conduct of official city business with priority for use being:

51.1. Regular or special called meetings of City Council;

51.2. Committees of Council

51.3. The Administrative Offices of the City.

52. The Council Chambers may also be used by other commissions, committees or authorities on a first-come first-serve basis. Reservations for use of the chambers must be made at least 24 hours in advance. Any public hearing which requires advance notice and is required to be held in compliance with governmental regulations will receive priority for use except in the case of a specially called meeting of Council.

53. All Council Committee meetings will be scheduled in the Council conference room unless otherwise requested. Upon request by a city official, the Conference room may be used by other commissions, committees, or authorities.

54. No food or beverage shall be allowed in the Council Chambers, except the members may have water, soft drink, coffee, tea, etc. at their seats during the meeting, in an unobtrusive manner. Those using the room are responsible for turning off the lights and returning the chairs and tables to the original position. All requests for use of the Council Chambers or conference room shall be made with the Clerk of Council. In case of question, all meetings shall be subject to the approval of the Lima City Council.

55. No hearings except those scheduled by Council may be held on Monday evening.

56. Resolutions of appreciation, condolence, or other recognition may be authorized for the following reasons:

56.1. To all retired employees or officials, or upon resignation of an appointed official.

56.2. To individuals or groups for community service activities or projects.

56.3. Appreciation to any former elected official.

56.4. Outstanding achievement by any citizens.

56.5. Outstanding long-time citizens contributions to the community.

56.6. Heroic action.

56.7. Memorializing present or former elected or appointed officials at the local, state or national level.

56.8. Support or opposition to federal or state legislative action.

Such Resolutions shall be prepared either by the Law Director or the Clerk and a parchment copy with seal and ribbon prepared in the case where formal presentation is to be made, signed by the President and attested by the Clerk with gold seal and ribbon.

57. A letter authorized by the Council shall be sent when formal presentation is not possible or appropriate, such as recognition of sports teams, community achievement, individual accomplishment, and in some cases, for support or opposition to various issues.

58. Cards and flowers, authorized by the Council or the President, may be sent upon:

58.1. Hospitalization of a city appointed or elected official.

58.2. Sympathy on death of a member of the family of a city employee or official or the family of a prominent citizen.

58.3. Any other commemorative purpose as a majority of council may approve.

58.4. All expenses connected with the above shall be paid for by Council members (or any other person who wished to contribute to the cost) and not with city funds.

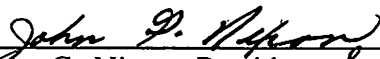
59. Letters shall be composed by the Clerk and sent on city stationary.

60. The above rule does not apply to those resolutions drawn up to comply with legal procedures or to set policy.

61. These rules shall not be altered, amended or rescinded except by a majority vote of all members of Council as part of a written ordinance.

62. In the case of question on the rules of Council, the President may confer with the Law Director and the decision of the President shall determine the question.

Effective October 29, 2012
Authorized by Ordinance 229-12

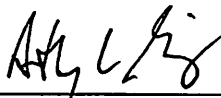


John G. Nixon, President *etc*



Sally Clemans, Clerk

Approved as to form



Anthony L. Geiger, Law Director