

# COUNCIL OF THE CITY OF FINDLAY, OHIO

## RULES OF PROCEDURE 2024-2025

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# COUNCIL OF THE CITY OF FINDLAY, OHIO

## RULES OF PROCEDURE 2024-2025

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The following rules and regulations are hereby adopted by the Council of the City of Findlay, Ohio, as the rules and procedure governing the conduct and business of said legislative body. They shall be in full force and effect from and after February 21, 2023, subject, however, to amendment or repeal in whole or in part, at any time, by the Council of the City of Findlay, in accordance with the rules and regulations hereinafter set forth governing the amendment or repeal of these rules and procedure.

### **SECTION I. GENERAL PROVISIONS**

#### **A. DEFINITIONS**

The following definitions are relevant throughout this document:

1. Majority – six or more members of council
2. Presiding Officer – the President of Council or the person filling that role at meetings where the President of Council is unable to preside
3. Quorum – six or more members of council
4. Speaker – any elected official, member of the administration or staff member who, upon recognition by the Presiding Officer, shall be entitled to participate in a discussion of an issue before council
5. Three-fourths Majority – eight or more members of council
6. Two-thirds Majority – seven or more members of council

#### **B. LEGISLATION**

Legislation from council must be requested by at least two councilmembers. Requests for appropriations that require legislation for money already budgeted may be requested by the administration.

All routine requests for legislation proposed for the consideration of council shall be in the hands of the Director of Law by noon on the Wednesday preceding the meeting at which it is to be considered. Proposed legislation must accompany the agenda of legislation.

No proposed legislation regarding zoning issues shall be presented to council unless they have gone through City Planning Commission and the Planning and Zoning Committee.

### **C. REPORTS**

All reports and written communications from the public, Administration officials, department heads and employees shall be delivered to the Council Office by noon on the Thursday preceding each regular meeting.

### **D. REPRESENTING FINDLAY CITY COUNCIL**

#### **1. An Official City Council Position Requires a Public Vote**

Council does not have an official position on any issue, whether the issue is political or non-political in nature, unless council has taken a public vote and a Majority votes to adopt the position. Failure of a Majority of council to vote in favor of a position shall not constitute adoption of a contrary position; in such cases council shall continue to have no official position on the issue.

#### **2. Speaking On Behalf of the Council**

If a councilmember appears on behalf of the whole Council for the purpose of commenting on an issue, the councilmember must state the official position of the council on such issue.

#### **3. Personal Opinions Must Be Distinguished from Council Positions**

Whenever a councilmember is speaking to a person or group of persons and expresses an opinion on an issue, whether the issue is political or non-political, the councilmember must clearly state whether the opinion represents the official position of the City of Findlay and/or its City Council, or whether it is only the councilmember's personal opinion.

### **E. GOVERNING LAWS**

Should any of these Rules of Procedure or portions thereof conflict with the law of the State of Ohio or of the United States of America, such law shall govern the conduct of council.

### **F. DISCIPLINARY ACTION**

Council may punish or expel any member from committee assignment, without chair approval, or from current proceedings for disorderly conduct or for violation of its rules. A vote of Two-thirds Majority of council will expel a member from current proceedings, but only after notice of the charge on which the motion for expulsion is based and an opportunity for the member to be heard.

### **G. SALARY ORDINANCE**

Salary consideration for elected officials must be passed and approved by December 31 of the year prior to commencement of the elected officials' term.

## **SECTION II. COUNCIL MEETINGS**

### **A. REGULAR MEETINGS**

#### 1. Schedule

Regular meetings will be held on the first and third Tuesday of each month beginning at 6 p.m.

#### 2. Holidays & Election Days

Should a Regular meeting fall on a legal holiday or the day of an election, the meeting shall be rescheduled to the next business day that is not a legal holiday or an election day.

#### 3. Cancellation

In case of inclement weather or other emergency, the President of Council, or in absence of the President of Council any two members of council, may cancel a Regular meeting. The meeting shall be rescheduled to the next business day after the inclement weather or emergency has passed.

Notice of the cancellation shall be given immediately to each councilmember by email and to the public.

#### 4. Location

Regular meetings shall be held in the Chambers of the Council of the City of Findlay (hereinafter referred to as "Council Chambers") located in the Municipal Building, 318 Dorney Plaza, Findlay, Ohio.

Regular meetings may be held in any other public place within the confines of the City of Findlay, provided that 24-hour public notice be given prior to meeting.

### **B. SPECIAL MEETINGS**

A Special Meeting may be called at any time by the Mayor or any three members of council.

Special Meetings shall be held in Council Chambers or in any other public place within the confines of the City of Findlay.

Notice shall be given to each councilmember, served personally; left at the member's residence or usual place of business; or by email with receipt verification received by the sender at least 24-hours prior to the time of such meeting.

24-hour public notice shall be given prior to the time of such meeting.

### **C. EXECUTIVE SESSIONS**

Executive sessions may only be called when confidential matters need to be considered in accordance with Ohio Revised Code 121.22.

**D. QUORUM**

No business shall be conducted at any meeting of council unless a Majority of the councilmembers shall be present.

**E. ATTENDANCE**

Councilmembers shall inform the President of Council in advance if the councilmember will be unable to attend, or will be late to attend, any council meeting. The President of Council shall then announce, during roll call, that the councilmember will be absent or late and shall be noted in the minutes as such. Absence at a scheduled council meeting due to sudden illness or emergency shall be noted in the minutes as such. Any absence requires a majority vote of council members present to be considered an excused absence.

The Mayor, Director of Law, City Auditor, City Treasurer, Safety Director, Service Director, and City Engineer are requested to attend the regular meetings of council and to answer questions relating to the affairs of the city under their respective supervision and control.

In the event of a public health emergency declared by either the State or County Health Department, all who attend a Findlay City Council meeting or committee meeting are required to adhere to all guidelines prescribed by the State or County Health Departments upon a majority vote of Council.

**F. ADJOURNMENT OF MEETING**

Councilmembers may adjourn a meeting to another designated time and/or public place.

**G. AGENDA OF LEGISLATION**

The Director of Law shall prepare a detailed agenda of legislation to be considered by council at each meeting. Such agenda shall be available to each councilmember and available to the public by 5 p.m. on the Friday preceding each Regular meeting.

Such agenda shall be available to each councilmember and the public at least 24-hours prior to a Special meeting.

No legislation, reports, or other communications shall be added to the Agenda unless council, upon majority vote of councilmembers present, determines that it is immediately necessary to insure the continued operation of essential City services.

## H. ORDER OF BUSINESS

The order of business at all regular council meetings is:

1. Call to Order
2. Roll Call
  - a. Acceptance of excused absences
3. Pledge to the Flag and moments of meditation

The Presiding Officer shall be authorized to invite members of the Clergy and the community to open the meeting with a prayer, not to exceed two minutes in length.

4. Approval of Minutes
5. Additions to the Agenda
6. Resolutions of Commendation
7. Public Communications (written)
8. Utility/Contractor Communications (written & oral)
9. Reports of Municipal Officers and Departments
10. Committee Reports
11. Agenda of Legislation

Retirement or special recognition resolutions may be voted on by Council and presented if the recipient is present.

- a. Resolutions
  - b. Ordinances
  - c. Each Resolution and/or Ordinance shall be handled in the following order:
    - i. Reading of the Resolution or Ordinance
    - ii. Public Communications (oral) pertaining to the Resolution or Ordinance
    - iii. Motions (if any)
    - iv. Council Discussion (if appropriate)
    - v. Council Vote (if appropriate)
12. Unfinished Business
  13. New Business
  14. Public Communications (oral)
  15. Adjournment

## **I. PUBLIC COMMUNICATIONS**

### **1. Written Communications**

All letters addressed to and received by Findlay City Council will be on display to the public during regular council office hours. In all cases, letters that do not have a proper name, address, and signature of the sender will not be considered as sent to council.

Incorrect, incomplete, or unsigned petitions and other communications to council shall be returned by the Clerk of Council to the petitioner or communicator, accompanied by an explanation as to why they are found to be improper and will not be presented to council until in proper order.

Only those letters making a specific request for service or letter that should be referred to a committee of council will be placed on the agenda.

### **2. Oral Communications**

All speakers must live within the City of Findlay, represent companies that conduct business within the City of Findlay, or live in a neighboring community that is directly impacted by the operations of the City of Findlay.

Speakers from the gallery shall be required to fill out a form giving the speaker's name, ward and the agenda item they wish to address. Speakers not wishing to address a specific agenda item shall provide the subject of his or her presentation. The form shall be presented to the Presiding Officer prior to the start of the meeting. The form becomes part of the official record of the meeting. Council will not entertain incomplete speaker forms.

Oral comment from the gallery shall be limited to four minutes per person. Time shall not be transferred from one speaker to another and shall be limited to sixty minutes total. The sixty-minute clock shall start when the first speaker begins and shall run continuously, including Council questions for the speaker.

Speakers wishing to address a specific agenda item shall do so when the item is under consideration. Speakers not wishing to address a specific agenda item shall do so during the 'Public Communications (oral)' (agenda item #14) portion of the agenda.

Speaker comments directed to elected officials, administration, or staff members other than councilmembers shall be restricted to items on the agenda.

### **3. Public communications (written and oral) shall be limited to issues directly related to the City of Findlay as determined by the Presiding Officer.**

### **4. Promoting Political Candidates is Prohibited**

No person may address the council for the purpose of assisting a campaign for election of a person to any office.



5. Advertising is Prohibited

No person may address the council for the purpose of advertising any item, service, or product for profit or otherwise.

6. Other Prohibited Remarks

Any person who causes actual disruption by making personal attacks, slanderous remarks or other disruptive conduct while addressing the council shall be barred from further participation in the meeting by the Presiding Officer, unless permission to continue is granted by a majority vote of councilmembers present.

7. Signs and Banners Prohibited

Signs and banners are not permitted in Council Chambers. This prohibition does not apply to charts, diagrams, enlarged photographs or other demonstrative exhibits or visual media utilized by a speaker in presenting testimony to Council.

8. No citizen or interested party will be refused the right to address council, within the limits described above.

9. Any variance or waiver of these rules shall be by a majority vote of councilmembers present.

**J. DEBATE**

1. Right to Participate

All elected officials, the President of Council excepted, members of the administration and staff members shall be entitled to take part in the discussion of all issues before the council.

2. Right to Question

All elected officials, the President of Council excepted, shall have the right to question any individual, including any elected official, administration or staff member present, or public persons in attendance, on matters as long as the questioning adheres to the rules and procedures hereto and are germane to the issue before the Council for discussion.

3. Request to Speak

A Speaker must request the right to speak by addressing the Presiding Officer. Upon being recognized, the Speaker may proceed. A Speaker may request the right to speak a subsequent time only after all others present, with a right to participate, have been given the opportunity to speak.

4. Limitations of Speakers

Speakers shall confine their remarks to matters currently under discussion.

No Speaker may filibuster. No Speaker shall speak for more than five minutes on any question, except by leave of the Presiding Officer or by a majority vote of councilmembers present.

Under no circumstances shall a Speaker's questioning be conducted in a manner that would constitute a cross-examination of or an attempt to ridicule or degrade the individual being questioned.

No one shall interrupt or argue with any Speaker who has the floor, other than the Presiding Officer in order to preserve order during meetings.

5. Courtesy

In the discussion, comments, or debate of any matter or issue, all Speakers shall be courteous in their language and deportment, and shall not discuss or comment on personalities, or indulge in derogatory remarks or make insinuations about any other elected official, or any member of the staff or the public.

6. Violations

If a Speaker violates these rules on debates, the Presiding Officer shall call such Speaker to order, and the offending Speaker shall be silent except to explain or continue in order. If the Presiding Officer violates these rules on debate or fails to call a Speaker to order, any other councilmember may, under a point of order, call the Presiding Officer or such other offending Speaker to order, and the person being called to order shall be silent except to explain or continue in order.

7. Any councilmember shall have the right to challenge any action or ruling of the Presiding Officer or another councilmember, as the case may be, in which case the decision of the majority of the councilmembers present shall govern.

**K. LIMITATIONS ON POLITICAL SPEECH**

Except where the Council is properly considering a motion regarding whether the City shall take an official position on a political issue, no Speaker shall use a Council meeting as an occasion to express an opinion in support of or in opposition to a candidate for public office or a ballot measure.

**L. MAJORITY REQUIREMENTS FOR COUNCIL ACTION**

All actions of council shall be by a Majority vote of those elected or appointed thereto, except emergency legislation, which shall require Three-fourths Majority vote of council to suspend the Statutory Rules and Two-thirds Majority vote of council to enact said emergency legislation. Also, any other affirmative requirement dictated by the laws of Ohio, or by financial procedure, or in order to secure public funding shall be adhered to, even though in conflict with these requirements for council action.

## **M. VOTING**

### **1. Vote by Rotation**

Every vote will be by rotation so that one councilmember will not always vote first.

### **2. Motion to Suspend Reading**

A motion to suspend the Statutory Rules in order to give legislation its second and/or third reading shall require Three-fourths Majority vote in order to prevail.

### **3. Motion for Reconsideration**

Any member who was absent or voted with the prevailing side may move a reconsideration of any action of council, excepting measures which shall be in immediate effect.

Such a Motion for Reconsideration shall be made not later than the next regular meeting after the action to which it relates was taken.

No Motion for Reconsideration shall be made more than once on any measure.

A Motion for Reconsideration shall require a Majority vote of council in order to prevail.

### **4. Breaking Tie Votes**

The President of Council shall break a tie vote of all council members. A tie vote by less than all council members shall not be broken.

### **5. Abstentions**

A councilmember may abstain from discussion and voting on a question because of a stated conflict of interest. Notice of intent to abstain shall be given prior to any discussion or participation on the subject matter or as soon thereafter as the councilmember perceives a need to abstain, after which the affected councilmember shall remove himself or herself from the council's deliberations and considerations of the matter and shall have no further participation in the matter.

Prior to the time that a council member gives notice of intent to abstain, the affected councilmember may confer with the Director of Law to determine if abstention is truly required. If the intended abstention can be anticipated in advance, the conference with the Director of Law should occur prior to the meeting at which the subject matter is scheduled to come before the council. If that cannot be done, the affected councilmember should advise the Presiding Officer that he or she has an "abstention question" that he or she wants to review with the Director of Law. A brief recess should then be taken for that purpose.

**N. WRITTEN CORRESPONDENCE**

For all written correspondence, the Clerk of Council will read the author(s) name and title, date of the correspondence, and a summary of its content aloud during the appropriate portion of the council meeting. A specific correspondence shall be read aloud in its entirety upon request of a councilmember, member of the administration, Director of Law, City Auditor or City Treasurer and upon approval of a majority of councilmembers present.

**O. MINUTES**

The Clerk of Council shall deliver by email, or otherwise make available minutes of each Regular and Special meeting to or for each elected official prior to the next Regular meeting.

**P. RULES OF ORDER**

Council hereby adopts Robert's Rules of Order, the latest edition, to govern the conduct of business at all meetings of council insofar as said rules are not in conflict with these Rules of Procedure and Ohio statutes.

### **SECTION III. PRESIDENT OF COUNCIL**

- A. The President of Council shall preside at all regular and special meetings of council but shall have no vote therein except in the case of a tie.
- B. The President of Council shall be the Acting Mayor when the Mayor is absent or unable to perform his or her duties but shall not serve as President while acting as Mayor. While acting as Mayor, the President of Council shall retain the right to vote on matters before the council as the person would otherwise have as President of Council.
- C. The President of Council shall refer matters requiring study by committee to the proper committee(s). Council, by a majority vote of members present, can refer matters to a standing committee.
- D. The President of Council is separately elected official and being part of the Executive Branch of City Government shall not enter into debate on any question before council, in accordance with Robert's Rule of Order.
- E. The President of Council shall appoint one councilmember to the Tax Incentive Review Council per ORC 5709.85.

## **SECTION IV. OFFICERS OF COUNCIL**

### **A. PRESIDENT PRO TEMPORE**

A councilmember shall be elected President Pro Tempore within the first ten (10) days of the term of council. The President Pro Tempore shall:

1. Preside at all regular and special meetings where the President of Council is unable to preside. While acting as the Presiding Officer, the President Pro Tempore shall retain the right to debate and vote on matters before the council as the person would otherwise have as a councilmember.
2. The President Pro Tempore shall appoint members to all ad hoc committees as may be created.
  - a. Confirmation for the creation of an ad hoc committee, and membership thereof, is required by a Majority of council.
3. The President Pro Tempore will appoint a representative for contract negotiations for police and fire as needed.

### **B. CLERK OF COUNCIL**

Within 10 days from the commencement of their term, the members of council shall elect a Clerk of Council who shall serve for two years unless sooner removed.

In the absence of the President and the President Pro Tempore, 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 Tempore, who shall act as the Presiding Officer for the meeting proceed with the Order of Business.

### **C. PARLIAMENTARIAN**

The Director of Law shall act as the Parliamentarian of Council. In absence of the Director of Law, an Assistant Director of Law shall act as the Parliamentarian of Council.

## **SECTION V. COMMITTEES**

### **A. RULES/ORGANIZATION**

A committee comprised of at least three members of council appointed by the President Pro Tempore, shall submit proposed committee assignments and committee chairs to council before the start of each two-year term. Confirmation of these recommendations is required by a Majority of council during the first meeting of its two-year term.

### **B. STANDING COMMITTEES**

The following committees shall be standing committees:

1. Appropriations
  - a. The Appropriations Committee shall have five members.
2. Planning and Zoning
  - a. The Planning & Zoning Committee shall have five members.
3. Strategic Planning Committee
  - a. Council shall have up to four representatives on this committee. They shall be the chairs of the following Standing Committees:
    - i. Appropriations
    - ii. Planning and Zoning
    - iii. Streets, Sidewalks and Parking
    - iv. Water and Sewer
4. Streets, Sidewalks and Parking
  - a. The Streets, Sidewalks and Parking Committee shall have three members.
5. Water and Sewer
  - a. The Water and Sewer Committee shall have five members.

All committee meetings shall be open to the public.

The committees of council shall expeditiously investigate and dispose of all matters coming within the area of their committee responsibility and all matters referred to the committee. A written report of their dispositions shall be submitted. All committee recommendations should be written during the meeting when possible. Voting to accept the committee report is a vote accepting the recommendation as written.

### **C. COUNCIL REPRESENTATIVES**

Council shall have a representative or representatives appointed to each of the following boards/commissions/committees:

1. Airport Advisory Board
2. The Alliance Board
3. Blanchard River Watershed Partnership
4. Downtown Findlay Improvements District
5. Energy Special Improvement District Board of Directors
6. Hancock Regional Planning Commission
  - a. The Chair of the Planning & Zoning Committee should be appointed as council's representative to this commission.
7. Income Tax Board
  - a. The Chair of the Appropriations Committee shall be appointed as council's representative on this board.
8. Parks and Recreation Board
  - a. Council shall have two representatives on this board.
9. Re-investment Area Housing Council & Revolving Loan Fund
10. Shade Tree Commission
11. Street Designation Committee
  - a. The Chair of the Streets & Sidewalks Committee shall be appointed as one member of the Street Designation Committee per Codified Ordinances of the City of Findlay, Ohio 509.01(d).
12. Tax Incentive Review Council
  - a. The President of Council shall appoint the council's representative on this council per ORC 5709.85.
  - b. The Chair of the Appropriations Committee is recommended to be appointed as council's representative on this board.
13. Traffic Commission
14. Utility Termination Board of Appeals

### **D. COMMITTEES OF THE WHOLE**

A Committee of the Whole may be called by a Majority of councilmembers to discuss an issue(s) which is deemed to be of such importance so as to involve the entire council.

All Committee of the Whole meetings shall be open to the public.



**E. AD HOC COMMITTEES**

Ad Hoc Committees may be created at the request of a Majority of councilmembers.

1. No ad hoc committee shall have a number of members equal to or greater than the Majority of councilmembers.
2. The President Pro Tempore shall appoint members to all ad hoc committees.
  - a. Confirmation for the creation of an ad hoc committee, and membership thereof, is required by a Majority of council.
3. All ad hoc committee meetings shall be open to the public.
4. An ad hoc committee shall expire with the council that created it.

## **SECTION VI. ADOPTION**

The above Rules of Procedure are hereby adopted and shall be in full force and effect as of the time of their adoption.

Adopted by Council May 21, 2024