

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **PLANNING & ZONING COMMITTEE** to whom was referred a request to continue discussions from the February 14, 2019 meeting to review the proposed zoning code revisions via Ordinance No. 2019-010.

We recommend **THAT RULES BE ACCEPTED AS PROPOSED**

PUBLIC HEARING:

Aye Nay 
John Harrington, Chairman

Aye Nay  SECOND
Dennis Hellmann

Aye Nay  MOTION
Grant Russel

Aye Nay 
Tom Shindledecker

Aye Nay 
James Slough

PLANNING & ZONING COMMITTEE

LEGISLATION: _____

DATED: February 21, 2019

COUNCIL OF THE CITY OF FINDLAY, OHIO

RULES OF PROCEDURE 2018-2019

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COUNCIL OF THE CITY OF FINDLAY, OHIO

RULES OF PROCEDURE 2018-2019

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 19, 2019, 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 3 p.m. on the Friday 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 7 p.m.

2. Holidays

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

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 Clerk of Council shall then announce, during roll call, that the councilmember will be absent or late. Any absence following prior notice to the President of Council shall be noted in the minutes as an excused absence. Absence at a scheduled council meeting due to sudden illness or emergency shall be noted in the minutes as an excused absence due to illness or emergency.

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.

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

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

7. Public Communications

- a. Written communications
- b. Oral communications

8. Reports of Municipal Officers and Departments

9. Committee Reports

10. Agenda of Legislation

- a. Resolutions
- b. Ordinances

11. Unfinished Business

12. New Business

13. 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

Speakers from the gallery shall be required to fill out a form giving the speaker's name, address and the subject of his or her presentation. The form must 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. No more than three speakers shall speak to each side of a specific question or issue before council. Time shall not be transferred from one speaker to another.

3. 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.

4. Advertising is Prohibited

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

5. 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.

6. 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.

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

8. 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 ten minutes on any question, except by leave of the Presiding Officer.

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 councilmember gives notice of intent to abstain, the affected councilmember shall 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 not more than seven days after such 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.
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 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. Inter-Government Relations & Legislation Review
 - a. The Inter-Government Relations & Legislation Review Committee shall have three members.
3. Planning & Zoning
 - a. The Planning & Zoning Committee shall have five members.
4. Strategic Planning Committee
 - a. Council shall have five representatives on this committee selected as follows:
 - i. Three at-large councilmembers
 - ii. Two ward councilmembers
 - iii. The chair of the Appropriations Committee shall be one of the five selected.
5. Streets, Sidewalks, & Parking
 - a. The Streets, Sidewalks, & Parking Committee shall have three members.
6. Water and Sewer
 - a. The Water & Sewer Committee shall have three 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. Parking Authority
 - a. Council shall have two representatives on this board.
 - b. Ward council members representing the downtown area should be appointed as council's representatives to this board.
10. Raise the Bar Board of Directors
11. Re-investment Area Housing Council & Revolving Loan Fund
12. Shade Tree Commission
13. Street Designation Committee
14. Tax Incentive Review Council
 - a. The President of Council shall appoint the council's representative on this council per ORC 5709.85.
15. Traffic Commission
16. 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.
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 February 19, 2019

GRANT RUSSEL, CHAIRMAN

JOHN HARRINGTON

JIM SLOUGH

JEFF WOBSE