



3/11/2024 | 6:00 PM

**Municipal Services Center
Centennial Meeting Room**

- 1. Call to Order**
- 2. Items for Discussion:**
 - a. Rules of Council, adopted June 28, 2021
- 3. Adjournment**

RULES OF COUNCIL

CITY OF UPPER ARLINGTON, OHIO

PASSAGE DATE: June 28, 2021

ORDINANCE NO: 49-2021

RULES OF COUNCIL

ARTICLE I - Definitions

Clerk: means the City Clerk or Clerk designee.

Community Events: means events that permit Council attendance without the formalities of an agenda that deal with talks, lectures, films or other features of informational value that are open to the community.

Concurrence: means the unanimous consent of all Members of City Council to place an item on a regular or special Council Meeting agenda where there has not been prior notice that the subject would be discussed. Concurrence shall require the unanimous consent of all Members.

Consent Agenda: may include items such as the approval of minutes, appointments, resolutions of appreciation or commendation, applications for and acceptance of grants, and minor or routine legislation, including minor code changes. The Consent Agenda may also include legislation approving the expenditure of funds for the purchase of goods or services which have already been appropriated in the annual appropriation ordinance, except for the design, inspection, or construction of public improvements. Legislative items approved on the Consent Agenda shall be deemed to have had first reading. Zoning ordinances and emergency legislation shall not be included on the Consent Agenda. The items to be included on the Consent Agenda shall be approved by the President, or in the absence thereof, the Vice President, or in the absence of both, the Council Member Designate.

Council Meeting: means a meeting of City Council convened for the primary purpose of taking legislative or administrative action, including legislative readings, administrative appeals, public hearings, Council deliberation, and Council voting.

Day: means calendar day.

Electronic Transmission: communication transmitted, posted or otherwise made or communicated by e-mail, text, video, or E-Fax, or otherwise to or from an E-System or other equivalent service acceptable to City Council.

Executive Session: means the portion of a meeting from which the public is excluded and at which no business shall be transacted except as provided in Article II, § 13.

Majority: four members of City Council shall constitute a majority for the normal transaction of business.

Statutory Super-Majority: a $\frac{2}{3}$ super-majority requires five votes of all City Council Members.

2/3 Supermajority (for purposes of review of BZAP matters under UDO 4.10): the number of votes for the proposition must equal or exceed twice the number of votes against it.

¾ Super Majority: requires six votes of all City Council Members.

Meeting: means, pursuant to these rules, any prearranged discussion of the public business by the City Council by a majority of its members.

Ordinance: means the formal written enactment of City Council in the exercise of a governmental power vested in the City by the City Charter or codified ordinances for the regulation of the conduct of citizens of the City or others subject to its control, and intended to be of permanent duration.

Regular Meeting: means a meeting of City Council held at a regularly scheduled time and place.

Resolution: means the formal written enactment of City Council of a less permanent nature, not prescribing any permanent rules of conduct and usually required or applied to the preliminary declaration of legislative intent to be effectuated by the subsequent passage of an ordinance, or for the disposition of a specific matter not required by state law or the City Charter to be done by ordinance.

Special Meeting: means a meeting of City Council held at a time different from that of its regularly scheduled meetings.

Municipal Body: means the City Council, any board, commission, committee or similar decision-making body of the City government.

Notification (Oral): means notification given orally either in person or by telephone or electronic means, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone, at the telephone number, of such person as shown on the records kept by the Clerk under these Rules.

Notification (Written): means notification in writing, mailed, e-mailed, telegraphed, faxed, or any other means recognized by law, or delivered to the address of the person for whom such notification is intended as shown on the records kept by the Clerk under these Rules, or in any way delivered to such person. If mailed, such notification shall be mailed by first-class mail, deposited in a U.S. Postal Service mailbox no later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.

Published: means posted or published in accordance with Ohio Revised Code § 7.12 and C.O. § 113.01, as set forth in Article IV, § 6.

Standing Committees: means any committee created by City Council pursuant to Article III, § 2 to address specific aspects of Council responsibility that is on-going in duration.

ARTICLE II - Meetings

- 1.** Regular Meetings - Regular Meetings of the City Council shall be held pursuant to a time and date fixed by ordinance or resolution.
- 2.** Special Meetings - The President of City Council or any two members of City Council may call Special Meetings upon at least 24 hours written notice served to each member by any of the following methods; electronic transmission, personally served, or left at his or her usual place of residence. The notice shall indicate the date and time of the meeting and the subjects to be considered. Council may schedule a Special Meeting to have a Work Session without public hearing for the primary purpose to facilitate Council discussion.
- 3.** Cancelling Meetings – The President of City Council may cancel a Regular Meeting, with the concurrence of the Vice President. The President of City Council may cancel a Special Meeting that was called by the President. The President may cancel a Special Meeting that was called by someone other than the President, with the concurrence of the members that requested the Special Meeting. The City Clerk shall notify City Council and any news media organizations that have requested notification pursuant to Article II, §§10 or 11.
- 4.** Place of Meetings
 - A.** Regular Meetings of the City Council will be held in the Municipal Services Center, unless a different location is authorized by ordinance or resolution.
 - B.** Special Meetings of the City Council shall be held in the Municipal Services Center, unless a different location is set forth in the notice of the Special Meeting.
- 5.** Agenda
 - A.** For all meetings of City Council, the Clerk shall prepare a tentative agenda of matters to be considered resulting from:
 - (1)** Business remaining from a preceding City Council Meeting, or a recommendation from a City Board or City Commission,
 - (2)** The request of the City Manager or City Attorney,
 - (3)** The request of any member of City Council, or
 - (4)** Appeals from any Board or Commission or Committee of the City.
 - B.** The President or in the absence thereof, the Vice President, or in the absence of both, the Council Member Designate, shall review the tentative agenda and may add or remove items from the tentative agenda prior to approving it. The tentative agenda shall be approved by twelve o'clock noon on the Thursday prior to the meeting. If the President does not approve the

tentative agenda by the date and time, it is deemed approved by operation of these rules. Once the tentative agenda is approved, the Clerk shall promptly publish it as the official agenda with any and all ordinances, resolutions, requests, plans, or reports attached thereto in conformance with C.O. Chapter 113. Publication of the official agenda shall be the official notice of approval. If an item requested by a Council Member pursuant to Article II, § 5 (A)(3) or Article II, § 5(A)(4) is removed, then the Clerk shall immediately notify the Council Member.

If the City Manager or City Attorney placed an item on the agenda, they may remove or postpone the item after consent of the President of Council or three Members of Council. The Clerk shall notify Council of the removal by the City Manager or City Attorney.

The President may add items to the agenda after approval of the tentative agenda. The President may remove items with the exception of those placed on the agenda pursuant to Article II, § 5 (C). The Clerk shall provide Council an updated agenda for any change made by the President.

- C.** After the tentative agenda has been approved, a member of Council who receives the consent of two other members of Council shall have an item placed on the agenda. Notification shall be sent electronically to the Clerk of Council. The Clerk of Council shall provide Council an updated agenda for any change made.

If a Member of Council receives the consent of two other members of Council to have an item placed on the agenda, the President shall not remove this item from the agenda.

- D.** Residents may request to have an item placed on the tentative agenda in the following manner: (1) by a request to and approval of the City Manager or City Attorney, (2) by a request to and approval of any City Council Member. The Council Member, City Attorney, or City Manager shall then direct the City Clerk to place the item by title on the tentative agenda pursuant Article II, § 5 (A). After the tentative agenda has been approved, a resident may only request to have an item placed on the agenda by having a member of Council and two other members of Council place the item on the agenda pursuant to Article II, § 5 (C).
- E.** Requests to have an item placed on the tentative agenda shall be submitted to the Clerk by twelve o'clock Noon of the Tuesday prior to the day of the meeting.
- F.** Staff should prepare the supporting documentation for agenda items unless the item is requested by a Council Member. The Council Member should prepare the supporting documentation for agenda items requested by the Council Member. Supporting documentation should be submitted to the Clerk by twelve o'clock Noon of the Wednesday prior to the day of the

meeting. Unless required by additional informational requests made by Council or exigent circumstances, these time requirements shall be strictly enforced.

- G.** Any ordinance or resolution appearing on the agenda shall be sponsored by a member of City Council or as prescribed by law.
- H.** The Clerk shall distribute to the City Council, prior to any meeting, the official agenda with any and all ordinances, resolutions, requests, plans, or reports attached thereto by five o'clock in the afternoon on the Thursday prior to the day of the meeting.
- I.** Pursuant to Section XI of the City Charter, concurrence is required for consideration of subjects not included in the notice of the meeting. For purposes of this requirement, notice of the meeting is the distribution to Council Members of the official agenda with any and all ordinances, resolutions, requests, plans, or reports attached thereto. The Charter requires twenty-four hour notice for calling a Special Meeting.
- J.** The City Manager, City Attorney, and Council Member Updates are primarily intended for informational purposes and not for Council discussion or consideration of a topic. Pursuant to Section XI of the City Charter, Council consideration of a topic is not permitted unless that topic is specifically listed on the Council agenda or by unanimous consent of all Members.

6. Order of Business

- A.** The President shall take the Chair at the hour appointed for the meeting of City Council and shall call the members to order and direct the Clerk or designee to call the roll at a Council Meeting. The minutes of the preceding Council Meeting shall be considered for approval at the next Council Meeting, unless otherwise directed by the President. The minutes shall accurately reflect the actions taken by City Council at the previous Council Meeting. Unless the minutes are to be published, they should contain mainly a record of what was done at the meeting, not what was said by the City Council Members. Upon a motion to approve City Council minutes, a City Council Member that submits a negative vote for approval shall also submit a motion to amend for City Council consideration. A City Council Member absent from that meeting may abstain from the vote to approve the minutes.
- B.** In the absence of the President, Vice President or Council Member Designate, the Clerk shall call the City Council to order and call the roll. If a quorum shall be present, the City Council shall elect by motion one of its members President Pro Tempore for that meeting or until the appearance of the President or Vice President, or Council Member Designate.

- C.** The Clerk or designee shall be present at all meetings of City Council, including Council Meetings, and committee meetings, and record the minutes of the proceedings. The Clerk shall attempt to have the minutes prepared by the next Council Meeting. However, the President may permit the Clerk additional time to prepare the minutes. Audio recordings may be substituted for written minutes provided they are a complete and accurate record of the meeting, the rationale for any decisions, and are in compliance with applicable state law.
 - D.** This Rule shall not apply to forums or community events.
- 7.** Preservation of Order and Speaking Privileges

 - A.** The President of City Council shall conduct meetings in accordance with these Rules and ensure that members of City Council, City employees, and other persons comply with these Rules. The President of City Council, at any meeting of Council, may designate any one or more police officers, firefighters, or other suitable persons to preserve order at the meeting. If any City Council Member, in speaking or otherwise, shall violate any rule of this City Council, the President shall call such Council Member to order; if such member shall be called to order while speaking, such Council Member shall immediately desist unless permitted to explain.
 - B.** The City Manager, Director of Finance, City Clerk, and City Attorney, shall be entitled at all times to any of the privileges of the floor for the purpose of speaking upon any topic pending before Council.
 - C.** The President of City Council may recognize members of the public who submit requests to speak to any legislative matter before City Council at the first, second or third reading and may fix time limits on such presentations. Speaker slips must be submitted to the City Clerk prior to the agenda item being considered by City Council.
 - D.** In addition to or in lieu of appearing at a Council Meeting members of the public may submit written materials to City Council Members. Materials must be submitted to the City Clerk no later than 3:00 p.m. preceding the Council Meeting.
 - E.** Members of the public planning to use a PowerPoint presentation or other electronic media format during their address to Council must submit the electronic media either through email or flash drive to the City Clerk's office no later than 11:00 a.m. on the day of the meeting. Members of the public planning to use any other electronic equipment during their address to Council must make prior arrangements with the City Clerk's office no later than 11:00 a.m. on the day of the meeting.

- F.** Council Members shall be present in order to participate in the public meeting. Council Members and any Member of a Municipal Body while present at the meeting, may use any form of electronic transmission communication during any Council Meeting, or Committee Meeting, provided that such use complies with the open meetings law, and the public records law. Council Members using electronic transmission communication during public meetings are required to comply with Ohio Open Meeting laws. Rules regarding electronic transmission communication during an executive session shall be governed by Article II, §13 (D). Members of a Municipal Body other than City Council may participate in a meeting through electronic transmission; provided, however, that members of a Municipal Body shall be physically present at a meeting in order to vote or for purposes of a quorum. A Municipal Body shall not hold a meeting without a quorum. If authorized by state law, Council is permitted to conduct their meetings remotely.
- 8. Notice of Regular and Organizational Meetings**
- A.** The Clerk shall post a statement of the time and place of regular meetings of each Municipal Body for each calendar year not later than the second day preceding the day of the first regular meeting (other than the organizational meeting) of the calendar year of that Municipal Body. The Clerk shall check at reasonable intervals to insure that such statement remains so posted during such calendar year. If at any time during the calendar year the time or place of regular meeting(s) is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meeting(s) shall be so posted by the Clerk at least 24 hours before the time of the first changed regular meeting.
- B.** The Clerk shall post a statement of the time and place of any organizational meeting of a Municipal Body at least 24 hours before the time of such organizational meeting.
- C.** Upon the adjournment of any regular meeting to another day for the purpose of continuing business of the meeting, the Clerk shall promptly post notice of the time and place of such adjourned meeting.
- 9. Notice of Special Meetings**
- A.** Except in the case of a Special Meeting referred to in Article II, § 10 D the Clerk shall, no later than 24 hours before the time of a Special Meeting of a Municipal Body, post a statement of the time, place and purpose(s) of such Special Meeting.
- B.** The statement under this Article II, § 9 and the notifications under Article II, § 10 shall state the purpose(s) of such meeting and may state, as a general purpose, that any other business that may properly come before such Municipal Body at such meeting may be considered and acted upon.

- C.** Upon the adjournment of any Special Meeting to another day for the purpose of continuing business of the meeting, the Clerk shall promptly post notice of the time and place of such adjourned meeting.
- 10. Notice to News Media of Special Meeting**

 - A.** Any news media organization that desires to be given advance notifications of Special Meeting of a Municipal Body shall file with the Clerk a written request therefore. Except in the event of an emergency requiring immediate official action as referred to in Article II, § 10 (D), a Special Meeting shall not be held unless at least 24 hours advance notice of the time, place and purpose(s) of such Special Meeting is given to the news media that have requested such advance notifications in accordance with Article II, § 10 (A).
 - B.** News media requests for such advance notification of Special Meeting shall specify: the Municipal Body that is the subject of such request; the name of the requesting organization; the name and address of its representative to whom such written notification may be mailed, faxed, telegraphed, transmitted by electronic mail or delivered; and the names, street addresses, telephone numbers, facsimile machine or electronic mail numbers (including addresses and telephone, facsimile machine or electronic mail numbers at which notifications may be given either during or outside of business hours) of at least two persons to either of whom oral notifications to such organization may be given. Any such request shall be effective for one year from the date of filing with the Clerk or until the Clerk receives written notice from such organization canceling or modifying such request, whichever is earlier. Each requesting news media or organization shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and the instructions in such request may be conclusively relied on by the Municipal Body that is the subject of such request, and the Clerk.
 - C.** The Clerk shall give such oral notification or written notification, or both, as the Clerk determines, to the news media that have requested such advance notification in accordance with Article II, § 10 (A), of the time, place and purpose(s) of each Special Meeting, at least 24 hours prior to the time of such Special Meeting. Notification may be made by e-mail, fax, voice message, or other electronic transmission.
 - D.** In the event of an emergency requiring immediate official action, a Special Meeting may be held without giving 24-hour advance notification thereof to the requesting news media. The person or persons calling such meeting, or the Clerk on their behalf, if directed to do so, shall immediately give oral or written notification, or both, as the person or persons giving such notification determine, of the time, place and purposes of such Special Meeting to such news media as have requested such advance notification in accordance with

Article II, § 10 (A). Notification may be made by e-mail, fax, voice message, or other electronic transmission.

11. Notification of Discussion of Specific Types of Public Business

- A.** Any person, upon written request and as provided herein, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed. Such person may file a written request with the Clerk specifying: the person's name, and the address(es) and telephone, facsimile machine, or email address at or through which the person can be reached during and outside of business hours; the specific type of public business, the discussion of which the person is requesting advance notification; the Municipal Body that is the subject of such request; and the number of calendar months (not to exceed six), which the request covers. Such request may be canceled by request from such person to the Clerk. Each such written request shall be processed in conformance with the City's Records Management policies. Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the Municipal Body that is the subject of such request, and the Clerk.
- B.** The Clerk shall, if practicable, give such advance notification under this Article II, § 11 by written notification, either printed on paper or sent via email, fax, or other electronic transmission. If such written notification cannot be given or has not been given, the Clerk shall attempt to give oral notification either in person or via a voice message. The contents of written notification under this Article II, § 11 may be a copy of the agenda of the meeting.

12. Miscellaneous Notice Provisions

- A.** Any person may visit, email, or telephone the office of the Clerk during that office's regular business hours to determine, based on information available at that office, the time and place of Regular Meetings; the time, place and purposes of any then known Special Meeting; and whether the available agenda of any such future meeting states that any specific type of public business, identified by such person, is to be discussed at such meeting.
- B.** Any notification provided herein to be given by the Clerk may be given by any person acting on behalf of or under the authority of the Clerk. Notification may be made by e-mail, fax, voice message, or other electronic transmission.
- C.** A reasonable attempt at notification shall constitute notification in compliance with these Rules.
- D.** To insure compliance with these Rules as to notice, each Municipal Body, other than the City Council, shall designate the member, Clerk, Secretary or

other agent of such body who shall be responsible for timely advising the Clerk of future meetings of such Municipal Body and the subject matter to be discussed at such meetings, to the extent that such subject matter is known.

- E. The Clerk shall maintain a record of the date and manner, and time if pertinent under these Rules, of all actions taken with regard to notices required by these Rules, and shall retain copies of proofs of publication of any notices published thereunder.

13. Executive Sessions

- A. The City Charter provides that “all meetings of Council or its committees shall be open to the public, except executive sessions which may be held pursuant to State law.” Pursuant to Section 121.22 of the Ohio Revised Code and City Charter, City Council or any other Municipal Body may hold an executive session only after a majority of the public body determines, by a roll call vote, to hold such a session for the consideration of any of the following matters:

- (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. The motion and vote to hold that executive session need not include the name of any person to be considered at the meeting.
- (2) To consider the purchase of property for public purposes or the sale of property at competitive bidding or any other methods of sale permitted under the law, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use this subsection as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers. If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any

bona fide purchasers, lessees, or transferees of the property is concerned.

- (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action or where the attorney conference is privileged based on attorney- client confidentiality.
- (4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
- (5) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body, the City or any other public body or any other public office.
- (6) Matters required to be kept confidential by federal law or regulations or state statutes.
- (7) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:
 - a. The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.
 - b. A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.
- (8) To consider negotiations for economic development assistance, which may include information such as marketing plans, specific business strategies, production techniques, trade secrets, or personal financial statements, or related to negotiations with other political subdivisions as to requests for economic development

assistance. The information considered in executive session must be directly related to economic development assistance which may be provided by the City, or involving public infrastructure improvements or the extension of utility services directly related to an economic development project.

(9) And for any other matters that State law permits to be discussed in executive session.

- B.** The motion and vote to hold an executive session shall state which one or more of the approved matters listed in Article II, § 13 (A) are to be considered at the executive session. If the executive session is for personnel matters, the motion and vote shall also state which one or more of the approved purposes (appointment, discipline, compensation, etc.) listed in Article II, § 13 (A) (1) are the purposes for which the executive session is to be held.
- C.** Council may hold executive sessions during a regular or special Council Meeting.
- D.** Members of Council or Members of any Municipal Body shall not use electronic transmission or video and telephonic communication during any executive session to communicate with individuals or entities not present in the executive session unless the entity or individual is invited to participate in the meeting through telephonic or video communication for the purpose on subject matters of executive session. Any communication must be held to the same confidentiality rules as set forth in Article II, § (14). A Council Member not present in a regular meeting is not permitted to participate in an executive session through video or telephonic communication unless the absence was due to an emergency. Council may permit participation by a Council Member who is absent in the regular meeting due to an emergency provided the minutes shall reflect that the Council Member participated in the executive session, the matter was not economic development, and the Council Member is able to maintain the confidentiality of the executive session. Council shall announce prior to or after the executive session whether a Council Member participated through video or telephonic communication.
- E.** Members of Council shall not take any action during executive session. The confidentiality requirement contained in these rules and under state law shall apply to executive sessions.

14. Confidential Information

- A.** No present or former Member of City Council or Member of any Municipal Body shall disclose or use, without appropriate authorization, any information acquired by them in the course of their official duties which is clearly designated as confidential. Confidential information shall include any information whether obtained in executive session or by written or oral communication, privileged information provided to Council Members by the

City Attorney which must necessarily remain confidential for the proper conduct of government business, including matters required to be kept confidential by federal law or rules or state statutes.

- B.** Any present or former Member of City Council or Member of any Municipal Body who violates the confidentiality clause of City Council rules may be prosecuted pursuant to the Ohio Revised Code § 102.03(B) as a misdemeanor of the first degree.

15. Consent Agenda

- A.** The Consent Agenda of a Council Meeting may include items such as the approval of minutes, appointments, resolutions of appreciation or commendation, applications for and acceptance of grants, and minor or routine legislation, including minor code changes. The Consent Agenda may also include legislation approving the expenditure of funds for the purchase of goods or services which have already been appropriated in the annual appropriation ordinance, except for the design, inspection, or construction of public improvements. Legislative items approved on the Consent Agenda shall be deemed to have had first reading. Zoning ordinances and emergency legislation shall not be included on the Consent Agenda. The items to be included on the Consent Agenda shall be approved by the President, or in the absence thereof, the Vice President, or in the absence of both, the Council Member Designate.
- B.** An item shall be removed from the Consent Agenda of a Council Meeting for the purposes of consideration under the regular agenda upon request of a Council Member. The Clerk shall inform the President of any request by a resident to remove an item from the Consent Agenda. Thereafter the President may request the item be removed or shall ask whether any Council Member wants the item removed from the Consent Agenda. Any legislative item removed from the Consent Agenda shall be read in accordance with these rules.
- C** All items listed on the Consent Agenda can be received and approved with a single motion and vote. Such action shall be deemed the same as if each item had been read and voted upon separately. Consent Agenda items do not need to be read by title, provided that the description of the item in the Consent Agenda provides reasonable notice of the purpose and nature of the item.

- 16.** Office Hours— City Council may establish regular office hours when at least one, but no more than three, Members will be available to meet with residents to discuss matters of concern or interest on a first come, first served basis. The hours shall be posted in the Municipal Services Center and available from the Clerk's office. Residents are free to contact individual Members on their own to arrange an appointment to discuss such matters.

- 17.** Public Forums– City Council may schedule public forums for public comment on a specific topic(s) as a part of or all of a Council Meeting. The President, or in the absence thereof, the Vice President, or in the absence of both, the Council Member Designate may establish reasonable rules for the public forums, including but not limited to regulating the length of time for the public forum and for each speaker, the total number of speakers and the number of speakers permitted to speak on any particular topic, and the use of speaker slips. A speaker's conduct shall be subject to the right of the President, or in the absence thereof, the Vice President, or in the absence of both, the Council Member Designate to preserve the order and decorum of the public forum. The schedule of public forums shall be pursuant to Article II, § 5. Public forums shall not conflict with the Charter requiring notice of the matters to be considered.
- 18.** Members of Collective Bargaining Units – City Council Members should refrain from meeting with members of collective bargaining units to discuss matters related to wages, hours, terms, and other conditions of employment.
- 19.** Legislative Prayer – City Council has a long history of beginning Council meetings with a legislative prayer. The City Clerk is responsible for scheduling the legislative prayer in accordance with the guidelines approved by the City Attorney. The prayer is intended for the benefit of the Council Members and should be directed towards them and not the audience. Employees and members of the audience are welcome to not participate in the prayer. The prayer shall not be conducted by Council Members or City employees.

ARTICLE III - Committees

1. The President of City Council or City Council may, from time to time, create committees for limited purposes and duration. Such committees shall consist of not more than three members of City Council and shall report to City Council for any formal action.
2. City Council may from time to time, create standing committees to address specific aspects of City Council responsibility. Such committees shall consist of not more than three members of City Council, shall report to City Council for any formal action, and shall be appointed by the President of City Council subject to approval by City Council. City Council may set forth the terms of the committee members and may dissolve a standing committee at any time by a majority vote. The City Clerk shall maintain the roster of any standing committee and provide a yearly update to City Council of all standing committees created pursuant to this rule.
3. Committees created by Council are subject to the requirements regarding notice, executive sessions, and confidentiality set forth in Article II, §§ 8, 9, 10, 11, 12, 13 and 14.
4. The Chair and Vice-Chair of any Committee created by Council shall have the rights to set forth the Agenda pursuant to Article II, § 5 (B) and shall have the right to cancel a meeting pursuant to Article II, § 3.
5. Committees created by Council may adopt additional rules that are not inconsistent or contrary to federal or state law, the City Charter, City ordinances, or these rules.

ARTICLE IV - Legislation

- 1.** Action by Ordinance, Resolution or Motion - Four Votes Required. Except as otherwise provided in these Council Rules or by Charter, such action shall be taken by ordinance or resolution, or motion, and which shall require, for its passage or adoption, an affirmative vote of at least four City Council Members and entered upon the journal.
- 2.** Written Form. Each ordinance or resolution shall be introduced by a member of City Council in written or printed form. The sponsoring City Council Member's name shall appear on the relevant agenda.
- 3.** One Subject. Each ordinance or resolution shall contain not more than one subject, which shall be fully described in the caption in easily understood terms.
- 4.** Number of Readings Required
 - A.** Each ordinance or resolution shall be read at a Council Meeting by title only, provided the Council may by majority vote require the entire ordinance or resolution to be read in full.
 - B.** Except as provided in Article IV, § 4 C, Article IV, § 4 D, or Article IV, § 4 E, each ordinance or resolution shall be read at a Council Meeting on three different days.
 - C.** Only one reading shall be required at a Council Meeting when Council by an affirmative vote of five members waives the reading requirement if all members are present or an affirmative vote of at least four (4) members if two or more members are absent or abstains from the vote.
 - D.** Only one reading shall be required at a Council Meeting when the ordinance or resolution involves any one of the following:
 - (1)** Appropriations for current expenses.
 - (2)** Street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be especially assessed for the cost of the improvements.
 - (3)** The second or subsequent ordinance or resolution required to complete the legislation necessary to make and pay for any public improvement.
 - (4)** The expenditure of funds for the purchase or lease of property or services which have already been appropriated in the annual appropriation ordinance.

- (5) The award of a contract to the lowest and best bidder pursuant to UACO Chapter 138 – Procurement Code.
- (6) A resolution or proclamation of support or appreciation that does not involve the expenditure of City funds or creating any rights or obligations.
- (7) The acceptance of deeds to the City.
- (8) The adoption of the salary schedule pursuant to UACO Section 155.02.
- (9) Consent Agenda items.
- (10) The adoption of the tax budget and the subsequent acceptance of the tax rates and the acceptance, rejection, or modification of the recommendations of the tax incentive review Council.
- (11) Amending the Rules of Council.
- (12) The approval or granting of economic development incentives that exceed the City Manager contracting or grant authority which have already been appropriated in the annual or midyear appropriation ordinance.
- (13) A contract or agreement that does not involve the expenditure of funds.
- (14) Settlement agreements recommended by the City Attorney.
- (15) Resolutions directing the City Manager or staff to take specific administrative action for which the City Manager or staff already has authority to act.
- (16) Creation of a committee/task force.
- (17) Collective bargaining agreements.
- (18) Tax Increment Financing Legislation.
- (19) Issuance of Bonds.
- (20) Motions by Council to adopt policies, procedures, and appointments.
- (21) Contracts under \$40,000.00 that are before Council for approval.

(22) Accepting or vacating an Easement.

- E.** Consent Agenda items do not need to be read by title, provided that the description of the item in the Consent Agenda provides reasonable notice of the purpose and nature of the item.

5. Effective Date

- A.** Except as provided in Article IV, § 5 (B) or Article IV, § 5 (C), no ordinance or resolution shall go into effect until thirty days after it is passed by Council.
- B.** An ordinance or resolution shall go into immediate effect or as stated in the ordinance when Council by an affirmative vote of five members determines that the ordinance or resolution is an emergency measure necessary for the immediate preservation of the public peace, health or safety, provided that the reasons for such necessity are set forth in the ordinance or resolution.
- C.** An ordinance or resolution shall go into immediate effect when it involves any one of the following:
- (1)** Appropriations for current expenses.
 - (2)** Street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be especially assessed for the cost of the improvements.
 - (3)** The second or subsequent ordinance or resolution required to complete the legislation necessary to make and pay for any public improvement.
 - (4)** The expenditure of funds for the purchase or lease of property or services which have already been appropriated in the annual appropriation ordinance.
 - (5)** The award of a contract to the lowest and best bidder pursuant to UACO Chapter 138 – Procurement Code.
 - (6)** A resolution or proclamation of support or appreciation that does not involve the expenditure of City funds or creates any rights or obligations.
 - (7)** The acceptance of deeds to the City.
 - (8)** The adoption of the salary schedule pursuant to UACO Section 155.02.

- (9) The adoption of the tax budget and the subsequent acceptance of the tax rates and the acceptance, rejection, or modification of the recommendations of the tax incentive review Council.
- (10) Amending the Rules of Council.
- (11) The approval or granting of economic development incentives that exceed the City Manager contracting or grant authority which have already been appropriated in the annual or midyear appropriation ordinance.
- (12) The application for and acceptance of grants.
- (13) A contract or agreement that does not involve the expenditure of funds.
- (14) Settlement agreements recommended by the City Attorney.
- (15) Resolutions directing the City Manager or staff to take specific administrative action for which the City Manager or staff already has authority to act.
- (16) Creation of a committee/task force.
- (17) Collective bargaining agreements.
- (18) Approval of the budget.
- (19) Tax Increment Financing Legislation.
- (20) Issuance of Bonds.
- (21) Motions by Council to adopt policies, procedures, and appointments.
- (22) Contracts under \$40,000.00 that are before Council for approval.
- (23) Accepting or vacating an Easement.

6. Publication

- A.** All municipal ordinances, resolutions, statements, orders, proclamations, notices, and reports required by law or ordinance to be published shall be published by copies thereof in a public place in the Municipal Services Center of the City of Upper Arlington for a period of not less than ten days, by posting copies thereof on the City's website, or by publication thereof in any newspaper printed in Ohio and of general circulation in the City of Upper Arlington, provided, however, notices to bidders for the construction of public improvements and notices of the sale of bonds shall be published as

provided by Upper Arlington Codified Ordinance or statute (Ohio Revised Code).

- B.** Pursuant to Section XI of the City Charter, concurrence is required for consideration of subjects not included in the notice of the meeting. For purposes of this requirement, the distribution to Council Members of the official agenda with any and all ordinances, resolutions, requests, plans, or reports attached thereto shall be the official notice of the meeting. The Charter requires twenty-four hour notice for calling a special meeting. There is no requirement that this notice be published. Notification may be made by e-mail, fax, voice message, or other electronic transmission.

7. Sponsorship

- A.** Any member of City Council may initiate and sponsor legislation. Sponsorship of such legislation is an indication that a City Council Member is a proponent of the subject matter addressed by such legislation.
- B.** The Clerk shall assign on a rotating basis a member of City Council to sponsor legislation initiated by staff or Council committee. Sponsorship of such legislation is not an indication that a City Council Member is a proponent of the subject matter addressed by such legislation.

8. Voting Responsibility

- A.** All members of City Council have the responsibility to vote on any issue before City Council unless the member is required to abstain due to conflict of interest or the appearance of impropriety. Members shall be required to state the reason for abstaining. An abstention shall not count as a vote in the affirmative or negative on any such issue. A member who is present but remains silent during a roll call or voice vote shall be counted as an affirmative vote. Pursuant to Roberts Rules, Council Members may vote to approve minutes of meetings they did not attend. Council Members may also abstain from approving minutes of a meetings they did not attend.
- B.** The President of City Council shall call for a voice vote unless a roll call vote is required by law or when a roll call vote is requested by the President of City Council or any Member of Council. Each roll call vote shall be rotated, so that the Council Member whose name was recorded first on the last preceding vote shall be recorded last. The Council Member whose name was recorded second on the preceding roll call vote shall be recorded first and so on throughout the membership, alphabetically. The President of City Council shall always be recorded last

- C.** Clerical Adjustments. The City Clerk shall have the authority to make non-substantive changes to legislation (e.g., typographical errors) following passage by City Council with the consent of the President of City Council.
- 9.** Quorum Requirements. Four members of City Council shall constitute a quorum for transaction of business at any meeting. In the absence of a quorum at any meeting, a majority of those present may adjourn the meeting until a quorum can be present. Notice of such adjourned meeting shall be given to all members of City Council.

ARTICLE V - Rules Governing Procedures

1. Parliamentary Authority. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with these Rules of Council and any special rules of order the Council may adopt. The City Attorney shall serve as Parliamentarian.

2. Precedence of Motions

Motions are classified, as follows:

Main Motion

Subsidiary Motions

Privileged Motions

Incidental Motions

Motions that bring a question again before the assembly.

The main motion, the seven subsidiary motions and the five privileged motions fall into a definite order of precedence, which gives a particular rank to each of these thirteen motions. The main motion ranks lowest. Each of the other twelve motions has its proper position in the order, taking precedence over the motions that rank below it and yielding to those that rank above it.

A. Main Motion

Brings business before the Assembly. The lowest ranking motion (requires a second is debatable, amendable, majority vote required, can be reconsidered).

B. Subsidiary Motions

Aids an assembly in handling or disposing of a main motion:

Postpone Indefinitely: cancels the main motion and avoids a direct vote on the question (requires a second, is debatable, majority vote required).

Amend: to modify the main motion before it is voted on (requires a second, is debatable (if applied to a debatable motion)). Amendable by primary and secondary amendment, if germane, majority vote required, can be reconsidered. In amending an ordinance or resolution, it shall not be necessary to set forth in full the ordinance or resolution, as amended, but it shall be sufficient to identify with certainty the section, sub-section, or paragraph being amended and to set forth the same in full, as amended.

Commit or Refer: to assign to a small group to investigate or study the main motion and any amendments attached to it (requires a second, is debatable, amendable, majority vote required, can be reconsidered).

Postpone to a Certain Time: to put off action on the pending questions, within limits, to a definite day, meeting or hour, or until after a certain event (requires a second, is debatable, amendable, majority vote required, can be reconsidered).

Limit or Extend Debate: to exercise special control over debate (requires a second, amendable, 2/3 vote required, can be reconsidered).

Previous Question (Close Debate): to close debate and vote immediately (requires a second, 2/3 vote required, can be reconsidered).

Lay on the Table: to set aside business temporarily when something else of immediate urgency has arisen (requires a second, majority vote required).

Motion can lay on the table indefinitely (requiring a motion to remove it from a table) or until a date certain (in which case it will automatically appear on that agenda).

- C.** Privileged Motions: Do not relate to the pending business, but have to do with special matters of immediate and overriding importance, which should be allowed to interrupt the consideration of anything else.

Call for the Orders of the Day: one member can require the assembly to conform to its agenda, program or order of business.

Raise a Question of Privilege: a request, which relates to the rights of the assembly or its members.

Recess: a short intermission. The Chair may call a recess without a second or a vote. A member other than the Chair may make a motion for a recess, which requires a second, is amendable, and requires a majority vote.

Adjourn: to close the meeting (requires a second, majority vote required).

Fix the Time to Which to Adjourn: to set the time for another meeting to continue business of the session (requires a second, amendable, majority vote required, can be reconsidered).

- D.** Incidental Motions

Deal with questions of procedure, which must be decided before business can proceed. Incidental Motions have no rank.

Point of Order: when the rules of the assembly are being violated.

Appeal: permits the assembly to sustain or reverse the Chair's ruling, if members believe the Chair has ruled incorrectly (requires a second, majority vote required, can be reconsidered).

Suspend the Rules: to do something that cannot be done without violating one or more of the regular rules, providing the proposal is not in conflict with the City Charter or state or federal law (requires a second, 2/3 vote required). The suspension of rules shall require an affirmative vote of five members of Council.

Division of the Question: allows a motion with several parts, which are capable of standing as a complete proposition to be divided and considered separately (requires a second, amendable, majority vote required).

Division of the Assembly: to require a vote to be retaken when a member doubts the result of the vote as announced by the President of Council (motion does not require a second, is not amendable, no vote required).

E. Motions that Bring a Question again before the Assembly

Take from the Table: to bring back as the pending question a motion that has been previously laid on the table (requires a second and majority vote).

Rescind or Amend Something Previously Adopted: to strike out an entire main motion, resolution, rule or to change an action previously taken or ordered (requires a second, is amendable, debatable, 2/3 vote or majority vote with notice or a majority of the entire membership).

Reconsider: to bring back for further consideration a motion, which has already been voted on (requires a second, majority vote, debatable, if motion to be reconsidered is debatable). Only a member who voted on the prevailing side can move to reconsider. A motion to reconsider must be made within three months of the original vote on the motion.

3. Renewal of Motions

Motions that failed to be adopted may be renewed at another meeting, but may not be reintroduced at the same meeting. No assembly is obliged to repeat consideration of business a second time on the same day except by use of such motions as Reconsider and Rescind.

ARTICLE VI – Amendment

- 1.** Council shall adopt or amend its Rules by ordinance.
- 2.** These Rules contain provisions that are mandated by City Charter or state law. Any amendment of these Rules must be consistent with the City Charter and any applicable state or federal law.
- 3.** Members of City Council shall conduct a review of Rules of Council, following City Council's organization, which occurs every two years.
- 4.** Any proposed amendment or addition to these Rules of Council may be referred to a committee composed of three members of City Council designated by the President. The committee shall report its recommendations to the President for consideration by the Council at the next Council Meeting.
- 5.** These Rules of Council may be amended at any Council Meeting by an affirmative vote of five members.

ARTICLE VII - Council Personnel Policies

1. Resignation. The resignation of a member of City Council shall not take effect until same has been accepted by a majority vote of the members of City Council, exclusive of the person tendering the resignation.
2. Vacancies. Vacancies shall be filled in accordance with Section IV of the City Charter.
3. Vacation. City Council may direct the time and duration of its vacation period.
4. Pursuant to Section XII of the City Charter, except for inquiries and investigations, no Council Member shall directly interfere with the conduct of any department or employee thereunder, but rather shall deal solely with the City Manager or appointing authority. Neither Council nor any Council Member shall dictate the appointment of any person to office or employment by the City Manager or the appointing authority.
5. Council Members shall not use their private email addresses when communicating with staff or the public regarding City business. If they receive an email concerning City business on their private emails, Council Members shall forward the email to their City email address.

ARTICLE VIII– Municipal Body

1. Unless otherwise provided by Council, the following rules shall apply to all Municipal Bodies:

Article I – Definitions where applicable;

Article II, §§ 5, 7, 8, 9, 10, 11, 12, 13 and 14;

Article V, §§ 1, 2, and 3.
2. Municipal Bodies may adopt additional rules that are not inconsistent or contrary to federal or state law, the City Charter, City ordinances, or these rules.
3. Municipal Bodies are subject to Ohio Open Meeting laws and Public Records laws.
4. For purposes of Article II, § 5 (B), the Municipal Body shall elect a Chair who shall be responsible for approval of the agenda.
5. For purposes of cancelling a meeting the Municipal Body shall elect a Chair and Vice-Chair and comply with Article II, § 3.