

**A Resolution enacting the Rules of Council from
January 1, 2020 through December 31, 2021,
repealing Resolution No. 1-18
and declaring an emergency.**

*NOW THEREFORE BE IT RESOLVED BY THE CITY OF LORAIN, STATE
OF OHIO:*

SECTION I: The following Rules are for the Government of the Council of the City of Lorain and are hereby adopted:

MEETINGS OF COUNCIL

RULE 1 - Regular Meetings

The regular meetings shall be held in the Council Chambers on the first and third Monday evenings of each month promptly at 6 p.m. If the day of the meeting falls on a legal holiday, the meeting shall be held on the following day. Council shall recess during the month of August.

Agendas along with the corresponding packet may be viewed on the city's website @ www.cityoflorain.org.

RULE 2 - Special/Emergency Meetings

Special Meetings may be called by the Mayor or any three (3) members of the legislative authority, or by a majority vote of the legislative authority during any meeting upon providing at least twenty-four (24) hours' advance notice to each member of the legislative authority and to the news media that have requested notifications, except in the event of an emergency requiring official action. In the event of an emergency, notification must be provided to the news media that have requested notification immediately of the time, place and purpose of the meeting in accordance with O.R.C 121.22.

The business to be transacted as a special and/or emergency meeting shall be identified in the notice and no other business shall be considered. Should the legislative authority adjourn into Executive Session during a special and/or emergency meeting, the topic shall be directly related to matters identified in the notice.

RULE 3 - Public Meetings

All regular, special, emergency, committee, work sessions and public hearings etc., of the legislative authority shall be open to the public and conducted in accordance with O.R.C. 121.22. All minutes and records of the Council shall be available to the public to view and/or purchase in the Clerk of Council Office during business hours.

RULE 4 - Committee-of-the-Whole

The Council may resolve into a Committee-of-the-Whole by a majority vote of members present during a regular, special or emergency meeting. The President, President, Pro-Tempore, or his designee, shall preside during the Committee-of-the-Whole sessions. The rules of Council shall be observed and comments from the general public may be heard. No votes shall be taken during a Committee-of-the-Whole.

RULE 5 – Executive Sessions

An executive session may be held in accordance with Ohio Revised Code 121.22 upon concurrence of an affirmative roll call vote of a majority of members elected unless a larger number is required per O.R.C Section 121.22. No persons other than the legislative authority and appropriate personnel shall attend the executive session unless invited by the President and/or Pro Tempore.

RULE 6 – Public Hearings

The President of Council, or his designee, shall preside over Public Hearings required and/or scheduled by the legislative body. No Public Hearing shall be scheduled unless a Resolution setting forth the reasons therefore is adopted or it is a requirement stipulated by state statute or is requested by the appropriate city official.

OFFICERS AND EMPLOYEES OF COUNCIL
--

RULE 7 - Presiding Officer

The President, and in his absence the President Pro-Tempore, shall preside over meetings of the legislative authority. He may refer matters as provided for in the Rules of Council. He shall preserve the order and decorum at all times and prevent the impugning of personalities or motives, confines debate to the question under discussion and shall decide all points of order subject to an appeal of the Council and control all aspects of the agenda.

RULE 8 – President Pro-Tempore

At the organizational meeting, Council shall nominate and elect, by motion and majority vote, a member to serve as President Pro-Tempore who shall preside in the absence of the President of Council.

RULE 9 – Clerk of Council and Council Employees

At its organizational meeting, the Council shall nominate and elect, by motion and majority vote, a Clerk and other staff as required and establish the salaries and benefits provided. The Clerk of Council, or other any other approved substitute, shall be required to attend all meetings of the Council. The Clerk shall keep all records, files, orders, or any pertinent papers considered public records under the Public Records Act. No person, except for the Clerk of Council, or any other approved substitute, shall have direct access to the Council vault or any other storage area where official records of the City are kept. The office hours shall be posted and may change from time to time due to staffing.

COMMITTEES OF THE COUNCIL

RULE 10 – Standing Committees

At the organizational meeting, the President shall present a slate of proposed members for each Standing Committee. Each Standing Committee shall consist of a Chairman, a Vice-Chairman, and three additional members. The Council shall accept or amend the proposed slate of Standing Committees by a motion, duly seconded, and with the concurrence of an affirmative majority vote.

Subcommittees may be appointed by the Chairman consisting of members of his committee.

- A. **BUILDINGS AND LANDS**: The responsibilities of this committee shall include but are not limited to all acquisitions, construction, maintenance, lease or sale of buildings or lands owned by the city, matters involving building codes and enforcement, (new) property maintenance codes and enforcement issues, public transportation energy conservation, railroad issues and all matters involving the city's zoning code, Planning Commission, Zoning Board of Appeals, Design Review Board, and other related entities.
- B. **FEDERAL AND STATE PROGRAMS**: The responsibilities of this committee shall include but is not limited to all matters involving state and/or federally funded programs, matters pertaining to business attraction/retention and economic development, community programs and services, joint economic development matters and community and regional partnerships, enterprise zones and reinvestment areas.
- C. **FINANCE AND CLAIMS**: The responsibilities of the finance committee shall include all matters involving the city's budget, indebtedness, appropriations/transfers, payment of monies, taxation, tax abatement and/or financial incentives, wages and/or benefits provided to city employees, issues pertaining to the Civil Service Commission, any franchise or any and all matters pertaining to communications and/or technology within the city. The Finance Committee shall also serve as the "Audit Committee" and assume all duties involved in the review of the city's financial reports on a quarterly basis and the official entrance and exit conferences with outside audit firm.
- D. **POLICE, FIRE, AND LEGISLATIVE**: The responsibilities of this committee include matters pertaining to the safety forces, all issues involving Homeland Security and community preparedness, security issues, school safety and matters pertaining to the health district and any matter not covered by any other committee including Council Rules and/or procedures or protocols.
- E. **PARKS AND RECREATION**: The responsibilities of this committee include all matters pertaining to city parks, public recreation, playgrounds, beaches, our river, harbors, and shores and all matters involving the Port Authority and other coastal regulatory boards.

- F. STREETS AND UTILITIES:** All matters relating to streets, construction, maintenance or improvement or repair, sidewalks, utilities, utility projects, street and sewer cleaning, matters involving waste and refuse collection services, sewage disposal, snow/leaf removal, drainage, sewers, water/water distribution, assessments; and matters of water and air pollution.

RULE 11 – Committee Meetings

A majority of members of the committee in attendance shall constitute a quorum for the transaction of business. Only members of the Committee shall have voting power on motions **of recommendation** put before the Committee. Every attempt shall be made to hold committee meetings on the second and fourth (or fifth) Mondays. The date and subject for all meetings shall be set and announced at regular and/or special meetings of Council by the committee chairman or by a majority of members of the specified committee (unless deemed an emergency by the Chairman and/or majority of committee members).

Attendance of any City Official, Department Head or other city employee may be required **by the Chairperson** to properly dispose of the matter under consideration. In the event the Chairman is absent the Vice-Chairman shall preside.

RULE 12 – Committee Reports

Committee reports are recommendations from said committee and shall be prepared in writing by the Clerk of Council and placed on the next agenda for consideration by the full Council for reading and receipt into the official record.

RULE 13 – Reports from Directors

Directors **and Elected Officials** are required to issue reports to Council *annually* and in a timely manner. The Clerk will keep records on all matters referred to Directors, Boards and Commissions for follow up purposes.

RULES GOVERNING PROCEDURE, DUTIES AND PRIVILEGES

RULE 14 - Opening Procedures

The President shall call the meeting to order and follow the order of business as listed below on the agenda. In the absence of the President, the President Pro-Tempore shall preside. In the event that the President and President Pro-Tempore are absent and a quorum is present, Council shall designate a member to preside until the President or President Pro-Tempore arrives.

RULE 15 – Quorum

A majority of Council members elected shall be considered a quorum to conduct business.

RULE 16 – Order of Business

The business of all regular meetings of the Council shall be transacted in the following order:

1. Prayer and Pledge of Allegiance
2. Roll call
3. Minutes from Previous Meeting
4. Correspondence/Communications and Reports from the Mayor
5. Correspondence/Reports from Directors, Boards and Commissions, etc.
6. Correspondence from other Governmental Agencies
7. Correspondence from the General Public
8. Public Comments (20 max cap.)
9. Committee Reports
10. Ordinances & Resolutions (First, Second, Third Readings)
11. Committee Calls
12. Miscellaneous Business and Concerns from Council
13. Adjournment

*The President of Council may permit matters to be introduced out of the regular order of business for good cause at any time.

*Presentations and commendations shall be included on the Council agenda upon approval of the Presiding Officer.

PUBLIC COMMENT GUIDELINES:

*(item 8 – Rule 16)

** AMENDED
1-6-2020*

- a. A 20 minute maximum time is set aside for public comments.
- b. Speakers are limited to two (2) minutes (unless extended by Council) ~~*and include all discussion on the speaker's topic.~~ (amended 1-6-2020 *deleted).
- c. Speakers must sign up prior to commencement of the meeting.
- d. Speakers must provide their name, address and item they wish to comment.
- e. Speakers are called up on a first-come, first-serve basis.
- f. Speakers will engage in civil discussion through the chair and refrain from personal attacks. Violations will result in removal from chambers.
- g. The Council President reserves the right to rule comments dilatory at all times. ~~*out of order at any time.~~ (amended 1-6-2020 *deleted).
- h. Residents are encouraged to use their time to comments or ask for clarification on agenda items, report concerns, make suggestions or make announcements of community events ~~*and should not expect debate or any discussion on the topic.~~ (amended 1-6-2020 *added)
- ~~i. Speakers shall direct all comments to the Chair who shall determine the appropriate response or defer the matter to the appropriate party for a response. (amended 1-6-2020 *deleted).~~

RULE 17 – Roll Call of Council

Every member shall be in his seat at the time of Roll Call; otherwise, he shall not be recorded as present. The Clerk shall record the names of the members present and absent *in the minutes.*

RULE 18 – Absences/Pay Schedule

The legislative authority shall, by ordinance, fix the salaries of its members which shall be paid in equal monthly installments. For each

absence from a regular meeting of the legislative authority, unless authorized or excused by a two-thirds vote (8) of all members elected thereof, there shall be deducted a sum equal to two percent (2%) of such annual salary. Absence for ten successive regular meetings shall operate to vacate a seat of a member unless such absence is authorized by the legislative authority.

RULE 19 - Voting by Roll Call

A roll call vote will be required on all Ordinances, Resolutions, and when so ordered by the Presiding Officer or a majority vote of the legislative body and recorded in the official minutes.

RULE 20 - Precedence of Motions

When a question is before the Council, the Chair shall refer to the precedence of motions in accordance with Robert's Rules of Order.

RULE 21 - Duty to Vote

Every member present shall vote on all questions upon the call for the vote unless a conflict of interest is present under applicable statutes and Ethics Opinions.

RULE 22 - Speaking

When called upon by the Chair, no member shall be allowed to speak for a period of longer than (3) three minutes at any one time unless permission is granted by the Presiding Officer. No member shall speak more than once on the same matter until each member desiring to speak on the matter has had an opportunity to do so.

RULE 23 - Right of the Floor

When a member desires to address the Council, he shall request permission from the Presiding Officer. Upon receipt of permission, he shall confine his remarks to the question under debate, avoid personalities, and refrain from impugning upon the motive of any other member's argument or vote.

RULE 24 - Right of Appeal

Any member may appeal to the Council any ruling of the Presiding Officer. If an appeal is moved and seconded, the member making the appeal may briefly state his reason for the appeal and then the Presiding Officer may briefly explain his ruling. There shall be no debate on an appeal and no other members shall speak. The Presiding Officer shall then state, "Shall the decision of the Chair be upheld?" If only a majority vote is received, the ruling of the Chair shall stand.

RULE 25 - Amendments

It shall be in order to amend an Ordinance or Resolution at any time. If amended by an affirmative majority vote of all members elected during a Third Reading, the matter shall revert back to a Second Reading for further and final action

RULE 26 - Reconsideration

After the decision on any question, any member who voted with the prevailing side may move to reconsider any action prior to the adjournment of the current meeting. A motion to reconsider shall

require the same number of votes required to adopt an ordinance or resolution. After the motion to reconsider has been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent.

- a.) The initial vote determines whether to reconsider the prior action and,
- b.) If passed by a majority of members elected, the motion the body wishes to reconsider shall again be placed before the legislative authority for discussion and a vote after being restated by the Chair.

RULE 27 – Attendance Required

The Mayor, Safety/Service Director, Law Director, Auditor and Treasurer, or their designee and/or any other Sub-Department Heads requested by Council shall be required to attend regular and special meetings of the Council. They shall be required to answer questions from Council relating to matters of the city under their respective supervision. The Mayor and his Directors may participate in the discussion of all questions before the Council upon invitation by the body.

RULE 28 – Reports of City Officers

All Ordinances, Resolutions and communications pertaining to matters that come under the supervision and control of the Mayor and Directors shall, in addition to being referred to the proper committees, also be referred to such respective Administrative Officers for recommendation. All reports from City Officers suggesting or recommending action by Council shall, unless otherwise ordered by the Council, shall be referred to the appropriate committee for consideration.

RULE 29 – Measures to be in Writing

When requested by a member, the maker of any motion shall present it in writing before any action is taken.

RULE 30 – To Adjourn

The motion to adjourn shall always be in order unless the Council is engaged in voting.

RULE 31 – Requests for Public Records

Public record requests will be promptly prepared and made available for inspection to any person at all reasonable times during business hours of the Clerk of Council Office. Such requests may first be forwarded to the Law Director's Office for review in order to ensure information protected by Federal and/or State law is not disclosed.

Public record requests shall be accommodated as soon as practicable based upon the volume and nature of the requested material and the completion of the legal review, if necessary. Copies of public records shall be provided at a charge of 5¢ per copy after the first five pages and the cost shall be paid in advance. A copy of the public record may be transmitted through the United States mail provided the individual making such request pay costs associated with the mailing in advance.

A copy of the public records policy is posted and available in the Clerk's Office.

NEW RULE 32 - Audio/Video Recordings of Council Meetings

The Clerk of Council shall be the custodian of all audio and video recordings housed on city-owned equipment and software installed in the Council Chamber and shall be considered the official custodian of said records and kept in compliance with the Records Retention scheduled approved by the Records Commission and retained on file in the Clerk of Council office. Any subsequent recordings and/or reproductions from other sources shall not be retained or supported by the City Council Office.

ORDINANCES AND RESOLUTIONS

RULE 33 - Introduction

All legislation shall be introduced by members of Council present with their names endorsed thereon. The Law Director, or his assistant, shall approve all proposed general legislation to be in the manner prescribed by law prior to submission to the Clerk of Council for placement on the appropriate agenda.

~~Agenda items for all types of meetings must receive final approval from all parties designated in the agenda automation software routing map prior to placement on the appropriate agenda prior to publication on the website by the Clerk.~~

Submission of agenda items for regular and special meetings shall be automatically forwarded to all designated officials in the approved routing maps contained in the agenda software system. Should a recipient of an agenda item fail to act by either returning the item for corrections and/or is unresponsive, unavailable or not in agreement with the legislative content, the Clerk shall, after due notice forward the item on to the next location designated on the routing map and notate the action on the agenda.

(The intent of the review/approval process is to provide accuracy and accountability to members of the legislative authority by verifying that each level of authority has been provided with the opportunity to review items prior to council consideration. In no way shall non-approval or lack of action on any agenda item submitted for Council's consideration result in its omission or placement on the next regularly scheduled agenda.)

Submission of agenda items for regular meetings after publication of the agenda on the city's website shall follow the same requirements as above along a motion from the floor, duly supported, and receive an affirmative vote of three-quarters affirmative vote (9) of council members elected to officially add the item to the agenda for consideration.

Agendas, packets, minutes and notifications are accessible to the legislative body and general public electronically via the city's website and designated as the approved method by which the body receives

information and notifications associated with O.R.C. 121.22 and other related sections. Members of the public wishing to receive agendas are encouraged to utilize the “Registration” button on the Lorain City Council Agendas & Minutes website.

RULE 34 – Form of Ordinances and Resolutions

The enacting clause of all Ordinances shall read, “Now, therefore be it ordained by the Council of the City of Lorain, State of Ohio.” The enacting clause for Resolutions shall read, “Now therefore be it resolved by the Council of the City of Lorain, State of Ohio.”

All proposed ordinances and resolutions shall be typewritten in 12 point font and in a format provided for by the Clerk to retain uniformity. No ordinance, resolution or sections thereof shall be revised or amended unless the new legislation contains the entire ordinance, resolution or section being revised or amended and the original resolution or ordinance shall be repealed.

RULE 35 – Three Readings

No Ordinance or Resolution shall be passed until it has been read on three (3) separate days in accordance with O.R.C. 731.17, unless the statutory requirement has been dispensed with by a three-fourths (3/4) affirmative vote of the legislative authority. All Ordinances and Resolutions may be read by caption only provided all members have copies.

RULE 36 - Emergency Legislation

If an emergency Ordinance or Resolution fails to receive a two-thirds affirmative vote, the emergency clause has no force and effect. However, provided the ordinance or resolution receives the statutory number of affirmative votes required for passage, the Ordinance or Resolution shall be deemed approved and become effective at the earliest period provided by law.

RULE 37 – Appropriation Ordinances

Ordinances making appropriations shall be confined to the subject of the appropriation and contain a brief description of the transaction. No money shall be appropriated unless by ordinance.

RULE 38 – Legislation with Fiscal Impact

All legislation presented to Council having a financial impact (as either revenue or an expenditure) to any city fund shall be required to select the appropriate agenda template upon submission into the agenda automation software and include the detail (or estimate) required for review by the Auditor’s Office for review.

RULE 39 - Passage or Adoption

All Ordinances, Resolutions, and Rules of Council shall require for their passage or adoption the concurrence of a majority of Council members elected, unless the law requires a greater number. A roll call vote is required and the vote shall be recorded in the minutes.

MISCELLANEOUS RULES

RULE 40 – Violations of Council Rules

If any member, in speaking or otherwise, violates any of these rules, the President shall, or any member may call him to order. The question of order shall be decided immediately and without debate.

RULE 41- Other Rules/Council Chamber

Except as provided herein, the most current version of Roberts Rules of Order shall govern the proceedings of Council. It shall be the duty of the Presiding Officer to comprehend and enforce such rules together with the rules herein set forth.

No person, other than members of Lorain City Council, staff or other city official shall enter the designated area beyond the bar of the chamber assigned to the Elected Officials after commencement of the meeting.

A space shall be designated in the Council Chamber as “Reserved for the Media” and shall be used only by the media in attendance for that purpose.

RULE 42 – Conduct

All members of the legislative body shall conduct themselves with decorum at all times while in the confines of the Council Chamber. Proper business attire shall be worn at all regular meetings of Lorain City Council. Jeans, work uniforms or athletic attire are not considered appropriate business attire, and the wearing of the same will result in a member being subject to a reprimand by the Presiding Officer.

Upon the concurrence of a majority vote of legislative body, the first violation by a member of Council Rule ~~42~~ 40 shall result in the offending member receiving a verbal warning from the Presiding Officer detailing the infraction. In addition, with the concurrence of two-thirds affirmative vote of the legislative authority, the member may be expelled from the remainder of the meeting after having been notified of the violation(s) against him and provided an opportunity to address them.

Upon the concurrence of a two-thirds majority vote of the legislative body, any subsequent violation of Council Rule 40 during the current term of office shall result in a 1/12 reduction of annual salary of the offending member.

In addition, comments or outburst from the general public that result in disruption of a public meeting or that are intended as personal attacks/insults on any attendee shall not be tolerated and may result in expulsion from the chamber by the Presiding Officer for the remainder of the meeting.

RULE 43 – Amendments to Council Rules

These rules may be amended by a two-thirds majority vote of members elected in the affirmative to during any regular or special meeting of

Council. All amendments or new rules adopted by the Council shall be attached to this resolution.

RULE 44 - Suspension of Council Rules

These rules, where not precluded by state statutes, may be temporarily suspended at any meeting of the Council by a concurrent vote of the majority of all members elected. The motion shall clearly state which rule is requested for suspension and the vote shall be taken by roll call with the results recorded in the minutes.

SECTION II.

That Resolution No. 1-18 and all other Ordinances, Resolutions, and by-laws in conflict herewith are expressly repealed.

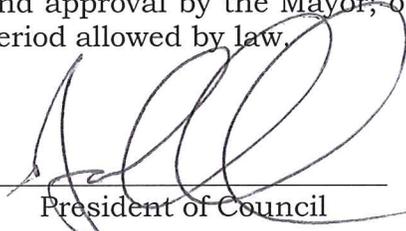
SECTION III.

That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action, were in meetings open to the public and in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION IV.

That this Resolution is hereby declared to be an emergency, the nature of which is to adopt rules for the conduct of all meetings of the Council commencing with the first meeting in January following the General Election in order to provide for the health, safety, and welfare of the citizens of the City of Lorain; therefore, this Resolution is declared to be an emergency measure and shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect at the earliest period allowed by law.

Passed: Jan. 6, 2020



President of Council

Attest: Nancy Green, Clerk



Mayor

Approved: Jan. 6, 2020



CITY OF LORAIN

City Council Regular Meeting

11. a.

Meeting Date: 01/06/2020

Submitted by: Nancy Greer, Clerk of Council

AGENDA ITEM DESCRIPTION OR LEGISLATION TITLE

A Resolution establishing the Rules of Council for the 2020/2021 term of office. (See suggested changes in yellow highlight)

PURPOSE AND BACKGROUND:

RECOMMENDATION TO COUNCIL:

Lorain City Council consider

Attachments

reso

Form Review

Inbox
Legal
Form Started By: Nancy Greer
Final Approval Date: 01/02/2020

Reviewed By
Patrick Riley

Date
01/02/2020 11:06 AM
Started On: 12/30/2019 02:43 PM

VOTE ON PASSAGE					
	AYE	NAY		AYE	NAY
Fallis	✓		Argenti	✓	
Dimacchia	✓		Moon	✓	
Springowski	✓		Carrion	✓	
Henley	✓		Shawver	✓	
McFarland	✓		Thornsberry	✓	
Carter	✓		Arredondo		