

1st Reading - Jan. 2nd, 2020

SRAP-2-6-2020

Sponsor: Wodum

ORDINANCE NO. 2020-01

**AN ORDINANCE BY THE CITY OF WELLSTON LEGISLATIVE AUTHORITY
AMENDING, REPLACING CHAPTER 31 OF THE WELLSTON CODE**

WHEREAS the City of Wellston Council has established City Council Rules for the City of Wellston and have codified those Rules as Chapter 31 of the Wellston Codified Ordinances

WHEREAS the legislative authority for the City has received recommended amendments to various rules and regulations for Chapter 31 of the Wellston Codified Ordinances, a copy of the proposed amended Chapter is attached hereto as Exhibit A

WHEREAS the Council has reviewed and given input on the Rules and

WHEREAS the Council has determined that it is in best interest of the City to adopt the proposed amended Chapter 31, a copy of which is attached as Exhibit A

NOW THEREFORE BE IT ORDAINED by the Council that:

Section One: Chapter 31: City Council Rules of the Wellston Codified Ordinances as detailed in the attached Exhibit A shall be adopted and hereby codified as Chapter 31 Wellston Codified Ordinances and that any prior versions of Chapter 31 are hereby amended, repealed and/or replaced by the language in the attached Exhibit which is incorporated herein.

Section Two: It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this council and the deliberations of the 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 of the Ohio Revised Code.

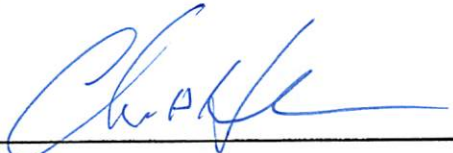
PASSED AND ADOPTED by the legislative authority of the City of Wellston this 6th day of February, 2020.

VP Pro Tem Tom Clady
Council President

ATTEST:

Amy Steiner
Clerk of Council

Approved this 6th day of February, 2020.



Mayor

Posted 2-1-20 through 2-21-20 at the Store, Wellston City Hall, Wellston Senior Citizens' Center, the Wellston Public Library and the Post Office.

Prepared by: Randy H. Dupree, Law Director, City of Wellston

CHAPTER 31: CITY COUNCIL RULES

Section

- 31.01 Regular and special meetings
- 31.02 Robert's Rules of Order
- 31.03 Opening proceedings
- 31.04 Order of business; regular order suspended
- 31.05 Speaking; interruptions; leaving chambers
- 31.06 Committee reports
- 31.07 Motions
- 31.08 Voting
- 31.09 Procedure on legislation; prior study
- 31.10 Standing committees
- 31.11 Sergeant-at-arms
- 31.12 Salary and attendance
- 31.13 Posting legislation

Statutory reference:

- Authority to establish sewer rates, see R.C. § 729.49*
- Authority to purchase and sell real estate, see R.C. Ch. 721*
- Composition, see R.C. §§ 731.01, 731.06*
- Election and term, see R.C. § 731.03*
- Election of officers, see R.C. § 731.04*
- General powers, see R.C. §§ 715.02, 731.47*
- Mayor, see R.C. § 733.07*
- Misconduct, see R.C. §§ 733.72 et seq.*
- Powers as to salaries and bonds, see R.C. § 731.07*
- Qualifications, see R.C. §§ 731.02, 731.44*
- Vacancy, see R.C. § 731.43*

31.01 REGULAR AND SPECIAL MEETINGS.

(A) *Regular meetings.* Regular meetings of Council shall be held in Council Chambers on the first and third Thursdays of each month at 7:00 p.m.

(B) *Special meetings.* Special meetings of Council may be called as provided in R.C. § 731.46. Notice of such meetings shall be served on all members by the Council Clerk by email, text or phone. No business shall be transacted at any special meeting of Council except the business Council meets to transact unless this rule is suspended by a vote of two thirds of all members.

(C) When a regularly scheduled Council meeting falls on a legal holiday, the meeting shall be held the following Thursday evening at the same time as the regularly scheduled Council meeting.

(2003 Code, § 31.01) (Ord. 1937, passed 8-1-1968; Ord. 2850, passed 8-3-1989; Ord. 3140, passed 1-18-1996; Ord. 3477, passed 6-30-2002)

Statutory reference:

Meetings, see R.C. §§ 731.44, 731.46

Open meetings, see R.C. § 121.22

31.02 ROBERT'S RULES OF ORDER.

In the absence of any rule herein concerning any parliamentary question, Council shall be governed by *Robert's Rules of Order*.

(2003 Code, § 31.02) (Ord. 1937, passed 8-1-1968)

31.03 OPENING PROCEEDINGS.

In the absence of the President and President Pro Tem of Council, the Clerk shall call Council to order and call the roll; if a quorum is present, then Council shall select some member to preside at the meeting or until the President or President Pro Tem arrives at the meeting. If a quorum is not present, the members may take a recess for a period of not exceeding one hour, and if at the end of that time there is not a quorum present, they may adjourn from night to night until a quorum is present.

(2003 Code, § 31.03) (Ord. 1937, passed 8-1-1968)

31.04 ORDER OF BUSINESS; REGULAR ORDER SUSPENDED.

(A) The business at all regular meetings of Council shall be transacted in the following order:

- 1 The Pledge
- 2 Roll Call
- 3 Public Comments
By contacting the Council Clerk by Tuesday before the meeting, any citizen may speak to council for 5 minutes. If contact has not been made, any citizen may speak for 3 minutes. Political campaigning will not be permitted.
- 4 Reading of minutes
- 5 Reading of Correspondence
- 6 Reports of Special Committees
Finance
Health and Safety
Public Service
Planning Committee
Civic Organization Liaison
Community Action Liaison
- 7 Old Business
- 8 New Business
- 9 Legislation
- 10 Mayor
- 11 Service Director
- 12 Law Director
- 13 Auditor
- 14 Treasurer
- 15 City Clerk's reports
- 16 Fire
- 17 Zoning
- 18 Code Enforcement
- 19 Police
- 20 Adjourn

(B) The President of Council may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order for the same.

(2003 Code, § 31.04) (Ord. 1937, passed 8-1-1968)

31.05 SPEAKING; INTERRUPTIONS; LEAVING CHAMBERS.

(A) *Speaking.*

(1) In all cases, the member who first rises and addresses the chair shall speak first; but when two or more members arise at once, the President shall name the member who is to speak first.

(2) No member shall speak more than twice on the same subject or longer than ten minutes at one time without leave, and no member shall speak more than once on the same motion until every member desiring to speak on that motion shall have had an opportunity to do so. Any member, while discussing a question, may read from books, paper or documents any matter pertinent to the subject under consideration. Each member, in speaking, shall avoid personalities and the use of any language of a disrespectful nature.

(B) *Interruptions.* No member shall interrupt another member when speaking.

(C) *Leaving chambers.* No member shall leave the Council Chambers while in session without permission of the presiding officer.

(2003 Code, § 31.05) (Ord. 1937, passed 8-1-1968)

31.06 COMMITTEE REPORTS.

Any subject matter, having been referred to any committee of Council or city officer, shall be reported upon in writing or orally through its Chairperson at the next regular meeting or as soon thereafter as is possible. A minority of the committee shall have the right to report at any time if done in the regular order.

(2003 Code, § 31.06) (Ord. 1937, passed 8-1-1968)

31.07 MOTIONS.

(A) *Standing motions.* When a motion is made and seconded, it shall be stated by the President before any debate shall be in order. Every such motion and all amendments thereto, if any, may be withdrawn by the mover thereof at any time before decision, if the majority of the members then present shall agree thereto.

(B) *Reduction to writing.* Every motion shall be reduced to writing before action is taken thereon when required by the President, except privileged questions.

(C) *Amendments.* An amendment to a motion, if duly seconded, is in order, likewise an amendment to an amendment, but never an amendment to an amendment to an amendment.

(D) *Adjournment.* A motion to adjourn shall always be in order unless Council is engaged in voting or unless some member has the floor.

(2003 Code, § 31.07) (Ord. 1937, passed 8-1-1968)

31.08 VOTING.

In case any member refuses to vote on any question pending, upon a yea and nay vote being taken, he or she shall, if the President requires him or her, be obligated to record his or her vote unless excused by a two-thirds vote of Council, and unless so excused and he or she still refuses to vote, he or she shall be deemed guilty of contempt of Council and may, for such contempt, be censured by a majority vote.

(2003 Code, § 31.08) (Ord. 1937, passed 8-1-1968)

31.09 PROCEDURE ON LEGISLATION; PRIOR STUDY.

(A) First reading.

(1) Presentation of resolution and/or ordinance and move for its adoption. Present Read - Second - Vote;

(2) Reading;

(3) Second; and

(4) Vote (by roll call).

(B) After resolution and/or ordinance is read. (Motion to suspend the rules and motion to pass as read if so desired):

(1) Motion to pass as read in first reading;

(2) Second; and

(3) Roll call.

(C) No ordinance or resolution shall be presented to Council for passage or adoption unless requested by Council or a committee thereof, except in the case of emergency ordinances and resolutions.

(2003 Code, § 31.09) (Ord. 1937, passed 8-1-1968)

31.10 STANDING COMMITTEES.

The following standing committees shall be appointed by the President of Council at the time of its organization to serve for two years or until their successors are appointed. Each committee shall consist of three members; the first named shall be the Chairperson.

(A) *Finance*. The Finance Committee shall have the consideration of all matters relating to bills, claims, appropriations, budgets, tax levies and general subjects relating to the public funds.

(B) *Public service*. The Public Service Committee shall have the consideration of matters relating to the public service of the city, and shall in general be a body of conference, communication and recommendation between Council and the Department of Public Service.

(C) *Public safety*. The Public Safety Committee shall serve the same function as public service with reference to matters of public safety and be a similar agency between Council and the Department of Public Safety.

(D) *Public health and infirmary.* The Public Health and Infirmary Committee shall act as the medium of communication, conference and recommendation between Council and the Health Department and have the consideration of subjects of a sanitary and infirmary nature.

(2003 Code, § 31.10) (Ord. 1937, passed 8-1-1968)

31.11 SERGEANT-AT-ARMS.

The Chief of Police shall act as Sergeant-at-Arms, who, under the direction of the presiding officer of Council, shall preserve order and decorum and, by order of the President, shall compel the attendance of absent members.

(2003 Code, § 31.11) (Ord. 1937, passed 8-1-1968)

31.12 SALARY AND ATTENDANCE.

(A) The legislative authority of a municipal corporation shall, by ordinance, fix the salary of its members which shall be paid in equal monthly installments. For each unexcused absence from regular meetings of the legislative authority, unless authorized by a two-thirds vote of all members thereof, there shall be deducted a sum equal to 2% of such annual salary. The council Clerk shall notify the Auditor's office if this happens. Absence for TWO MONTHS successive OF ALL meetings shall operate to vacate the seat of a member, unless such absence is authorized and or excused by the legislative authority.

(B) A member's absence shall be recorded in the minutes as unexcused, unless the member's absence is authorized as excused by a majority vote of all members thereof. The President of Council, or any member of the Legislative Authority, by motion, may call for a vote to vacate the seat of a member for the member's unexcused absence for TWO MONTHS consecutive OF ALL meetings. All members must notify the Council Clerk or Council President by phone, text or email by the Tuesday before the meeting. If not, the absence will be considered an automatic unexcused, unless there is an emergency or illness. If this happens, the member must contact the Clerk or President as soon as possible.

(Ord. 4184, passed 12-5-2013; Ord. 2016-88, passed 1-7-2016)

31.13 POSTING LEGISLATION.

The ordinances and resolutions of the city shall be posted at the City Building, the U.S. post office of the city, the Sylvester Public Library, the Senior Citizens Building, and The Store.

(Ord. 4028, passed 5-1-2008; Ord. 4113, passed 8-15-2011)