

CHAPTER 111

Rules of Council

EDITOR'S NOTE: The Council rules contained in this chapter were verbally amended and readopted by motion of Council on January 5, 1987. Subsequent amendments to the rules by motion of Council are reflected by the dates in parenthesis following the affected sections.

- 111.01 Time and place of regular meetings.
- 111.02 Time, place and notice of special meetings.
- 111.03 President of Council: duties; absence; vacancy.
- 111.04 Quorum.
- 111.05 Order of business.
- 111.06 Organization; President Pro Tem.
- 111.07 Rules: enactment, suspension and amendment.
- 111.08 Robert's rules.
- 111.09 Committees: designations; appointments.
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- 111.14 Location of chambers; offices; cooperation of City; availability of information.
- 111.15 Additional and joint meetings.
- 111.16 Clerk of Council/Deputy Clerk of Council: duties.
- 111.17 Determination of vacancy filling procedure.
- 111.18 Investigative powers.
- 111.19 Nonsalary remuneration.

CROSS REFERENCES

Charter provisions - see CHTR. Art. III

Ordinance form, passage and context - see ADM. 113.01, 113.02

111.01 TIME AND PLACE OF REGULAR MEETINGS.

(a) Except for the full months of July, August and December, the regular meetings of Council shall be held in the Council Chambers on the second and fourth Mondays of each month at 7:30 p.m. If a regular meeting falls on a holiday, such meeting shall be held the next succeeding day that is not a holiday at 7:30 p.m., unless by a majority vote Council decides to hold the meeting on the holiday. This vote shall take place at the Council meeting preceding the holiday. During the month of July there shall be one regular Council meeting on the second Monday in the Council Chambers at 7:30 p.m. During the month of August there shall be one regular Council meeting on the fourth Monday in the Council Chambers at 7:30 p. m. During the month of December there shall be one regular Council meeting on the second Monday in the Council Chambers at 7:30 p.m.

(b) After providing advance notice to Council on the docket, the President of Council, may propose to postpone or cancel meetings. The proposal must be approved by at least two thirds of the members of Council.

(c) The President of Council, or in the President's absence the President Pro-Tempore, may postpone or cancel council meetings, or limit public attendance to online streaming in the event of a state of emergency being declared by the Federal Government, State of Ohio, Medina County, or the City of Medina or upon recommendation of community health and safety officials.
(Ord. 63-20. Passed 3-18-20.)

111.02 TIME, PLACE AND NOTICE OF SPECIAL MEETINGS.

The Mayor, or any three members of Council may call a special meeting by giving at least twelve hours notice to each member of Council. Such notice shall be served personally upon such councilman or left at his usual place of residence.

The notice of the special meeting shall specify the time and the place of such meeting, and shall indicate subject matter to be considered. If a councilman is unable to attend a regular or special Council meeting, he shall notify the President of Council of that fact at the earliest possible time.

(Ord. 1-74. Passed 1-3-74.)

111.03 PRESIDENT OF COUNCIL: DUTIES; ABSENCE; VACANCY.

(a) Duties. The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council and, in addition thereto, he shall preside at all meetings of Council.

(b) Absence; Vacancy. Any vacancy in the office of the President of Council, whether occurring by death, disqualification, removal or resignation, or by succession to the office of Mayor, shall be filled by the remaining members of Council by electing the president pro tem to fill such vacancy. Such election shall occur within thirty days, and, in the absence of a special meeting called for such purpose, the president pro tem of Council shall place the question of electing the successor before Council at the first regular meeting following the vacancy.

During the temporary absence of the President of Council, the president pro tem of Council shall preside at all meetings of Council and shall perform and exercise any and all of the duties and powers of the President of Council.

(Ord. 1-74. Passed 1-3-74.)

111.04 QUORUM.

(a) A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of Council, but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members.

(b) At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other business may be transacted by the affirmative vote of four members of Council unless a larger number is required by the provisions of the City Charter or by the Constitution or laws of the State.

(Ord. 1-74. Passed 1-3-74.)

111.05 ORDER OF BUSINESS.

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

- (1) Call to order;
- (2) Roll call;
- (3) Reading of minutes;
- (4) Reports of standing committees;
- (5) Reports of special committees;
- (6) Requests for Council action;
- (7) Reports of municipal officials;
- (8) Notices, communications and petitions;
- (9) Unfinished business;
- (10) Introduction of visitors;
- (11) Introduction and consideration of ordinances or resolutions;
- (12) Comments by Council; review of pending matters;
- (13) Adjournment.

(b) The President of Council, on his own motion, without second, and with the approval, tacit or formal, of a majority of Council, may change the order of business from time to time. He shall, however, advise all members of Council who are present of his intention to make any such change and shall promptly honor any motion opposing the change of order.

(c) Members of Council shall be permitted the opportunity to comment generally on matters which pertain to the City and their duties as members of Council during the portion of any meeting devoted to comments by Council. The President shall accord to each Council member the opportunity to make such comments, and he may impose reasonable time limitations upon any speaker.

(Ord. 1-74. Passed 1-3-74.)

(d) Members of the public shall be permitted the opportunity to speak on any issues and concerns which pertain to the City during the portion of any meeting devoted to introduction of visitors. The President shall require that all comments be directed to the chair and may impose reasonable, equitable time limitations upon any speaker. Members of the public may be afforded the opportunity for comment at other portions of any meeting as determined by the President or by a majority of the Council present and voting. (1-4-88)

111.06 ORGANIZATION; PRESIDENT PRO TEM.

(a) On or before the eighth day of January of each year, Council shall meet in the Council Chamber and organize. Attention shall be given to the rules of Council, to the election of a Council president pro tem, to appointments recommended by the Mayor and the President of Council and to such other recommendations, appointments and business as may properly come before Council by way of organization.

(b) The Council president pro tem shall be elected by a majority of the members of Council and shall serve for a term of two years or until his successor is elected. He shall, in the absence of the President of Council, preside over all Council meetings, and otherwise perform the duties and functions of the President of Council.

(c) The organizational meeting shall not be considered to be a regular Council meeting, and may be called at the instance of the President of Council or otherwise, as provided for in the case of special meetings.

(Ord. 1-74. Passed 1-3-74.)

111.07 RULES: ENACTMENT, SUSPENSION AND AMENDMENT.

(a) The rules of Council, as now constituted or subsequently amended, shall govern the conduct of Council meetings, regular and special, until revoked or superseded. The rules, or any of them, may be temporarily suspended upon motion passed by the affirmative vote of two-thirds of the members of Council who are present and available to vote on the motion; except where a larger percentage is required by the Charter.

(b) These rules of Council shall be considered for reenactment or amendment at the annual organization meeting of Council. At such meeting, these rules may be reenacted, amended or new rules may be adopted by a majority vote of the members of Council.

(Ord. 1-74. Passed 1-3-74.)

111.08 ROBERT'S RULES.

In the absence of any rule upon any matter of business or procedure not provided for in this chapter or in the statutes of the State or in the Charter of the City, so far as provisions for the same are therein made, Robert's Rules of Parliamentary Procedure shall be the standard followed by this Council, and the same are hereby incorporated into these rules, by reference.

(Ord. 1-74. Passed 1-3-74.)

111.09 COMMITTEES: DESIGNATIONS; APPOINTMENTS.

(a) The members of Council shall be organized and appointed to form standing committees of three or more members each. The President of Council shall designate the number of committee members and shall appoint members to the following standing committees at the annual organizational meeting of Council:

- (1) Streets and Sidewalks Committee;
- (2) Water and Utilities Committee;
- (3) Finance Committee;
- (4) Public Property Committee;
- (5) Special Legislation Committee;
- (6) Health, Safety and Sanitation Committee.
- (7) Emerging Technologies Committee.

(Ord. 5-16. Passed 1-11-16.)

(b) The President of Council shall make any necessary interim appointments, and all appointments of Council members to such special committees, as he deems necessary or desirable; he shall also designate committee chairmen, where appropriate, and he shall appoint Council members to such other committees, commissions or similar bodies as are required by statute, Charter, ordinance or administrative request.

(c) The President of Council shall exercise full discretion in making committee appointments, but it is deemed desirable to have each Council member appointed to at least one of the following committees: Finance, Utilities or Streets and Sidewalks.

(Ord. 1-74. Passed 1-3-74; 1-3-94.)

111.10 COMMITTEES: REFERRAL OF MATTERS.

(a) The President of Council shall refer to the appropriate committee of Council all inquiries, information, proposed legislation or other matters which properly require or might require study, consideration, investigation or other action by Council. Selection of the appropriate committee shall be the responsibility of the President of Council. If the President of Council does not assign a request for Council action to Committee within thirty days, the pending matter shall appear upon the Council floor at a regular meeting for appropriate discussion.

(b) Any proposed legislation or other matter requiring legislative consideration which has been referred to a committee for more than sixty days may, upon proper motion, be withdrawn from such committee for dispositive consideration by Council or for referral to a special committee to be appointed for such purpose. Such withdrawal from committee shall require a majority vote of the members of Council.
(Ord. 1-74. Passed 1-3-74.)

111.11 COMMITTEES: SCOPE OF LEGISLATION DUTY; REPORTS.

(a) Before presentation to Council for final or dispositive action, all proposed legislation or other matters requiring legislative action shall be first referred to an appropriate committee of Council for consideration, recommendation or report. All such matters or proposed legislation referred to committee shall be considered by such committee at the earliest time convenient to such committee, and such committee shall make timely report to Council of the results of its consideration of such matters and proposed legislation. Minutes of the meetings of such committee reflecting the results of its considerations, or its recommendations shall be sufficient report, provided that such minutes are delivered to the Clerk of Council for reproduction and subsequent distribution to the other members of Council.

(b) The final draft of proposed legislation, not previously considered in finalized or written form, shall be edited and reviewed by the committee or by the committee chairman before its presentation to Council for dispositive action.

(Ord. 1-74. Passed 1-3-74.)

(c) Minutes of committee meetings shall be filed with the Clerk within fifteen days following each committee meeting. The Clerk of Council or the President of Council, shall be responsible for making and filing minutes of meetings of Council as a committee of the whole. In the absence of formal voting, the minutes need reflect only the subject matter under discussion, the persons present and such other data as is relevant.

(Amended 1-3-05.)

111.12 LEGISLATION; COUNCIL BUSINESS; PRESENTATION AND PROCEDURE.

(a) It is deemed desirable to have any and all proposed legislation or other matters requiring legislative action first brought to the attention of Council at an open Council meeting. Unless it is determined to suspend the Rules of Council in order to give immediate consideration to such proposed legislation or other matters, they shall be referred promptly to an appropriate committee pursuant to the provisions of Sections 111.10 and 111.11. No committee of Council need accept for consideration any proposed legislation or other matters which will ultimately require legislative determination unless the same has been first introduced in an open Council meeting.

(b) Any proposed legislation, or other matters which have been referred to and accepted by a committee of Council without first being introduced at an open Council meeting, shall be promptly reported to Council by the President of Council or by the chairman of such committee at the next meeting of Council, and any such matters so considered shall likewise be clearly reflected in the minutes of the committee in question. In no event shall any committee, or other formal councilmatic body, give consideration to matters which are not promptly made matters of public record pursuant to the provisions of these rules, unless the matters under consideration are of such a nature that a premature disclosure would be detrimental or prejudicial to the best interests of the City.

(c) Prior to each meeting, the Clerk of Council shall prepare an agenda, or written schedule of matters, to be brought before Council and shall cause a copy of the same to be delivered to each member of Council together with the full text of any proposed legislation at least seventy-two hours prior to each scheduled meeting. Such agenda or written schedule shall constitute the formal schedule on business to be considered by Council at its next meeting, and matters not included on such agenda shall not receive consideration by Council, except upon suspension of these rules. (1-4-88; 1-3-11.)

(d) Any proposed legislation or other matter which is to be placed on the agenda for action by Council shall be presented to the Clerk in a completed and final state not later than 12:00 noon on the Wednesday preceding the meeting of Council. Legislation presented to Council shall not include an emergency clause. An emergency clause shall be added to legislation only upon a two-thirds vote of the membership of Council.

Any requests for Council action which are to be placed on the agenda shall be presented to the Clerk in a completed and final state not later than 5:00 p.m. on the Tuesday preceding the meeting of Council.

(e) The Clerk shall have the responsibility for the systematic and logical identification of proposed ordinances, resolutions and other matters to be considered by Council, and he or she may assign identifying numbers or designations to any such items which have been placed upon the agenda. He or she may also, at his

or her discretion, and in order to facilitate record keeping, assign such identifying numbers or designations, or a different series of identifying numbers or designations, to any other matters which have been formally presented to Council or to a committee of Council, whether or not such matters have been placed on the agenda.

(Passed 1-6-14.)

(f) Any request to withdraw a rezoning ordinance from a Council agenda must be made by the rezoning applicant in writing to the Clerk of Council prior to consideration of the ordinance on the Council floor. After filing of such a request, the ordinance shall be withdrawn, except that a written statement of intent as to temporary or permanent withdrawal must be submitted to the Clerk of Council within fourteen days after the meeting from which agenda it was withdrawn. Failure to resubmit such statement of intent will result in automatic disapproval of the proposed rezoning. (Ord. 84-78. Passed 5-22-78.)

(g) It is deemed desirable that Council's consideration and finalization of the annual budget ordinance and 5-Year Budget process be completed prior to the budget appearing on the floor for final approval at the December meeting. It is understood, however, that minor amendments may be required at said meeting and it is agreed that such amendments may be proposed verbally. Reference Ord. 93-11, passed June 27, 2011 and Sections 115.01 and 115.02.

(h) Special assessment public hearing. Before any legislative action is taken on a special assessment project, the legislative body shall hold a public hearing and shall give at least thirty days' notice of the time and place thereof in a newspaper of general circulation in the municipal corporation. The Clerk of Council shall, at least twenty days prior to the public hearing, notify by ordinary mail all record owners of each parcel of land to be assessed.

(Ord. 17-24. Passed 1-22-24.)

111.13 VOTING.

(a) At all meetings of Council, regular or special, voting shall be by oral roll call, and the Clerk shall call the name of each Council member present and record specifically whether such member has voted affirmatively or negatively. The Clerk shall record also any abstentions or failures to vote.

(b) In each instance where a vote of the members of Council is required the Clerk shall call the roll of such members in alphabetical sequence. On each successive roll call, the Clerk shall begin with the Council members whose name follows next in descending alphabetical sequence, and voting shall continue in such rotating sequence from meeting to meeting.

(Ord. 1-74. Passed 1-3-74.)

111.14 LOCATION OF CHAMBERS; OFFICES; COOPERATION OF CITY; AVAILABILITY OF INFORMATION.

(a) The Council Chambers shall be at the Municipal Building at 132 North Elmwood, Medina, Ohio, or at such other place as may be designated by Council. (Adopting Ordinance)

(b) Adequate facilities shall be provided at the City Hall for Council committee meetings and record storage. At least one office facility at the City Hall shall be available at all times for the use of Council or its individual members, and the President of Council shall make any necessary determinations regarding priority of use.

(c) At any meeting of Council, regular or special, there shall be available to Council in its Chambers, all and any materials, data, exhibits, plans, drawings, maps, figures or statistics which are relevant to or have acquired, prepared, submitted or calculated in connection with matters which are on the agenda of Council, or which are intended to be placed upon the agenda. The Clerk of Council shall be responsible for the availability of such items, and any official or employee of the City shall cooperate with the Clerk by making such items available and, if requested, by transporting the same to and from the Council Chambers, as may be required by the Clerk.

(d) The Clerk and the officials of the City shall make available to Council for regular use in Chambers, such maps, charts and diagrams as may assist Council in its consideration of matters which come before it from time to time, and such available graphic or visual aids as may be otherwise requested by Council.

(Ord. 1-74. Passed 1-3-74.)

111.15 ADDITIONAL AND JOINT MEETINGS.

(a) On an as needed basis, the President of Council shall call a joint meeting of the members of Council and the Planning Commission. At such meeting, the Commission shall advise Council of the status of the community planning and any changes proposed or being considered by it, and such other matters as may be of common interest.

(b) On an as needed basis, the President of Council shall schedule a meeting of the members of Council and the Medina County Commissioners. The meeting should be to discuss present and future needs of the community.

(c) On an as needed basis, the President of Council shall call a joint meeting with the members of Council and the Medina City Board of Education. The meeting should be held to coordinate the needs of the City with regards to education.

111.16 CLERK OF COUNCIL/DEPUTY CLERK OF COUNCIL; DUTIES.

(a) The Clerk of Council or their representative shall attend all meetings regular and special, record all proceedings in the minutes, prepare an agenda for every meeting, attend to all correspondences incidental to his office, attend to the codification of the ordinances, according to the system employed by the City, to perform such other duties as may be assigned to him by Council or are required by law. If there is a part-time Clerk of Council and a part-time Deputy Clerk of Council, the Clerk of Council may split up the Clerk of Council duties between them as directed by the Clerk of Council or President of Council.

(b) In addition to those duties imposed by law, by the Charter or otherwise by these Rules of Council, the Clerk of Council shall have the following duties:

- (1) They shall forward to the members of Council, not less often than once each week, any correspondence, minutes or other materials which have been delivered to or accumulated at the City Hall.
- (2) They shall maintain in the office of the President of Council a calendar of scheduled committee meetings and other functions requiring the official attendance of members of Council, and they shall to the extent possible, coordinate the scheduling of such matters in order to avoid conflicts of time, membership and facilities.
- (3) At the request of any committee chairman they shall make themselves, or their representative, available for committee meetings.
- (4) No less often than once each three months the Clerk shall inquire of and report to all committee chairs regarding the status of their committee records and minutes.

(c) A committee chair should not request the Clerk of Council, or their representative, to attend a committee meeting except for meetings of major importance.

(Ord. 17-24. Passed 1-22-24.)

111.17 DETERMINATION OF VACANCY FILLING PROCEDURE.

The President of Council shall determine the procedure to be followed in the election of a member to fill a vacancy on Council as authorized in City Charter Article III, Section 4. The procedure shall include and incorporate all provisions of the Sunshine Law, Ohio R.C. 122.22. All interviews shall be conducted in an open session unless closed by a two-thirds vote of Council. (1-4-88)

111.18 INVESTIGATIVE POWERS.

Council or any committee thereof authorized by it, may compel the attendance of witnesses and the production of books, papers and other evidence at any meetings of such legislative authority or committee, and for that purpose may issue subpoenas or attachments in any case of injury or investigation, to be signed by the presiding officer of such legislative authority or chairman of such committee, which shall be served and executed by any officer authorized to serve subpoenas and other processes. If any witness refuses to testify to any acts within his knowledge or to produce any papers or books in his possession or under his control, relating to the matter under inquiry, before the legislative authority or any such committee, the legislative authority may commit the witness to prison for contempt. No witness shall be excused from testifying touching his knowledge or the matter under investigation in any such inquiry, but such testimony shall not be used against him in any criminal prosecution, except for perjury.

(Ord. 1-54. Passed 1-12-54.)

111.19 NONSALARY REMUNERATION.

Council is hereby authorized to pay the cost of plaques, awards of recognition, meals or refreshments for meetings or seminars, and similar types of nonsalary remuneration provided funds are specifically appropriated for such purpose.

(Amended 1-3-05.)
