

SPONSOR: Elmwood/Elliott

ORDINANCE NO. 36-09

AN ORDINANCE ESTABLISHING AND ADOPTING RULES OF ORDER GOVERNING COUNCIL OF THE CITY OF JACKSON, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 11-93 Jackson City Council has previously adopted rules for the governing of Jackson City Council; and

WHEREAS, Jackson City Council now desires to update the rules and to enact new rules for the governing of City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Council of the City of Jackson, Ohio, hereby establishes and adopts Rules of Order Governing the Council of the City of Jackson, Ohio. A copy of the Rules of Order Governing the Council of the City of Jackson, Ohio is attached hereto in Exhibit "A", which is attached hereto and made a part hereof. All previous rules of governance shall be null and void and of no effect.

Section Two. This Ordinance is hereby is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, and for the further reason that it is necessary to revise and enact the new Rules of Order Governing the Council of the City of Jackson, Ohio as soon as possible. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four.

This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Date: 4-13-09


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 4-13-09



MAYOR

Exhibit “A”

EXHIBIT A

RULES OF ORDER GOVERNING THE COUNCIL OF THE CITY OF JACKSON, OHIO

I. MEETING: PLACE, TIME OF CONVENING, QUORUM, ORDER OF BUSINESS.

Rule 1. Meetings—place. All meetings of the council shall be held in the council chambers, unless otherwise ordered by the council.

The council chambers will be smoke free.

Rules 2. Meetings—public. All meetings of the council or committees thereof shall be public.

Persons desiring to be heard by the council must notify the clerk no later than Tuesday of the week before the scheduled council meeting they wish to appear to be placed on the council agenda. The person desiring to be heard must state their reason. The time permitted individuals to be heard is at the discretion of the council president or motion by member of council and approved by majority vote.

All minutes and record of the council shall be open to the public at all reasonable times by contacting council clerk. Records shall be kept in council chambers.

The council meetings will be held the second and fourth Monday evening of each month starting at 7:00 p.m. Whenever a meeting falls on a regular holiday, or a day observed as a regular holiday, that meeting may be canceled or rescheduled.

Rule 4. Special Meetings. Special meetings may be called at any time by the mayor, the president of council or any five members upon at least twelve hours written notice to each member of the council, served personally on each member or left at his or her usual place of residence; provided, however, that no such notice need to be served on councilperson present at a meeting of council at which the president of council may give oral notice of the time and purpose of a special meeting. Any such notice shall state the subjects to be considered at the meeting, and no other subject shall be considered.

Rule 5. Quorum. A majority of all the members elected to council shall be a quorum to do business.

Rule 6. Order of Business. The business of all regular meetings of council shall be transacted in an order established by Council President and approved by council each year, unless the council by a two-thirds vote shall suspend the rules and change the order.

“Roberts Rules of Order” will be complied with, at all times, unless superseded by the rules outlined in this document or other approved city ordinances.

II. OFFICERS AND EMPLOYEES OF COUNCIL

Rule 7. Presiding officer. The president of council and in his absence the president of council pro tempore, shall preside over the meetings of council.

Rule 8. Council Clerk. The council shall choose a clerk and such officers and employees as may be deemed necessary and legal and fix their compensation on an annual basis. The clerk shall keep record of the council and sub-committees, and he or she shall be the editor of the city record. The clerk shall keep a proper file of all papers and documents which are part of the transactions of the council, of meetings of committees and all orders of the council, and shall make such record available to the public. The clerk shall be secretary to all committees.

III. COMMITTEES OF THE COUNCIL

Rule 9. Standing Committees. Not later than the first meeting of each January, the council president shall appoint four standing committees of which the first named member shall serve as chairman and the second named member as vice chairman. The four committees are 1) Budget and Finance, 2) Utilities, 3) Police and Fire and 4) Service.

Special committees shall be appointed when considered necessary by the president of council or when recommended and approved by a majority of the elected council members.

Rule 10. Committee meetings. A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall meet as required at a time and place fixed by the committee chairman.

Rules 11. Rules of committees. Except in case of obvious inconsistency or inapplicability, committee hearings shall be governed by the rules applicable to council proceedings. Reports of committees will be given by the committee chairman to the full council at the council session following the committee meeting.

IV. DUTIES, PRIVILEGES, AND DECORUM OF MEMBERS

Rule 12. Roll Call of members. Each member shall be in his/her seat at the time of roll call. The clerk shall publish in the city record the names of the members present and absent. Unexcused absences will result in forfeiture of pay for that council session.

Rule 13. Duty to vote. Every member present shall vote on all questions upon the call of the yeas and nays. However no member shall vote on any question in which he/she is financially interested or which in any way involves personal or private rights. To abstain, member must state reason for abstention.

Rule 14. Change of vote. Before the announcement of the vote on any question, the clerk shall read the vote of each member so taken upon the demand of any member, at which time any councilperson on account of error or for any other reason may change his vote; but no councilman shall be permitted to change his vote as recorded after the roll call has been verified and the result declared.

Rule 15. Time limitation of speaking. No member shall be allowed to speak for a longer time than ten minutes at any one time without permission of the council. No member shall speak more than once on the same motion until every other member desiring to speak on that motion shall have had an opportunity to do so, nor shall the mayor nor any other director/department superintendent speak longer than fifteen minutes upon the same motion, ordinance, or question without the consent of the council.

V. MOTIONS

Rule 16. Purpose and form. Motions shall be used only to expedite the orderly transaction of business of the council and shall not be substituted for resolutions or ordinances. The form of all motion shall be "I move that" followed by the substance of the motion. Motions will require a second, and upon demand of any member any motion shall be reduced to writing. Any such motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made it shall be stated by the presiding officer before any debate shall be in order. All motions which have been entertained by the president of council shall be entered upon the minutes.

VI. ORDINANCES AND RESOLUTIONS

Rule 17. Introduction. Ordinances and resolutions shall be introduced in the council only in printed or written forms, with the name of the member introducing the same endorsed thereon.

Rule 18. Appropriation ordinances. Ordinances making appropriations shall be confined to the subject of appropriations. No money shall be appropriated except by ordinance.

Rule 19. Amendments. It shall be in order to amend an ordinance at any time when not in the hands of a committee. A majority vote of all members elected to council shall be necessary for the adoption of an amendment to any legislation pending before the council.

Rule 20. Adoption. All ordinances and resolutions shall require for passage or adoption a majority vote of all the members elected to council. The vote on their adoption shall be taken by yeas and nays and entered on the records of the meeting except as otherwise provided in the rules.

Rule 21. Signing ordinances and resolutions. All ordinances passed and resolutions adopted by council shall be signed by the president and presented forthwith to the mayor by the clerk.

Rule 22. Action on mayor's veto. When the mayor refuses to sign an ordinance or resolution or part thereof and returns such ordinance or resolution to the council with his objections, the council shall at the next meeting following the meeting at which such vetoed ordinance or resolution is returned, if such meeting shall occur no less than one week after receipt of such ordinance or resolution, proceed to reconsider the same. After adoption of the motion so to reconsider, the questions shall be stated as

follows: “Shall ordinance no. ____ (resolution no. ____) be passed (or adopted) notwithstanding the veto of the mayor. Those voting nay vote to sustain the mayor’s veto.” If two-thirds of all the members elected to council vote yea such ordinance or resolution vetoed by the mayor shall take effect without his signature.

VII. ADMINISTRATIVE OFFICERS

Rule 23. Attendance expected. The mayor and/or service director shall be expected to attend the regular and special council meetings and shall be provided with seats on the floor of the council chamber. They shall be expected, at any such meeting, to answer such questions relating to the affairs of the city or direct or refer questions by council members to their department superintendents.

VIII. COUNCIL CHAMBER

Rule 24. Use of council chambers. The primary use of the council chambers is for council and committee meeting. With the approval of council, the chambers can be utilized by other groups providing this meeting does not interfere with council activities.

IX. RULES: SUSPENSION AND AMENDMENT

Rule 25. Suspension of rules. Any provision of these rules may be suspended at any meeting of the council by a majority vote of all the members elected, except when a greater number is required by law or by the rules. The vote on any such suspensions shall be taken by yeas and nays and entered upon the records.

Rule 26. Amending rules. These rules may be amended or new rules adopted by a majority vote of all members elected to the council, on the report of committee for such purpose; provided the proposed amendments or new rules shall have been referred to such committee at a preceding meeting.

X. O.R.C.

Rule 27. O.R.C. The Ohio Revised Code supersedes any and all rules.