

**CITY OF TWINSBURG, OHIO**

**ORDINANCE 36-2009**

AN ORDINANCE AMENDING CHAPTER 111 OF THE  
CODIFIED ORDINANCES OF THE CITY OF  
TWINSBURG TITLED RULES OF COUNCIL

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**WHEREAS**, Section 3.09 (A) of the Charter of the City of Twinsburg provides that Council shall adopt its own rules, regulations and bylaws .; and

WHEREAS, Section 111.15 of the Codified Ordinances of the City of Twinsburg permit Council to amend its rules or create additional rules upon majority vote.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Twinsburg, County of Summit and State of Ohio:

**SECTION I:** That Chapter 111, Rules of Council of the Codified Ordinances of the City of Twinsburg be and the same is hereby amended to read as follows:

**111.01 RULES OF COUNCIL.**

- (a) Regular Meetings: Regular meetings of Council shall be held as provided by Charter on the second and fourth Tuesdays of each month in Council Chambers or at such other location determined and publicized by Council. Such meeting shall commence promptly at 8:00 p.m. (Charter 3.07A)
- (b) Special Meetings: The Mayor or any three (3) members of Council may convene a special meeting of Council upon at least 24 hours notice to each member of Council served personally or delivered to the member's usual place of residence. (Charter 3.07B).

**111.02 AGENDA AND ORDER OF BUSINESS**

- (a) Agenda: The Mayor and President of Council shall direct the preparation of the agenda of matters to be brought before Council. The agenda shall be delivered to members of Council at least one business day before each meeting. However, Council may, by majority vote, suspend this requirement to consider legislation presented to Council after preparation of the agenda.
- (b) Order of Business: At all regular meetings of Council, the business of Council shall be taken up in the following order:

**CURRENT**

- (1) Roll Call;
- (2) Invocation;
- (3) Approval of minutes;
- (4) Reports and communications;
- (5) Committee and/or commission reports;
- (6) Audience participation; (Remonstrance)
  
- (7) Legislation;
  
- (8) Unfinished Business;
- (9) New business;
- (10) Miscellaneous;
- (11) Excuse absent members;
  
- (12) Adjournment.
- (13)

**PROPOSED CHANGE**

- (1) Roll Call
- (2) Invocation & Pledge of Allegiance
- (3) Approval of Minutes
- (4) Recognitions & Awards
- (5) Audience Participation
- (6) Council Communication & Committee Reports  
[List Committees]
- (7) Mayors Report
- (8) Dept. Head Reports
- (9) Legislation
- (10) Unfinished Business
- (11) New Business
- (12) Miscellaneous
- (13) Excuse Absent Members
- (14) Adjournment

Sections ~~(9)~~**(10)** Unfinished business; ~~(10)~~**(11)** New business; and ~~(11)~~**(12)** Miscellaneous shall be combined on the agenda unless otherwise determined by the President of Council.

**111.03 COMMITTEES**

- (a) Appointment: At the first regular or special meeting of each year, the Council President shall appoint the standing committee members.
  
- (b) Standing Committees: The standing committees of Council shall be:
  - (1) The Committee of the Whole;
  - (2) Finance Committee;
  - (3) Public Works Committee;
  - (4) Parks and Recreation Committee;
  - (5) Public Safety Committee;
  - (6) Planning Committee;
  - (7) Community Relations Committee. (Charter 111.01(0))
  
- (c) Special Committees: Special committees of Council shall be appointed by the Council President or as Council may otherwise designate. (Charter 111.01(n))

The President of Council shall be the presiding officer of the Committee of the Whole.

The rules of proceedings of all committees shall be informal, but shall always be under the control and direction of the President of Council.

#### **111.04 DISPOSAL OF SUBJECT MATTER**

- (a) Procedure: When a subject is referred to a Committee, the chairperson of the committee shall schedule a meeting and determine the order of discussion concerning the subject.
- (b) Report: Any matter referred to a committee shall be reported upon by such committee. The chairperson shall be responsible for the preparation of the report. Any minority of a committee shall have the right to submit a separate report.

#### **111.05 COUNCIL REPRESENTATIVES**

At the first meeting in December and as necessary thereafter, the President of Council shall appoint members of Council to serve as representatives of Council and/or liaisons of boards, commissions and other groups as required by Charter, ordinance or other law. Members so appointed shall report to Council as required.

#### **111.06 QUORUM**

Four members of Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn. (Charter 111.01(d))

#### **111.07 ROLL CALL**

The Clerk of Council shall call the roll of members and the names of those present shall be entered upon the minutes. Any member unable to attend shall notify the Clerk of Council prior to the meeting. A Councilmember shall ask permission of the chair to leave the meeting for any reason. (Charter 111.01(c))

#### **111.08 READING OF MINUTES**

The proceedings of all meetings shall be taken down by the Clerk of Council or a secretary appointed for the purpose in accordance with the provisions of applicable law. Unless a reading of the minutes of a previous meeting is requested by a member, such minutes may be approved without reading if the Clerk of Council has furnished each member with a synopsis thereof.

#### **111.09 ORDINANCES AND RESOLUTIONS**

- (a) Suspension of rules. Legislative measures of a general or permanent nature shall not be adopted until such measures are read by title on three different days. Measures required by ordinance, law or Charter to be read on three different days shall also be so read. Council, upon the concurrence of five members, may suspend this rule, declare an emergency and cause any measure designated as an emergency measure to be read by title only for one

reading only. No suspension of this rule shall be permitted when such suspension conflicts with any ordinance or Charter provision.

- (b) Designation of emergency measure. All emergency legislation before Council shall contain the following language: “This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the city of Twinsburg and the inhabitants thereof, for the reason that it is necessary for the general public health and welfare and for the reason that \_\_\_\_\_ (stated reason)\_\_\_\_\_ and provided it receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law”.
- (c) Enactment. Legislation receiving less than five votes after suspension of the rules, but receiving an affirmative majority and approval of the Mayor, shall
- (d) Be considered enacted, but shall be effective only after the expiration of thirty days from the date of approval by the Mayor.
- (e) Tie votes and negative votes. A tie vote or negative majority vote shall defeat a motion or measure. Tie votes or negative votes on subsidiary, incidental or privileged motions shall defeat such motions but shall not dispose of the ultimate issue.
- (f) Consent of Council. Business of a non-legislative nature may be acted upon by the general or unanimous consent of Council.
- (g) Rotation of Roll. The Clerk of Council shall rotate the calling of the roll among the various members.

#### 111.10 MOTIONS

- (a) Motions in order. When a question or proposition is under consideration, no motions shall be made except the following:
  - (1) To set a time or place to which to adjourn;
  - (2) To adjourn (not debatable);
  - (3) To table the motion or measure (not debatable);
  - (4) To call for the question (not debatable);
  - (5) To postpone action to a designated future time;
  - (6) To refer to committee;
  - (7) To amend the main motion;
  - (8) To postpone action for an indefinite time.
- (b) Motion to amend. A motion to amend, if duly seconded, is in order; an amendment to an amendment is in order, but an amendment to an amendment of an amendment is not in order.

- (c) Motion to reconsider. A motion to reconsider may be made by a member of the prevailing side only. A motion to reconsider a subject which was acted upon favorably must be made at the meeting at which such action was taken. A motion to reconsider any other subject must be made no later than the next regular meeting after such action was taken. No motion to reconsider shall be considered more than once on any subject.
- (d) Motion to take from the table. A motion to take from the table is in order when that order of business is being transacted during which **the question or measure was laid on the table, or during new business of miscellaneous.**
- (e) Motion to postpone indefinitely. A motion to postpone indefinitely, if adopted, defeats the question or measure.
- (f) Motion to refer to committee. A motion to refer to committee is in order at any time. Any matter referred remains on the agenda.
- (g) Motions on questions of privilege. Questions of privilege shall be:
  - (1) Those affecting the rights of Council collectively, its safety, dignity and the integrity of its proceedings, and
  - (2) The rights, reputation and conduct of members of Council individually.

Any motion on a question of privilege has precedence over any motion except a motion to adjourn.

### **111.11 CONDUCT OF COUNCIL**

Any Member wishing to gain the floor shall first be recognized by the President of Council. No member shall address the same subject more than twice during the same meeting; no longer than five minutes without leave; nor shall any member speak more than once on a given motion until every member desiring to speak shall have had the opportunity to do so.

### **111.12 AUDIENCE PARTICIPATION – REGULAR COUNCIL MEETING**

- (a) Upon arrival, the person who wishes to address Council must sign in and state topic with the Clerk of Council.
- (b) Person will be given the opportunity to speak in the order of signing in.
- (c) No more than 3 persons to speak on one specific issue, if other issues are listed on the sign in sheet.

- (d) Persons will speak on issue that they state on sign on sheet.
- (e) Persons granted the floor shall address their remarks to the President of Council and shall not engage Council members or other officers of the City to debate.
- (f) Tirades are not permitted; nor shall any person utter any profane, derogatory, contemptuous, slanderous, harassing, mean spirited, malicious or false comment or remarks.
- (g) The presiding officer shall limit to five minutes the time permitted any speaker to address Council.
- (h) No person shall address Council more than once at the same meeting.
- (i) Members of Council may respond during Audience Participation only by the leave of the President of Council.
- (j) Audience Participation will not exceed one half hour.

**111.13 COMMITTEE OF THE WHOLE -**  
**Participation will be in accordance with 111.12**

**111.14 EXECUTIVE SESSION**

Executive sessions of Council shall be permitted in accordance with the laws of the State of Ohio and the Charter and ordinances of the City of Twinsburg. Such sessions shall be presided over by the Council President and in accordance with these rules where applicable.

**111.15 AMENDMENTS OR ADDITIONS TO RULES OF COUNCIL**

These rules may be amended or additional rules may be adopted by majority vote of those elected or appointed to Council.

**111.16 ROBERT'S RULES**

Except as otherwise provided herein, the deliberations of Council shall be governed by Robert's Rules of Order, as revised.

**SECTION II:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

**SECTION III:** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Steve Murphy, President of Council

Submitted to the Mayor for approval this  
\_\_\_\_\_ day of \_\_\_\_\_, 2009

Approved by the Mayor \_\_\_\_\_, 2009

\_\_\_\_\_  
Katherine A. Procop, Mayor

ATTEST:

\_\_\_\_\_  
Marie K. Weaver  
Clerk of Council

1<sup>st</sup> Rdg. \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_

Passed: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

**PROPOSED**

**CERTIFICATE OF POSTING**

I, Marie K. Weaver, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Marie K. Weaver  
Clerk of Council  
City of Twinsburg

**PROPOSED**