

FIRST READING: 3.23.20
SECOND READING: _____
THIRD READING: _____

ORDINANCE NO. 23-20
BY: JAMES W. MORAN

AN EMERGENCY ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SPECIFICALLY SECTION 121.01(a) ENTITLED "REGULAR MEETINGS" WITHIN THE RULES OF COUNCIL, AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: The Rocky River City Charter, Article III, Section 9 "Meetings", amended 11/5/96, mandates in pertinent part that "The Council shall meet at such times and as may be prescribed by its rules, regulations ordinances or bylaws; but it shall hold regular meetings at least twice during each calendar month..."; and

WHEREAS: Codified Ordinance Section 121.01 provides for Rules of Council which govern Council's procedures and conduct of its members, and subparagraph (a) denominates the day and time of its monthly regular meetings; and

WHEREAS: Council has deemed it prudent to modify the time of day for its regular meetings to 7:00 p.m., and provide authority for modification of its day and times of regular meetings in order to be accommodating to the public and to recognize changing exigent or emergency circumstances, as described in Exhibit A attached.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 121.01(a) entitled "Regular Meetings" within the Rules of Council be amended to modify the time of the regular meeting to 7:00 p.m., with additional provisions providing authority to modify the day and time of meetings consistent with the City Charter Article III, Section 9, as further described in the attached Exhibit "A".

SECTION 2. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health and safety, and for the further reason that this action accommodates the public and recognizes changing exigent or emergency circumstances, and provided it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

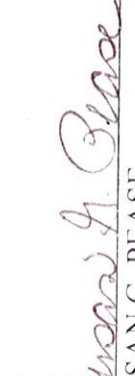
PASSED: March 23rd, 2020


JAMES W. MORAN
President of Council

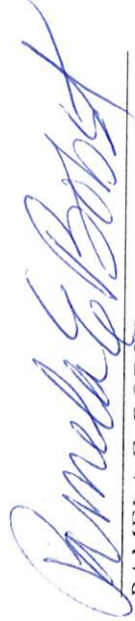
PRESENTED

TO THE MAYOR: March 23rd, 2020 APPROVED: March 23rd, 2020

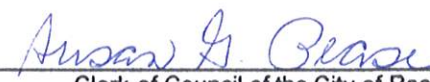
ATTEST:


SUSAN G. PEASE

Clerk of Council


PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 23rd day of MARCH, 2020.


Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 23-30 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 23rd DAY OF March, 20 20. THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 23-30

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 23rd DAY OF March, 20 20.

Amy A. Burt
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

121.01 RULES OF COUNCIL.

The following rules of order shall govern the procedure of Council and the conduct of its members:

Rule 1. Meetings.

(a) Regular Meetings. The regular meeting of Council shall be held at 8:00 **7:00** p.m. on the second and fourth Mondays of each and every month, **unless otherwise agreed by a majority of Council.** ~~However,~~ If the day of any regular meeting falls on a legal holiday, then such regular meeting of Council shall be held at 8:00 **7:00** p.m. on the business day following such holiday, **unless otherwise agreed by a majority of Council. Council may by a majority provide for a period of not to exceed thirty (30) continuous days during a calendar year in which no regular meeting need be held.**

(Ord. No. 43-03. Passed 4-14-03. **Ord. No. 23-20. Passed 3-23-20.**)

(b) Adjourned Meetings. Regular and special meetings may be adjourned to a day other than the day immediately succeeding the regular or special meeting day. All members of Council absent from the regular or special meeting shall be given at least twelve hours notice of such adjournment and the date and hour of such adjourned meeting.

(c) Special Meetings. Special meetings of Council may be called by a vote of Council taken at any regular or special meeting thereof or shall be called by the Clerk of Council on the written request of the Mayor, the President of Council or any three members of Council. Any written request for a special meeting shall state the subject or subjects to be considered at the special meeting and no other subject or subjects shall be considered. Notice in writing of each special meeting called at the written request of the Mayor, President of Council or three members of Council shall state the date, time, place and subject or subjects of the special meeting and shall be posted on a bulletin board in the lobby of the City Hall and served on the Mayor and each members of Council, either personally or by leaving a copy of such notice at his usual place of residence. Such posting and service shall be accomplished not less than twenty-four hours preceding the time for the special meeting. If a special meeting is called by a vote of Council taken at any regular or special meeting from which the Mayor or any member of Council is absent, written notice of such special meeting shall be posted and given each absentee in the manner herein described. Service of notice of any special meeting shall be deemed conclusively to have been waived by the Mayor or by any councilman who shall be present thereat.

Rule 2. Organization; Election of Officers; Duties.

(a) The members of Council shall, within three days from the commencement of their term, organize by the election of a President, President Pro Tem and Clerk.

(b) The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council, and in addition shall preside at all meetings of Council and shall appoint the various committees of Council, coordinating the work of the various committees appointed by him.

(c) The President Pro Tem shall perform the duties of the President of Council in his absence.

(d) The Clerk of Council shall attend all meetings, regular and special, and all Committee-of-the-Whole meetings; record all proceedings in the minutes, prepare an agenda for every meeting, attend to all correspondence incidental to his office, attend to the codification of

the ordinances according to the system employed by the City, and perform such other duties as may be assigned by a majority vote of Council, or as are required by law. It shall also be the duty of such Clerk, if the Mayor does not approve an ordinance or resolution presented to him by such Clerk, within ten days after its passage or adoption by Council, to immediately give written notice to the Council member who introduced such ordinance or resolution, that such measure has not been returned to him within such ten days, or that the Mayor has, within such ten-day period, returned it to him unsigned and accompanied by such Mayor's written objections thereto.

In case of the absence of the Clerk, the Council shall appoint one of its members or other officer or employee of the City to perform his duties for the time. During the performance of such duties, such member shall retain his right to vote on all questions brought before Council.

Rule 3. Quorum. A majority of all members elected shall be a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as are prescribed in Rule 4.

Rule 4. Council May Determine its Own Rules; Expulsion of Members; Absence from Meetings. Council shall determine its own rules and keep a record of its proceedings. Council shall be the judge of the election and qualifications of its own members. It may remove any member for gross misconduct, or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude, or if declared legally incompetent, or for violation of the Charter, or persistent failure to abide by the rules of the Council; provided, that such removal shall not take place without the concurrence of at least two-thirds of all remaining members of Council nor until the accused member has been notified of the charge against him and given an opportunity to be heard. The accused member shall not vote on the question of his removal.

Rule 5. Presiding Officer. The presiding officer shall call the meeting to order at the appointed time and announce the business before Council in its proper order, and state and put all questions properly brought before Council. He shall, in common with any other member, call any member who violates any of the rules; and shall, when in the chair, decide all questions of order, subject to an appeal to the Council, on demand of the member, on which appeal there shall be no debate, but the member making such appeal may briefly state his reasons for the same.

(Ord. 46-74. Passed 5-28-74.)

Rule 6. Standing Committees. At the first regular meeting of any newly elected Council following the assumption of office by the individuals, but no later than the first regular meeting of the Council after its organization, the President of Council shall appoint standing committees as follows:

- (a) Building, Equipment and Technology;
- (b) Finance;
- (c) Contract, Government and Judicial;
- (d) Parks, Recreation and Health;
- (e) Planning, Zoning and Economic Development;
- (f) Safety;
- (g) Environmental.

(Ord. No. 2-10. Passed 1-4-10.)

The President shall also appoint the members of all other committees which the Council creates.

Members of Council appointed to any standing committee shall continue as members thereof for the term of the Council, but may be removed therefrom by the President of Council for failure to attend the meetings of the committee without just cause or excuse; provided, however, that any Council member so than its next regular meeting, which may overrule such removal order by a majority vote of the other six remaining members of Council.

(Ord. No. 29-92. Passed 3-23-92.)

Rule 7. Order of Business. The business of the regular meetings of Council shall be transacted in the following order:

- (a) Call to order;
- (b) Pledge of Allegiance;
- (c) Roll call;
- (d) Reading and disposing of the journal;
- (e) Mayor's report;
- (f) Law Director's report;
- (g) Committee reports;
- (h) Communications and announcements;
- (i) Introduction of persons appearing before Council in regard to any ordinance on the agenda;
- (j) Ordinances and resolutions;
- (k) Ordinances and resolutions under consent;
- (l) Miscellaneous business;
- (m) Open period for remarks from the audience;
- (n) Adjournment.

(Ord. 215-03. Passed 1-12-04.)

The presiding officer of Council may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order for the same unless the same be objected to by a majority of the members present. The Mayor shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council.

Rule 8. Drafting, Furnishing Copies and Posting Proposed Legislation. All requests to the Director of Law for the drawing of ordinances or resolutions shall be made no later than 3:00 p.m. of the Wednesday immediately preceding the Monday on which they are to be introduced, unavoidable circumstances and special meetings being an exception. In the absence of such exceptions, copies of all new legislation to be introduced at such next Monday meeting shall be furnished by the Clerk of Council to all Council members no later than the preceding Friday, together with the agenda of all legislation to be introduced at such Monday meeting. Copies of all new legislation to be introduced at such Monday meeting shall be posted by such Clerk on the City Hall bulletin board no later than seventy-two hours prior to such Monday meeting, unavoidable circumstances and special meetings

being exceptions. Violation of the provisions of this Rule 8. shall not invalidate any resolution or ordinance duly adopted according to the other provisions of these rules.
Rule 9. Introduction of Legislation .

(a) Ordinances and resolutions shall be introduced only by members of Council or the Mayor, with their names endorsed thereon, except such ordinances and resolutions as may be presented to the Council upon written recommendation of some committee of Council.

(b) An ordinance or resolution shall be deemed to be introduced when:

(1) It has been prepared by the Director of Law and placed by the Clerk on the agenda of a regular or special meeting of Council; or

(2) The Mayor or member of Council presents a copy in typed form to the Clerk of Council at a regular or special meeting of Council, at which time the Clerk shall assign it a number; and when the Clerk of Council has read the title thereof.

Rule 10. Reports and Legislation Referred to Committee.

(a) It shall be the duty of the chairmen of the respective committees to call committee meetings and set the dates thereof and report to Council. In each instance where a committee meeting or other informal meeting pertaining to City business is called and a date set therefor, each Council member and official included therein shall, if he cannot attend, notify the caller of such meeting at least twenty-four hours in advance that he will not attend.

(b) All the reports from City officials suggesting or recommending action by Council, or any matter not referred to the source of such report by Council or not otherwise provided for by the Rules of Council, shall be referred to the standing committee to which the subject matter of such report is most closely related. Such standing committee shall consider the suggestions and recommendations thus referred to it and report thereon to the Council without unnecessary delay. Council may accept or reject any committee report, in whole or in part.

(c) The Director of Law has the responsibility of preparing legislation in the manner prescribed by law. The committees to which legislation is referred shall not concern themselves with the fulfillment of legal requirements. They shall concern themselves only with whether the subject matter has been fully covered.

(d) Ordinances and resolutions are to be prepared by the Director of Law. When they are prepared, they may be referred to the committee concerned with the subject matter of the ordinance or resolution. The committee will then report out the ordinance or resolution at the next Council meeting.

(e) Ordinances and resolutions presented to Council by a committee of Council shall bear the name of the chairman of that committee.

(f) The presiding officer of the Council may refer any ordinance or resolution to a committee of Council. His decision to so refer may, however, be overruled by a majority vote of the members present.

Rule 11. Limitation on Debate and Discussion. No member shall speak more than once upon any subject until every member choosing to speak has had an opportunity to be heard, nor more than twice upon any subject, nor for a time longer than five minutes, without leave of Council upon a majority vote.

Rule 12. Voting on Legislation. Ordinances and resolutions shall always be voted upon separately, even though the committee report urging approval of such legislation may be adopted unanimously. The voting on such legislation shall be entered by the Clerk in writing in the minutes as "aye" and "nay", together with the names of members of Council voting "aye" and those voting "nay". The number of votes required for the approval of any action shall not include abstentions.

Rule 13. Seconding Motions. Each motion shall be seconded before further action thereon. (Ord. 46-74. Passed 5-28-74.)

Rule 14. Passage of Legislation.

(a) Every ordinance or resolution may be read by title only on the first reading unless a reading in full is requested by any member of Council;

Every ordinance or resolution may be read by title only on the second and third readings unless otherwise requested by any two members of Council; provided, however, in the event a request for a reading in full shall be requested as hereinabove provided, such ordinance or resolution shall be fully and distinctly read at least once before passage; and provided further that any ordinance or resolution effecting a change in zoning shall be read at Council meetings on three different days without exception.

(b) Debate shall be permitted on the motion to suspend the rule requiring ordinances and resolutions to be fully and distinctly read on three different days.

(c) An emergency measure is an ordinance or resolution to take effect at the time indicated therein, necessary for the immediate preservation of the public peace, health and safety. Ordinances appropriating money may be passed as emergency measures but no measure making a grant, renewal or extension of a franchise or other special privilege, regulating the rate to be charged for its service by any public utility, or changing the boundaries of the City shall ever be so passed. Emergency ordinances and resolutions shall receive the affirmative vote of at least two-thirds of all members of Council upon the "aye" or "nay" vote taken on adoption, and the reasons for the necessity of declaring such ordinance or resolution to be an emergency measure shall be set forth in one section of the ordinance or resolution in clear and specific terms.

(Ord. 3-79. Passed 1-22-79.)

(d) In preparation of the agenda for each meeting of Council, the Council President may designate a "consent" portion of the agenda, which may include reports from various departments, bid awards, appointments to boards and commissions, citizen recognitions, ordinances and resolutions and such other matters as Council determines. Action on any item of the consent portion of the agenda shall be taken by the unanimous consent of all members of Council in attendance. Action on any item on the consent portion of the agenda shall not eliminate the need for a greater majority vote if one is called for by the Charter or these Codified Ordinances. At the request of any single member of Council, an item in the consent portion of the agenda can be removed and placed on an earlier portion of the agenda for regular action.

(Ord. No. 215-03. Passed 1-12-04.)

Rule 15. Approval of Ordinances and Resolutions. Every ordinance passed or resolution adopted shall be signed by the President of Council or other presiding officer and presented promptly to the Mayor by the Clerk of Council. If the Mayor approves such

ordinance or resolution, he shall sign and return it to the Clerk of Council within ten days after its passage or adoption by Council, but if he does not approve it, he shall return it to Council within such ten days with his written objections by delivery to the Clerk of Council. The Mayor's objections shall be read at the next Council meeting and be entered in full on the journal of Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution.

If he does not return an ordinance or resolution within the time limited in this section, it shall take effect in the same manner as if he signed it. When the Mayor disapproves an ordinance or resolution or any part thereof and returns it to the Council with his objections, Council may, not later than thirty-five days thereafter, reconsider it and, if such ordinance, resolution or item, upon such reconsideration, is approved by the vote of at least two-thirds of all members of Council it shall take effect at the time of the vote of approval or at such later time as may be specified in such ordinance, resolution or item.

Rule 16. Receiving Motion When Question is Before Council. When a question or a proposition is before Council or under debate, or when a motion has been made, no motion shall be received except the following:

- (a) To adjourn.
- (b) To recess.
- (c) To table the motion or lay it aside until later.
- (d) To request that discussion end, and that any motion being considered be voted upon. (Previous question, as it is usually called.)
- (e) To postpone any action on a motion until some stated future time.
- (f) To refer the proposal to a standing or special committee.
- (g) To amend the main motion.
- (h) To postpone any action for an indefinite time.

These motions shall have precedence in the order in which they are arranged.

Motions listed as (a), (b), (c) and (d) hereof shall be decided without debate.

Rule 17. Handling Motions for Reference to Committee. When a motion is made for reference of any subject to standing committee, and it is moved to substitute therefor, a select or special committee, the question of reference to a standing committee shall be put first.

Rule 18. Motions to Reconsider. A motion to reconsider a subject that may have been acted upon favorably shall be made before adjournment of that session of Council. A motion to reconsider any other subject may be made not later than the next regular meeting after such action was taken. A motion to reconsider may be made only by any member who voted with the winning or prevailing side. A motion to reconsider shall be in order at any time except when a motion on some other subject is standing.

A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when Council is engaged in the transaction of new or miscellaneous business.

No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider the action of Council, as was required to pass or adopt the same.

Rule 19. Motion to Take From Table. A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, or under the head of new or miscellaneous business. Such motion shall be decided without debate, provided the mover may be permitted to state briefly his reasons for the motion.

Rule 20. Motion to Postpone Indefinitely. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

Rule 21. Motion for the Previous Question. The previous question shall be in the form, "Shall the main question now be put?" It shall be admitted only when demanded by two members, and until decided shall preclude further debate and all amendments and motions. If the previous question is demanded on an amendment, it shall apply only to the amendment. If the motion for the previous question is carried, the question shall be put without further debate. However, if the motion for the previous question is carried, but before it is actually put in execution, the motion to which it is directed may be laid on the table.

Rule 22. Motion to Amend. A motion to amend is susceptible of but one amendment thereof. An amendment once rejected may not be moved again in the same form.

Rule 23. Motion on Question of Privilege.

Questions of privilege shall be:

First: Those affecting the rights of Council collectively, its safety, dignity and the integrity of its proceedings;

Second: The rights, reputation and conduct of the members of Council individually, in their capacity as such members.

A question of privilege shall have precedence over all questions except a motion to adjourn.

Rule 24. Motion that Matter be Taken From Committee. When any ordinance, resolution, petition or other matter has been referred to a committee, and the committee to which such has been referred fails within a reasonable time to report, or to offer a valid reason for its failure to report, any member of Council shall have the right to make a motion that such ordinance, resolution, petition or matter be taken from the committee to which such matter has been referred; that the same may be laid before Council for action. Such motion shall be decided without debate, provided that the member making the motion may state his reasons briefly for the motion.

Rule 25. Director of Law. The Director of Law shall, when requested by any member of Council, give a verbal opinion on any question of law concerning City affairs, in open Council, but he may if he deems the matter of importance take a reasonable time to submit his opinion in writing.

The Director of Law, when requested by the chairman of a committee to which any ordinance or resolution has been referred, shall assist in the examination of such ordinance or resolution.

Rule 26. Amendment to Council Rules. These rules may be amended, or altered or new rules adopted at any time; but in case of any amendment or alteration or adoption of new rules, the matter shall be referred to the proper committee for report, and any such

amendment or alteration or new rules shall be read on three different days, unless the rules shall be suspended by a three-fourths vote of Council members. Any amendment or alteration or adoption of new rules shall be upon a majority vote of Council members.

Rule 27. Robert's Rules of Order. Robert's Rules of Order shall be followed with respect to any question not herein specifically provided for.

(Ord. 46-74. Passed 5-28-74.)