

TROY CITY COUNCIL

RULES FOR PROCEDURE

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CITY OF TROY, OHIO

CITY COUNCIL RULES FOR PROCEDURE

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CITY COUNCIL RULES FOR PROCEDURE

Except as otherwise provided by law or specifically waived by Council, the conduct and proceedings of City Council, and members, shall be governed by the rules set forth herein.

RULE I. ORGANIZATION

A. President of Council; Presiding Officer

The President of Council shall preside at all regular and special meetings of Council but he/she shall have no vote except in case of a tie.

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/she shall, in common with any other member, call any member who does violate 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 a member of Council, on which appeal there shall be no debate; however, the member making the appeal may briefly state his/her reason for the same.

The presiding officer shall avoid any appearance of partisanship on any question and shall refrain from making any statements, verbal or written, espousing a position on any issue currently before the Council. He/she is solely to see that the business properly brought before Council is conducted in an orderly manner and that the members of Council observe the rules of procedure adopted by Council.

B. President Pro Tem of Council

The members of Council shall, within ten days from the commencement of their term, organize by the election of a President Pro Tem.

The President Pro Tem shall preside in the absence of the President of Council. The voting right of the President Pro Tem as a member of Council is preserved, but the President Pro Tem does not take on the voting right of the President of Council in addition.

C. Clerk of Council

The members of Council shall, within ten days from the commencement of their term, organize by the election of a Clerk of Council.

The Clerk of Council shall attend regular and special meetings, record all proceedings in the minutes, attend to all correspondence incidental to that 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 to that office by a majority vote of Council, or are required by law.

The Clerk shall attend Executive Sessions of Council upon request; however, it shall be the determination of Council whether or not minutes of such session shall be kept.

The Clerk shall prepare an agenda, or schedule of matters to be brought before Council.

D. Clerk Pro Tem

The members of Council shall, within ten days from the commencement of their term, organize by the election of a Clerk Pro Tem.

The Clerk Pro Tem shall perform the duties of the Clerk of Council in the absence of the Clerk.

E. Committees

1. Standing Committees

The President of Council shall appoint standing committees, which are permanent in their functions, but they may have a change in membership from one Council to the next. The President of Council has the right to change membership of Committees if there is a change in personnel. Three is the usual number appointed to comprise a committee. The following are suggested as standing committees:

- Buildings & Utilities
- Community and Economic Development
- Community Partnerships
- Finance
- Law and Ordinance
- Personnel
- Recreation and Parks
- Safety and Health
- Streets and Sidewalks

2. Special Committees

As needed, Special Committees may be appointed by the President of Council with the concurrence of a simple majority of the City Council.

3. Committee Of The Whole

As needed, the President of Council may assign a subject to Council for discussion as a Committee of the Whole.

RULE II QUORUM

A majority of all the 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 by ordinance. (RC 731.44)

RULE III ABSENCES; CENSURE; EXPULSION

When some member of Council may be unable to attend meetings, by reason of illness, vacation, absence from the city, or for other reasons, and if the absent member is absent for just cause, a motion shall be passed and entered on the minutes, excusing such member.

City Council may punish or expel any member for disorderly conduct in Council or for a violation of its rules and, further, may declare his/her seat vacant for absence without valid excuse where such absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds of all City Council members, and until the delinquent member has been notified of the charge against him/her and has had an opportunity to be heard. (RC 731.45)

RULE IV MAYOR

The Mayor may attend Council meetings and shall answer questions put to him/her by the City Council. He/she shall make recommendations, in writing, to Council for the welfare of the city as seem wise to him/her.

At the first regular meeting in January of each year he/she shall report to Council concerning the affairs of the City.

RULE V SCHEDULE OF BUSINESS (or AGENDA)

Each meeting of Council may be opened with an invocation which shall precede the order of business. Traditionally, the first meeting of each calendar year shall be opened with an invocation.

Schedule (OR AGENDA)

The schedule of business for conducting meetings of Council shall be as follows:

1. Pledge of Allegiance.
2. Roll Call. Roll call of members to determine if a quorum is present. Absent Council members should be excused by motion, for cause.
3. Public Hearings if scheduled.
4. Minutes. Reading and approval of the minutes (summary) of the previous meeting, and correction of errors of omission or commission therein, if there be any.
5. Introduction of persons to Council.
6. Reports of Committees and discussion thereof by Council members.
7. Comments by citizens related solely to Committee Reports or Pending Legislation, which shall be limited to two minutes in length and which shall be enforced by the Law Director.
8. Reading of Resolutions and disposition thereof.
9. Reading of Ordinances and disposition thereof.

10. Reading of communications. Should any communication call for Council action which cannot be immediately taken, it should be referred to the appropriate committee by the presiding officer. Should the presiding officer have any question about the committee to which any matter should be referred, Council may, by majority vote, refer the matter to any committee.
11. Referrals to committee by President of Council.
12. Reports from the Mayor, Director of Public Service and Safety, Director of Law, Auditor, President of Council, Members of Council, and other public officials.
13. Comments of citizens wishing to appear before Council.
14. Adjourn.

RULE VI REPORTS OF COMMITTEES

A. Reports

Reports of committees should be in writing and signed by a majority of the members of the committees, but may be oral. Minority reports may also be presented, if desired, either written or oral.

B. Contents of Reports

All petitions, ordinances, and resolutions presented to Council shall be referred to the proper committee, for study and report. A committee report may include therein recommendations for approval of a number of items, including request for the preparation of Ordinances or Resolutions which deal with the matters referred to the committee. As it is possible that some members of Council may approve of some items and disapprove of others, at the request of any member of Council, a separate vote shall be taken on each item presented by the committee report.

RULE VII LEGISLATION

A. Preparation of Legislation

Ordinances and Resolutions are to be prepared by the Director of Law in the manner prescribed by law. The committees concerned with the legislation shall not concern themselves with the fulfillment of the legal requirements but shall determine whether the subject matter has been fully covered.

Members may prepare Ordinances or Resolutions but they must be approved by the Director of Law as to form before a vote for passage.

1. The Director of Law shall prepare legislation after presentation of the committee report to Council. If a motion is defeated by majority recommendation in a meeting of a committee of Council, that action will be reported to the next meeting of Council, and the issue will not be brought into the agenda of the Council for consideration, unless brought into the Council agenda by a two-thirds majority vote.
2. The Director of Law may, in his/her discretion, prepare legislation prior to presentation of the committee report to Council for any of the following reasons:

- (a) Upon request of Committee Chairman due to immediate need for legislation.
- (b) Ordinances or Resolutions required to be prepared from a procedural standpoint resulting from report of boards and commissions (e.g., Planning Commission) where committee reports will be made after a public hearing.
- (c) Ordinances and Resolutions in series where committee has previously reported on the subject matter (e.g., assessment for sidewalk, curb and gutter).

B. Voting on Legislation

- 1. Ordinances and Resolutions shall always be voted on separately. The voting on such legislation shall be entered by the Clerk in writing in the minutes as "yes" and "no", together with the names of members of Council voting "yes" and "no".

Members may abstain from voting in a matter of conflict of interest. However, if there is no conflict of interest in a matter before Council, members are expected to vote "yes" or "no" and an abstention can be considered a "yes" vote.

C. Second of Motions

Each motion shall be seconded before further action thereon.

D. First Reading of Ordinances; Resolutions

When an Ordinance or Resolution is presented, by a member or a committee, it shall be read by title by the Clerk, with a summary explanation, and, if it is not an emergency piece of legislation, it may be set aside for second reading at the next meeting. If it is emergency legislation requiring immediate action, the presiding officer should, after the title reading and summary explanation by the Clerk, entertain a motion to suspend the rules. If three-fourths of the members approve the motion, the legislation is then ready for adoption. After a member moves for adoption, with a second, a vote will be taken. Unless a piece of emergency legislation in which a two-thirds vote is required, if a majority approves the adoption of the legislation, it shall be signed by the Clerk and presiding officer and sent to the Mayor for his/her signature. The vote will be recorded in the Minutes.

All legislation passed as emergency legislation must state the reason for the emergency and not in the mere general terms that such action is "necessary for the peace, health, welfare and safety of the city".

RULE VIII CONDUCTING DISCUSSIONS

No member shall speak more than once upon any subject, until every member choosing to speak shall have had an opportunity to be heard, except rebuttal, nor for a time longer than five minutes, without leave of Council upon a majority vote.

RULE IX APPOINTMENTS TO COMMISSIONS and BOARDS

Appointments to City commissions and boards except such as are permitted by law to certain officials, shall be subject to the approval of a majority of Council.

RULE X RECEIVING MOTION WHEN QUESTION IS BEFORE COUNCIL

When a question or a proposition is before the Council or under debate, or when a motion has been made, no additional motions shall be received except for the following:

- A. To adjourn.
- B. To table the motion - lay it aside until later.
- C. To request that discussion end, and that any motion being considered be voted upon. (Previous question, as it is usually called.)
- D. To postpone any action on a motion until some stated future time.
- E. To refer the proposal to a standing or special committee.
- F. To amend the main portion.
- G. 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. or C., above, shall be decided without debate.

RULE XI HANDLING MOTIONS FOR REFERENCE TO COMMITTEE

When a motion is made for reference of any subject to a standing committee, and it is moved to substitute therefore a select or special committee the question of reference to a standing committee shall be put first.

RULE XII MOTIONS TO RECONSIDER

A motion to reconsider a subject that may have been acted upon favorably must 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 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 the 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 XIII MOTION TO TAKE FROM THE 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, and such motion shall be decided without debate, provided the mover may be permitted to state briefly his/her reasons for the motion.

RULE XIV MOTION TO POSTPONE INDEFINITELY

If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

RULE XV 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 by a two-thirds vote, 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 XVI 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 XVII MOTION OF QUESTION ON PRIVILEGE

Questions of Privilege shall be:

- First: Those affecting the rights of the Council collectively, its safety, dignity, and the integrity of its proceedings;
- Second: The rights, reputation, and conduct of the members of the Council individually, in their capacity as such members.

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

RULE XVIII MOTION THAT MATTER BE TAKEN FROM COMMITTEE

When any Ordinance, Resolution, petition, or other matter has been referred to a committee, and said 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/her reasons briefly for the motion.

RULE XIX MAJORITY DEFINED; THREE-FOURTHS DEFINED; TWO-THIRDS DEFINED

Whenever the term "majority" is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of those elected to Council; likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected to Council. Thus, in a Council of nine members, a majority shall be five, three-fourths shall be seven, and two-thirds shall be six.

RULE XX SUSPENSION OF RULES

Bylaws, Resolutions and Ordinances of a general or permanent nature shall be read by title on three different days, unless the rules are dispensed with upon vote of three-fourths of the members. The vote

on such suspension shall be taken by yes and no separately on each bylaw, Resolution or Ordinance, and the Clerk shall enter such vote on the journal or minute book, together with the names of the members voting yes and those voting no.

RULE XXI AMENDING RESOLUTION OR ORDINANCE

It shall be in order to amend a Resolution or Ordinance at any time, but if such Ordinance or Resolution be of a general or permanent nature, and such amendment is made after the second reading, it shall again be read as amended as the second reading, and laid over to the next meeting for final action.

RULE XXII APPROVAL OF ORDINANCES OR RESOLUTIONS

Every Ordinance or Resolution shall, before it goes into effect, be presented to the Mayor for approval. The Mayor, if he/she approves such Ordinance or Resolution, shall sign it and return it to Council. If he/she does not approve it, he/she shall within ten days after its passage or adoption return it with his/her objections to Council, or if Council is not in session, at the next regular meeting. Objections of the Mayor shall be entered in the journal.

The Mayor may approve or disapprove the whole or any item of an Ordinance appropriating money. If he/she does not return such Ordinance or Resolution within the time limit herein, it shall take effect in the same manner as if he/she had signed it unless Council, by its adjournment, prevents its return. When the Mayor disapproves an Ordinance or Resolution or any part thereof, and returns it with his/her objections, the Council may after ten days reconsider it, and if such Ordinance, Resolution, or item, upon reconsideration is approved by a two-thirds move of all the members elected, it shall then take effect as if signed by the Mayor. (RC 731.27).

RULE XXIII 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/she may if he/she deems the matter of importance take a reasonable time to submit his/her 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 XXIV MANNER OF THE PUBLIC ADDRESSING COUNCIL

This Rule applies to all public comment periods at any regular City Council meeting.

- A. Each person wishing to address Council shall approach the podium and give his/her name and address in an audible tone for the record.
- B. During the first public comment section on the agenda (Rule V,7), unless there is a request by a member of Council for additional information or clarification, a speaker shall limit his/her address to two minutes.
- C. During the second public comment section on the agenda (Rule V,13), a speaker shall have no predetermined time limit on his/her comments, provided that the presiding officer shall avoid redundancy and repetitiveness and may terminate comments to avoid same.
- D. Remarks shall be addressed to Council as a whole and not to any particular member thereof.
- E. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directory or through a member of Council without the permission of the President of Council.
- F. No question shall be asked a Council Member except through the President of Council. A Council Member may, through the President of Council, request additional comment or pose a question to the person addressing Council. The two-minute response limit applies unless waived by Council. Waiver would be "without objection" upon the request of any Council Member.

RULE XXV SPECIAL MEETINGS OF COUNCIL

The Mayor, the President of Council, or any three members of Council may call a special meeting of City Council upon at least 12-hour notice to each member, served personally or left at his/her usual place of residence. Said request for a special meeting shall clearly articulate the topic or topics to be discussion and the agenda for said special meeting shall be limited to the topic or topics so articulated. All special meetings shall be open to the public, unless for the purpose of a lawful executive session and shall not include general public comments such as allowed in Rule V, 13 above.

RULE XXVI NOTIFICATION OF MEETINGS TO THE PUBLIC AND NEWS MEDIA (*SUNSHINE LAW*)

Pursuant to S121.22(F), R.C., all formal actions of Council relating to the adoption of legislation and all deliberations of Council and any of the committees leading to such action, will be in meetings open to the public as required by law.

RULE XXVII ROBERT'S RULES OF ORDER

The latest edition of Robert's Rules of Order, shall be followed with respect to any question for which an answer has not specifically provided herein.

RULE XXVIII AMENDMENT OF COUNCIL RULES

These rules may be amended, altered, or new rules adopted at any time upon motion and majority vote of the members of Council.