



City of Painesville Council Rules of Procedure

Purpose

The purpose of these Rules is to enable the Painesville City Council (the Council) to deliberate, in a prompt and efficient manner, upon legislation and any other questions brought before it in which it has an interest.

Rule 1: General Procedures

- (A) Procedural Rules. The Council shall conduct its activities in accordance with the provision of these Rules. Procedural matters not addressed by these Rules, the Codified Ordinances of the City of Painesville, Ohio or the Ohio Revised Code shall be governed by Roberts Rules of Order.
- (B) Presiding Officer. The President of Council (the President) shall be the presiding officer and act as chair at all council meetings. In the absence or incapacity of the President, the Vice President shall serve as the presiding officer.
- (C) Seating Arrangement. The President shall establish the seating arrangement for councilpersons at regular council meetings.
- (D) New Members. The President of Council will assign a veteran Council member to act in capacity of a “Mentor” to all new Council members during their first year of service.

Rule 2: Agenda Preparation

- (A) Duty of Clerk. Upon direction by the City Manager, the Clerk of Council shall prepare an agenda for each council meeting specifying the time and place of the meeting and setting forth a brief description of each item to be considered by the Council. The agenda is subject to review by the President.
- (B) Items on Agenda. An item may be placed on the agenda of a council meeting by any of the

following methods: consensus of the Council, direction of the City Manager, direction of the President, or pursuant to the provisions of Rule 3 of these Rules.

(C) Executive Sessions. An Executive Session may be placed on the agenda of a council meeting by any of the following methods: consensus of the Council, direction of the City Manager, direction of the President, or pursuant to the provisions of Rule 3 or these Rules; or an emergency situation.

Rule 3: New Business

If a councilperson desires to bring an item of new business to Council, said councilperson shall provide notice to the Clerk of Council of the item of new business prior to the close of business on the **Tuesday** before the next regularly scheduled council meeting. Upon timely receipt of said notice, the Clerk of Council shall list the item under “new business” section of agenda of the next regularly scheduled council meeting. New business agenda items are not to be brought up for discussion during closing comments of Council with the exception of requesting that the item or items be placed on the agenda for the next council meeting under “new business”.

Rule 4: City Manager’s Report

Each agenda item shall be briefly explained in a corresponding Manager’s Report which shall accompany the agenda. Additional supporting documentation may also be included in the Council packet for each meeting. The Manager’s report shall also list Unfinished and New Business items.

Rule 5: Agenda - Order of Business

The Order of Business for regularly scheduled council meetings shall be as follows:

- Call to Order;
- Invocation;
- Pledge of Allegiance;
- Minutes;
- Public Comments from Visitors
- Legislation (Ordinances, Resolutions, Tabled Items);
- Public Hearings;
- Unfinished Business
- New Business;
- Departmental Presentations;
- Administrative Reports (City Manager Report, Special Reports);
- Correspondence - Clerk of Council;
- Councilpersons Closing Comments; and
- Adjournment.

Rule 6: Public Hearings

Unless otherwise authorized, public hearings shall be held at 8:00 p.m. during regularly scheduled council meetings. The Council's order of business shall be interrupted in order to accommodate public hearings. Upon closing of a public hearing, the Council shall return to the next item on the agenda.

Rule 7: Visitor's Participation – *Rule 7 (A), (B), (C) and Rule 8 (A) will be placed on a separate sheet on the Visitor's Podium*

At each regularly scheduled council meeting, visitors shall be given an opportunity to address the Council. Each visitor who so addresses Council must adhere to the following:

- (A) Procedure. Any member of the general public who wishes to address the City during a regularly scheduled council meeting must do so during the "Visitors" portion of the council meeting, be recognized by the President, address Council from the council podium, state his/her name and address, limit his/her comments to three (3) minutes in length unless otherwise specifically authorized by the President, and refrain from prohibiting conduct as identified in Rule 8 of these Rules.
- (B) Content. Public comments shall focus on a specific matter within the Council's jurisdiction. Members of the public are encouraged to present written comments in advance of the meeting, as a way to fully communicate their thoughts on agenda or non-agenda items. When written materials are presented, they should be submitted to the Clerk of Council for distribution prior to the council meeting.
- (C) Remarks Made To President. Remarks shall be made to the Council as a whole and not to any particular member thereof. No questions shall be asked of a councilperson except through the President. A councilperson may, through the President, request additional comment or pose a question to the person addressing Council.

Rule 8: Prohibited Conduct

- (A) No person appearing before the Council shall do any of the following: campaign for public office; promote private business ventures; use profanity or vulgar language or gestures; use language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties (citizens do have the right to comment on the performance, conduct, and qualifications of public figures); make non-germane or frivolous statements; interrupt other speakers or engage in behavior that disrupts the meeting including, but not limited to, applause, cheers or jeers; engage in behavior that intimidates others; or address the Council on issues that do not concern the services, policies or affairs of the City.
- (B) The President shall preserve order and decorum at council meetings. He or she may order the

expulsion of any person for violation of these rules or any other disruptive behavior. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may be barred from attendance at future council meetings for a specified and reasonable period of time, as determined by the President, not to exceed six months.

Rule 9: Discussion Rules

- (A) Obtaining the floor. If a councilperson wishes to obtain the floor to address the Council or the Administration, that councilperson shall first address the President and gain recognition. Comments and questions should be directed through the President and limited to the issue before the Council. Cross-exchange between councilpersons and the public should be avoided.
- (B) Questions. A councilperson shall, after recognition by the President, address questions to the City Manager or the President. Council members will withhold their questions until the completion of a presentation and after the floor is open to questions by the President.
- (C) Interruptions. Once recognized, a councilperson is considered to have the floor, and another councilperson may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the councilperson holding the floor shall cease speaking until the point of order or privilege is resolved. Upon being recognized by the President, member of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the President.
- (D) Discussion. A councilperson should not speak more than once on a particular subject until every other councilperson has the opportunity to speak. Councilpersons are encouraged to discuss items during the decision-making process. The President shall allow other councilpersons to speak first before giving his/her views and summaries.
- (E) Tabling Procedure. Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a certain time and date.
- (F) Right of protest. A councilperson is not required to state reasons for a dissenting vote.
- (G) Calling for the question. Calling for the question immediately suspends further debate and puts an issue to an immediate vote. A councilperson may move to “call for the question” on an item which is being considered. The motion requires a second, is not debatable, and must pass for four-fifths vote. If the motion carries, the item is no longer debatable and the Council must vote on it.

Rule 10: Voting Procedures

- (A) Failure to Cast a Vote. When present, all councilpersons are to vote. Failure of a seated member to orally express a vote constitutes an affirmative vote.
- (B) Conflict of Interest. A conflict of interest shall be declared whenever appropriate and in compliance with applicable law.
- (C) General Consensus. The Council may declare general consensus at the discretion of the President, if there are no negative votes or objections. Upon the request of any councilperson, a roll call vote will be taken and recorded.

Rule 11: Reconsideration

Reconsideration of an item shall be allowed when a councilperson of the prevailing majority when the previous vote was taken, makes a motion for reconsideration. Any motion for reconsideration must be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the Council determines significant new information has arisen which warrants such action.

Rule 12: Conduct of Members

- (A) Council Meetings. During meetings of the Council, all councilpersons shall work to preserve order and decorum; refrain from engaging in disruptive behavior including, but not limited to, behavior that is rude, boisterous, or profane; and refrain from encouraging or engaging in applause, booing or similar behavior.
- (B) Failure to Comply. If a councilperson fails to comply with the provisions of this Rule, the President shall instruct the councilperson to immediately disengage from the prohibited conduct. If such conduct persists, the President shall recess the proceedings and order the removal of the offending councilperson from the council chambers, adjourn the meeting, or impose whatever temporary restrictions on the proceedings as he deems necessary to restore immediate order.

Rule 13: Enforcement of Order

- (A) Sergeant-at-Arms. The City's Chief of Police or his designee shall act as the Sergeant-at-Arms at all council meetings.
- (B) Enforcement of Order. Enforcement of order at all council meetings shall be the

responsibility of the President. When necessary, the President shall call upon the Sergeant-at-Arms to take action necessary to maintain order.

- (C) **Request for Order.** If any councilperson violates any of these Council Rules of Procedure, the President shall call the councilperson to order. If the President fails to take such action, any other councilperson may raise a “Point of Order” for the purpose of challenging the conduct or speech of the member and calling upon the President for a ruling and an enforcement of the Rules. If a councilperson is called to order, he or she shall immediately cease his/her conduct or speech unless permitted by the President to explain his/her conduct. The question of “Point of Order” does not require a second, is without debate and shall be decided by the President by first requesting the member who raised the question to “state your point of order.” The President upon hearing the explanation shall decide the point of order. If the decision is in favor of the councilperson called to order, he or she shall be at liberty to proceed with his/her prior conduct or speech. If the decision is against the councilperson called to order, he or she shall immediately cease such prior conduct or speech.

Rule 14: Council Representation

Councilpersons who meet with, speak to, or otherwise appear before a community group or another government agency or representative must clearly state if his or her statement reflects their personal opinion or if it is the official stance of the City, or if this is the majority or minority opinion of the Council.

Once the Council has taken a position on an issue, all official City correspondence regarding the issue will reflect the Council’s adopted position.

As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, shall be presented to the Council in the council agenda packet or by email distributed to all councilpersons simultaneously prior to publication so that councilpersons may be made aware of the impending publication.

If the Council, in Executive Session, has given direction or consensus to City's administration on proposed terms and conditions for any type of issue, all contract with the other party shall be done by the designated City staff representative handling the issue.

Rule 15: Suspension and Amendment Rules

Any provision of these rules not governed by state law or City ordinance may be temporarily suspended by a majority vote of the Council.

Rule 16: Censure

Censure is an official expression of disapproval passed by the Council. Any member violating these Council Rules of Procedure may be censured by a majority vote of the Council.