

City of Ashtabula



CITY COUNCIL RULES of ORDER

4717 Main Avenue, Ashtabula, Ohio 44004
(440) 992-7119

www.cityofashtabula.com

*OUR MISSION IS TO PROVIDE SERVICES AND PARTNER WITH OUR CITIZENS, BUSINESSES AND NEIGHBORS TO
ENHANCE THE QUALITY OF LIFE FOR ALL WHO LIVE IN AND VISIT ASHTABULA*

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Ashtabula City Council Rules of Order

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Ashtabula City Council Rules of Order

DEFINITIONS

Ashtabula City Municipal Charter

The Ashtabula City Municipal Charter is the Constitution of the City of Ashtabula. The primary sections governing the City Council are Sections 3 through 9. Sections 10 through 33 have been included for reference purposes (Exhibit A).

Consent Agenda

The Consent Agenda is a means whereby City Council is able to efficiently conduct business. There are two sections to a Consent Agenda: a) the disposal of routine Special Meeting and Regular Meeting minutes; b) the Legislation Agenda (*ordinances and resolutions*). Each set of meeting minutes will be read through to the “Excused Absences” portion. They will then be disposed of by one motion, one second, and one vote. The title of each piece of legislation is individually read into the record. Brief comments shall be permitted; however in-depth discussion is prohibited. If a member of the City Council, City Administration or the public requests in-depth discussion on any Consent Agenda Legislation, a motion is required to remove that item from the Consent Agenda for consideration under the Regular Business portion of the agenda.

Regular Business Agenda

The Regular Business Agenda is where items of a none-consent format, in that they are considered on an individual basis. They are items ‘common to the agenda.

Legislation

The term “Legislation” encompasses Ordinances and Resolutions.

Meeting

The Open Meetings Act defines a “meeting” as: (1) a prearranged gathering; (2) a majority of the members of a public body; (3) for the purpose of discussing public business. The Open Meetings Act requires members of a public body to take official action, conduct deliberations, and discuss the public business in an open meeting, unless the subject matter is specifically exempted by law. All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present, in person, at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. A “meeting” by any other name is still a meeting. “Work retreats” or “Workshops” are “meetings” when a public body discusses public business among a majority of the members of a public body at a prearranged time. When conducting any meeting, the public body must comply with its obligations under the Open Meetings Act and open the meetings to the public by properly notifying the public and maintaining meeting minutes.

Ashtabula City Council Rules of Order

DEFINITIONS

Minutes/Journal

The minutes are a record of the public body's proceedings. The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. A public body must keep full and accurate minutes of its meetings. The minutes are not required to be a verbatim transcript of the proceedings, but must include enough facts and information to permit the public to understand and appreciate the rationale behind the public body's decisions. The Ohio Supreme Court holds that minutes must include more than a record of roll call votes, and that minutes are inadequate when they contain inaccuracies that are not corrected. A public body cannot rely on sources other than their approved minutes to argue that their minutes contain a full and accurate record of their proceedings.

Public Body

Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution. Any committee or subcommittee thereof; or a court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. "Court of jurisdiction" has the same meaning as "court" in section 615.01 of the Ohio Revised Code.

Votes

With a Council of seven (7) members, the following shall be true:

- Simple Majority/Majority = (4)
- Two-thirds = (5)
- Three-fourths = (6)
- Quorum = (4)

CITY COUNCIL RULES of ORDER

For the Government of the
Council of the City of Ashtabula, Ohio

Rule 1 - Council Rules of Order

Council shall adopt, by a simple majority vote of its members then holding office, its own Council Rules of Order which shall not conflict with the Ashtabula City Municipal Charter, and which shall remain in effect until amended, changed or repealed by a simple majority of all the members of Council holding office at that time. The Rules of Order shall become effective immediately after the simple majority vote for their passage is taken, unless a later date is specified, and shall not be subject to initiative [*the ability to assess and initiate things independently*] or referendum [*the principle or practice of referring measures proposed or passed by a legislative body, head of state, etc., to the vote of the electorate for approval or rejection.*]

Rule 2 - Suspension of Council Rules of Order

Council Rules of Order may be temporarily suspended at any meeting of the Council by two-thirds affirmative votes of Council, and the vote on each suspension shall be taken by a roll call vote (yeas and nays) and entered on the Journal.

Rule 3 - Violating Council Rules of Order (Point of Order or Question of Order)

If any member of Council violates any Council Rule, the Presiding Officer or any member of Council may motion for a Point of Order, which calls said member to order. This motion requires no second. The Presiding Officer shall decide the Point of Order or refer it to the Council.

Point of Order is NOT DEBATABLE, but with the Presiding Officer's consent a member may be permitted to explain the point, and knowledgeable or interested members may be heard by way of explanation.

If the Presiding Officer submits the point to a vote of Council, it is open to debate except when it relates to indecorum [*conflicting with accepted standards of good conduct or good taste*] or transgression of the rules of speaking, in that no member may speak more than once in the debate except the Presiding Officer, who can speak in preference [*priority to right*] to other members the first time, and who is also entitled to speak a second time at the close of debate.

Rule 4 - "Roberts' Rules of Order"

In the absence of any rule upon any matter of business, the Council shall be governed by "ROBERT'S RULES OF ORDER NEWLY REVISED (CURRENT EDITION)."

Rule 5 - Motions

The following procedures shall be followed during City Council Meetings:

1. **Main Motion:** A motion to introduce a subject (requires simple majority vote).
2. **Motions When Question is Before Council:** When a question or proposition is before or under debate by Council or when a motion has been made, only the following motions can be accepted, and have precedence in the order given:
 - a. **To adjourn** - NOT DEBATABLE.
 - b. **To recess** (simple majority vote) - NOT DEBATABLE).
 - c. **To raise a question of privilege.** Questions of privilege have precedence over all other questions except adjournment. Questions of privilege are those affecting the rights of the Council collectively, its safety, dignity, comfort, and the integrity of its proceedings and those rights, reputations, and conduct of Councilors in the capacity as members of Council (decision of Presiding Officer - NOT DEBATABLE).
 - d. **To call for orders of the day** to require the Council to conform to its agenda, program, or order of business, or to take up a general or special order. (This is the decision of Presiding Officer).
 - e. **To lay on the table** to set aside the pending question when something else of immediate urgency has arisen or when something else needs to be adopted before consideration of the pending questions is resumed (simple majority vote).
 - f. **To call the previous question** and request that discussion end and that the motion being considered be voted on (requires 2/3rd vote. (NOT DEBATABLE).
 - g. **To limit or extend limits of debate** (required 2/3rd vote).
 - h. **To postpone any action to a certain time (or definitely)** (simple majority vote).
 - i. **To commit or refer** the proposal to a committee or special meeting of Council for further investigation or **to put into better condition for consideration** (2/3rd vote)
 - j. **To amend.** A motion to amend is to modify the main motion by inserting or adding; striking out; or striking out and inserting. An amendment to an amendment cannot be amended. A rejected amendment may not be moved again in the same form (simple majority vote).
 - k. **To postpone indefinitely.** When motions to postpone indefinitely are passed, the principle question is declared lost. The motion rejects or “kills” the main motion for the duration of the session (simple majority vote).
 - l. **To postpone any action indefinitely** (simple majority vote).
3. **Motion to Take Matter from Committee:** When legislation or other matters have been referred to a committee and said committee fails within a reasonable or specified time to report or offer a valid reason for failure to report, any member of Council has a right to move that legislation or matter of concern be taken from that committee and placed before Council for action (simple majority vote).
4. **Motion to Reconsider:** Motions to reconsider an approved item must be made before adjournment of that session of Council for those types of legislation that are effective

immediately; motions to reconsider other legislation must be made prior to the close of the next following regular meeting of Council. A motion to reconsider may be made only by a Council member who voted with the prevailing side. 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 other business. No motion to reconsider may be made more than once on any matter and the same number of votes is required to reconsider the action of Council as was required to enact it (simple majority for enactment in 30 days; two-thirds for immediate enactment).

Rule 6 – Motions - Appeal

The Presiding Officer, after referring the question to the Official Parliamentarian, has authority and duty to make necessary rulings on questions of parliamentary law. But any two members have the right to appeal the Presiding Officer's decisions on such a question. By one member making the appeal and another offering a second, the question is taken from the Presiding Officer and vested in the Council for final decision. Members have no right to criticize a ruling of the Presiding Officer unless they appeal the Presiding Officer's decision. An appeal cannot be made from a decision of the Council itself.

Rule 7 - Regular Council Meeting

Regular Council Meetings, as set forth in Ashtabula City Municipal Charter Section 10, shall be held in the Ashtabula City Municipal Building, on the 1st and 3rd Monday of each month, and commence at 7:00 p.m., unless otherwise ordered by the Council with a majority vote of the suspension of the Charter requirement calling for said meetings. Whenever the Regular Council Meeting falls on a legal holiday the meeting shall be held the following day (Tuesday).

(a) Opening Procedures

The President of Council shall take the chair, immediately call the meeting to order, and shall ask that all remain standing for the Opening Prayer and the Pledge of Allegiance, and remain standing for a Moment of Silence, when applicable. The Clerk of Council shall be asked to call the roll, which roll shall include the City Manager, City Solicitor, Finance Director, and Clerk of Council.

The minimum essential Officers for the conduct of business are the Presiding Officer and the Clerk of Council. In the absence of the Clerk of Council the Finance Director shall perform the functions of the Clerk of Council during City Council Regular Meetings, Special Meetings and Public Hearings. In the absence of the President and Vice President, the Clerk of Council shall call the Council to order, and if a quorum is determined to be present, the Council shall appoint one of its members to preside Pro Tempore [in place of]. In the absence of a quorum at the time appointed for the meeting, the members present may, by a simple majority vote, take recess and cause the Clerk to procure the attendance of absent members, or may adjourn after 30 minutes.

(b) Presiding Officer

The President of Council shall be the Presiding Officer at the Regular and Special Council Meetings, and Public Hearings of the City Council. Section (a) above details what shall take place should the President of Council and/or Vice President of Council be absent.

The Presiding Officer shall preserve order and decorum, prevent personal reflections, and confine members in debate to the question. Whenever a motion is made that refers only to the Presiding Officer, in a capacity not shared in common with other members, or that commends or censures he or she, the chair should be turned over to the Vice President of Council during the Council's consideration of the motion.

(c) Leaving the Meeting While in Session

No member shall leave the Regular Meeting, while in session, without permission being granted by a majority of the members of Council present and able to conduct business. Any member leaving without first obtaining such permission shall be deemed guilty of contempt, and may be dealt with, for such contempt, as provided for in Rule (19)(a).

(d) When Not Required to Stay

No member shall be required to remain in the designated meeting location longer than half an hour after the time to which the Council stands adjourned, unless there is a quorum present and the Council is called to order and proceed to business. But, if any member having waited for a quorum to be present for half an hour after the time to which the Council stands adjourned, shall go away from the Council room, and afterwards enough members arrive to constitute a quorum, the Council shall not proceed to any business without attempting to notify such member and giving that member sufficient time to join them.

(e) Absence from Regular Council Meetings

In accordance with Ashtabula City Municipal Charter Section 11, "The absence of a member of Council from three consecutive Regular Council Meetings shall operate to vacate the seat of that member, unless the absence is excused, for a reasonable cause, by a simple majority vote [4] of Council present and able to conduct business, and entered into the minutes. Each excused absence of a member of Council from a Regular Council Meeting, in excess of three in a 12 month period, shall constitute the deduction of a sum equal to 2% of the annual salary of such member." Council members are responsible for making their absence known to the President of Council or Clerk of Council prior to the day of the meeting or as soon as the reality of their absence is known to them. Calls to members of Council to determine their attendance intentions may be considered as an "unexcused" absence.

Rule 8 - Emergency Meeting

A type of Special Meeting called due to the need of immediate official action. The member or members of the public body calling the meeting must instruct the Clerk of Council to immediately notify all news outlets and other persons which have a formal "request to be notified" application on file.

Rule 9 - Executive Session

Executive Sessions are an exception to the requirement that public bodies conduct their business in meetings open to the public. They are CLOSED sessions of a public body; however the closed session must begin and end in an open meeting. NO votes or official action may be taken in a closed session. Any action resulting from the CLOSED session must be taken in an open meeting. Minutes for Executive Sessions are not required, however the open sessions meeting's minutes shall reflect the vote to convene the Executive Session, the purpose for the closed session, the roll call vote, and who was present in the closed session. An adjournment at the conclusion of an Executive Session is not required. When the body politic returns to the open session the Presiding Officer shall simply announce the open session convened.

Rule 10 - Pre-Council Meeting

A type of regular meeting held in Pre Council or Council Chambers located in the Ashtabula City Municipal Building, on the 1st and 3rd Monday of each month, and shall begin at 6:00 p.m., unless otherwise ordered by the Council President, Council Vice President, or a majority vote of the members of Council when in attendance at a scheduled meeting of the Council.

Rule 11 - Public Hearing

A meeting of the City Council for the purpose of permitting the public to comment about the matter that is specific to the purpose of the hearing. The comments are taken into consideration when City Council makes their final decision. The procedure for scheduling a public hearing varies depending on the topic. (Codified Ordinance Section 1109.05 & 1109.07)

Rule 12 - Special Meeting

A session held at a time different from that of a Regular Council Meeting and convened only to consider items of business specified in the call of the legal Special Meeting notice and in accordance with Ashtabula City Municipal Charter Section 10 (Exhibit A).

(a) Except in the case of a special meeting referred to in Section **111.05** the Clerk shall, no later than twenty-four hours before the time of a special meeting of a municipal body, post a statement of the time, place and purposes of the special meeting, and shall make reasonable efforts to notify those members of the public who have previously requested notice of public meetings of Council. For purposes of this Section, email or similar electronic communication shall be considered a reasonable effort to give notice.

(b) The statement under this section and notifications under Section **111.05** shall state the specific or general purpose or purposes then known to the Clerk which are intended to be considered at the special meeting. (Codified Ordinance 111.04)

(a) Any news medium organization that desires to be given advance notification of special meetings of a municipal body shall file with the Clerk a written request therefor on a standard form to be provided by the Clerk.

(b) Except in the event of an emergency requiring immediate official action as referred to in subsection (f) hereof, a special meeting shall not be held unless at least twenty-four hours advance notice of the time, place and purpose of such special meeting is given to the news media that have requested advance notification in accordance with subsection (c) hereof.

(c) News media requests for such advance notification of special meetings shall specify:

(1) The municipal body that is the subject of such request;

- (2) The name of the medium;
 - (3) The name and address of the person to whom written notification to the medium may be mailed, telegraphed or delivered; and
 - (4) The names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given.
- (d) Any request shall be effective for one year from the date of filing with the Clerk or until the Clerk receives written notice from such medium canceling or modifying the request, whichever is earlier. Each requesting news medium shall be informed of the period of effectiveness at the time it files its request. Requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by both the municipal body that is the subject of the request and the Clerk.
- (e) The Clerk shall give oral, electronic or written notification, or all, as the Clerk determines, to the news media that have requested advance notification, in accordance with subsection (c) hereof, of the time, place and purposes of each special meeting, at least twenty-four hours prior to the time of such special meeting.
- (f) In the event of an emergency requiring immediate official action, a special meeting may be held without giving twenty-four hours advance notification thereof to the requesting news media. Any one or more persons calling such meeting, or the Clerk on their behalf, shall immediately give oral notification, electronic correspondence, or written notification or all, as the person or persons giving such notification determine, of the time, place and purpose of such special meeting to such news media that have requested advance notification in accordance with subsection (c) hereof. The minutes, call, or written notification (which may include facsimile and email transmissions), of any special meeting shall state the general nature of the emergency requiring immediate official action. (Codified Ordinance Section 111.05)

Rule 13 - Work Sessions

The Council may meet in a Work Session as needed. Neither votes nor formal actions may be taken at this meeting.

Rule 14 - Quorum

A simple majority of all members of the Council (4) shall constitute a quorum to transact business, except in cases where a different number is required by the Municipal Charter, the laws of the State of Ohio, or by the Rules of the City Council. Whenever the term “majority” is used, unless otherwise expressly indicated, it shall be held to mean a majority of those elected or appointed to City Council.

Likewise, whenever a two-thirds or three-fourths vote is indicated, it shall mean two-thirds or three-fourths of the members elected or appointed to City Council. In a Council of seven (7) members, the following shall be true:

- Simple Majority/Majority = (4)
- Two-thirds (2/3) = (5)
- Three-fourths (3/4) = (6)

Rule 15 - Committees

The simple majority of the members of a committee shall be a quorum for the purpose of conducting business.

(a) Standing Committees

(1) Forming

At the December 1st Organizational Meeting (Ashtabula City Municipal Charter Section 10 – Exhibit A) and with changes in members of Council, Standing Committees shall be appointed, with input from each member of Council and a simple majority approval of Council. The Committee Chair and Vice Chair shall also be named. The President of Council shall serve as Ex-officio member of all committees with the exception of those he/she chairs or of which he/she is a member. The Clerk of Council shall post and maintain the Standing Committee Meeting Roster on the City of Ashtabula website.

(2) Location

Standing Committee meetings are held in the Municipal Building 2nd Floor Conference Room, but may be changed with proper notification.

(3) Meeting

The Standing Committees shall meet once a month, subject to cancellation by the Chair if there is no business to consider. The committee members shall agree on the day and time for which to hold their monthly meeting.

(4) Minutes

In accordance with the Open Meetings Act, committee minutes shall be promptly prepared, filed and maintained. If time does not permit the Clerk of Council to prepare the minutes prior to the committee's report to the full Council, at a Regular Council meeting, the report given by the committee chair or their designee, at a Regular Council Meeting, shall serve as the minutes and will be transcribed and filed as such. The minutes must contain sufficient facts and information to permit the public to understand and appreciate the rationale behind the committee's decision.

(5) Report

Committee chairs or their designee shall be responsible to make a full report of their meeting, including formal legislation requests, to the full Council at a Regular Council Meeting. Any subject having been referred to a Council committee shall be reported upon to the full Council by such committee, and at least a majority of the committee to which a subject has been referred shall agree on the outcome. If an agreement cannot be reached, the committee shall present the matter to the full Council to consider.

(6) Open to the Public

All Standing Committee meetings shall be open to the public. The public shall only be permitted to speak at the will of the Chair or Vice Chair. Members of Council are welcome to attend committee/subcommittee meetings on which they are not a member, are permitted to participate, but shall have no voting privileges.

(7) Committee Names and Responsibilities, shall be, but are not limited to:

- **Community Development / Economic Development / Parks & Recreation**

To which shall be referred all ordinances and resolutions and other matters which relate to community development, economic development, and parks & recreation. Financial matters pertaining to the committee's responsibilities may be discussed in this committee and may also be referred to the Finance & Personnel Committee, if necessary. The committee shall support all events and projects associated with its responsibilities. The committee chair or their designee shall attend, as often as possible, the meetings of the following groups: Ashtabula City Parks & Recreation Board, Ashtabula Downtown Development Association, Lift Bridge Community Association, and My Neighborhood Collaboration, in order to remain in touch with the happenings of each organization for the purpose of supporting their efforts and reporting back to the City Council and City Manager on how city government may assist them. The committee shall touch base with Greater Ashtabula Chamber of Commerce, Ashtabula County Board of Realtors, Growth Partnership for Ashtabula County, and Ashtabula County Medical Center to ensure city government remains informed, is ready to help when possible, and in order to cultivate and/or enhance and/or enhance private/public partnerships.

- **Finance & Personnel**

To which shall be referred all ordinances and resolutions and other matters related to finance, indebtedness, appropriations, the payment of monies not provided for by previous legislation, debt, taxation, assessments, the standardization of salaries and wages, the sale and purchase of city real estate, bond ratings, and the personnel matters pertaining to the Clerk of Council and the Finance Department, only. However, for efficiency purposes, the day-to-day oversight of the positions of Clerk of Council (Codified Ordinance 121.01 (m) and Director of Finance (Charter Section 33) is the responsibility of the President of Council.

- **Public Works / Public Utilities / Cable / Schools**

To which shall be referred all ordinances and resolutions and other matters related to the streets, highways, sidewalks, sewers, storm drains, city buildings and property, street and traffic lights, traffic control map and file, snow plowing, and recycling. This committee shall periodically meet with the Ashtabula Area City Schools superintendent and board and support school activities. They shall also meet with public utility and cable providers to discuss local government and resident's concerns. The committee shall consider legislation pertinent to the operations of the following City Divisions: Water Pollution Control (Waste Water Treatment Plant - WWTP), Public Works, Sanitation, Traffic and Motor Maintenance.

Financial matters pertaining to the committee's responsibilities may be discussed in this committee, but must be referred to the Finance & Personnel Committee prior to being presented to the full Council.

- **Safety Forces**

To which shall be referred all ordinances and resolutions and other matters related to the Divisions of Police and Fire, health, sanitary regulations, public safety, and emergency management operations and plans.

(b) Special Committees

The President of Council may appoint special committees when, in his or her opinion public business requires such an appointment, or at the request of a simple majority of the members of Council.

(c) Boards and Commissions

City Council is empowered to create City boards and commissions, in addition to those established by the Municipal City Charter. Council also appoints members to City boards and commissions, and approves some of the appointments of the City Manager in accordance with the rules set forth establishing said boards and commissions.

Rule 16 - Official Parliamentarian

The Council shall appoint the Clerk of Council to act as the Official Parliamentarian as long as said Clerk of Council is a Certified Parliamentarian. The City Solicitor shall be the Official Parliamentarian in the absence of the Clerk of Council and shall be consulted, when necessary.

Rule 17 - Agendas

The Clerk of Council shall be responsible for preparing the agendas for all Council meetings in consultation with the President and Vice President. Committee chairs shall be responsible for providing agenda items and approving the agendas for their committee / subcommittee meetings.

Rule 18 - Order of Business – Regular Council Meeting

The business at all Regular Council Meetings shall be transacted in the following order:

Call to Order

Opening Ceremony

- Prayer
- Pledge of Allegiance
- Moment of Silence

Roll Call

Sunshine Law Certification

Presentations / Announcements

Executive Session

Consent Agenda

- **Meeting Minutes** – Presentation and Vote to Approve
- **Legislation**
 - Formal Requests
 - Public Comment
 - Reading
 - Second Reading
 - First Reading Introduction and Vote
 - One Reading Introduction and Vote

Regular Business Agenda

- **Meeting Minutes** – Presentation and Vote to Approve
- **City Officials - Reports and Communications**
- **City Council - Standing Committee Reports and Communications**
- **Legislation**
 - Formal Requests
 - Public Comment
 - Reading
 - Second Reading
 - First Reading Introduction and Vote
 - One Reading Introduction and Vote
- **New Business**
- **Public Comment (General content)**
- **Executive Session**
- **Adjourn**

Communications from the City Manager may be presented at any time when City Council is not engaged in the consideration of other business. Any person, from time-to-time, may address Council when given permission by the Presiding Officer provided a simple majority of City Council does not object. During the portion of the meeting titled, "Public Comment", is when the public may comment on the legislation agenda only. The public may address Council on matters of a general nature during "Public General Comment". The person desiring to address the dais must first provide their name and address, and will then be given a maximum of 5 minutes to speak, unless permission, by a simple majority voice vote of City Council, is granted.

Rule 19 - Voting

(a) Yeas and Nays (Demand for) / Order of Voting

When requested by any member of Council, the yeas and nays shall be taken on the passage of any legislation or any questions of proposition submitted to the Council, and in taking the yeas and nays the Clerk of Council shall call the names in the following order: Ward Councilors, Vice President and President. The order in which Ward Councilors vote shall be alternated for each Regular, Special, and Emergency Meeting. Before the President announcing the outcome of the vote, the Clerk of Council shall read the votes so taken upon request of any member.

(c) Recorded Vote of Absent Members

Any member of City Council, having been unavoidably absent, may at the next meeting be permitted to have their vote recorded upon any question acted upon during their absence, provided such vote shall not change the result, and provided further that the member, so permitted to have their vote recorded, shall not be entitled to move for a Reconsideration of the Question so voted upon. Council members are responsible for making their absence known to the President of Council or Clerk of Council prior to the day of a meeting, or as soon as the reality of their required absence is known to them. Calls to members of Council to determine their intentions may be considered an "unexcused" absence.

(b) Censure and Expulsion

Every member of City Council present shall vote on any question, by voice vote or on the roll call of the yeas and nay, unless excused by the unanimous consent of the remaining members of City Council, in the form of a request to abstain, which must be requested prior to the call of the vote. Any member not being excused who refuses to vote upon any question when the yeas and nays are being called, shall be deemed guilty of contempt of the Rules of City Council and may, for such contempt, be censured (*an official reprimand*) by a simple majority vote of City Council. If a member receives two reprimands within a twelve month period, that Council member shall be suspended for one Regular or Special Council Meeting whichever comes first, and shall be ineligible for the period of such suspension to address Council or cast a vote.

Rule 20 - Members Speaking

Permission of the Presiding Officer must be obtained prior to speaking. This serves to maintain order and assist with the task of transcribing the meeting minutes, which minutes are permanent records. A member shall be permitted to speak only from their seat.

A member shall be permitted to speak twice on the same motion, for five continuous minutes at a time, with more time being granted by the unanimous consent of the remaining members of City Council. A member shall be permitted to speak once on the same question until every member desiring to speak on the question shall have had an opportunity to do so. A member shall be permitted to speak without interruption, except to be called to order.

Rule 21 - Preparation of Legislation

No legislation, except for any measure proposed by the City Manager pursuant to Section 28(f) of the Ashtabula Municipal Charter (*see Exhibit A*), may be presented without first being presented to the proper Standing Committee of Council, unless simple majority consent of the members of Council present is given, by a voice or roll call vote. The President of Council may, at any time, permit a member to introduce legislation or a motion out of the regular order, provided a simple majority of members do not object.

- The legislation request is to be made at a Regular or Special Meeting of City Council.
- The Clerk of Council shall submit the formal request for legislation to the City Solicitor's Department no later than three working days after the request is made, for preparation.
- The legislation shall be presented to the Clerk of Council by 12:00 Noon on Wednesday prior to the Regular Council Meeting, and in a timely manner for all other meetings, in order to give the Clerk of Council ample time to set the meeting agenda. Attachments and Exhibits shall accompany the legislation.
- The Finance Director shall certify funds for all legislation having to do with funding prior to the Clerk placing said legislation on an agenda of the Council.
- The Clerk of Council shall place the legislation on the appropriate meeting agenda.
- The City Solicitor or Assistant City Solicitor (in the absence of the City Solicitor) shall approve the legislation as to its form and correctness, by affixing his or her signature thereto, or when necessary by the granting of said approval by electronic or verbal means. All preliminary legislation drafts shall be submitted to the City Solicitor for review as part of the legislative process.
- No ordinance shall be placed on a Council agenda unless it has gone through the above procedure or unless a vote to waive the procedure is approved by a simple majority vote of the Council members present, and that by a roll call vote. The Council SHALL NOT vote on legislation which has not first been submitted to the City Solicitor for "form and correctness". (*refer to Exhibit A - Ashtabula Municipal Charter Section 32 Solicitor for directions regarding none approval of "form and correctness".*)

Rule 22 - Amendments to Legislation

Legislation may be amended at any time, but if amended after its second reading, the ordinance shall again be read as the second reading, at the next Regular or Special Council Meeting, before final action is taken.

Rule 23 - Enactment/Passage/Adoption of Legislation

All ordinances and resolutions, and all Rules of Order for the Government of the City Council shall require, for their enactment, passage or adoption, a simple majority vote of all the members elected, and the vote on their passage or adoption shall be taken by yeas and nays and recorded on the Journal. No ordinance shall be placed on the Regular Council Meeting agenda unless received from the Solicitor's Office the Wednesday prior to the meeting at 12:00 Noon, unless approved by the President, Vice President, or at the discretion of the Clerk of Council. *(See Exhibit A - Ashtabula Municipal City Charter, Sections 12 and 13 further instructions.)*

Rule 24 - Appropriating Money

NO money shall be appropriated except by legislative action. All legislation for the appropriation of money, the issuance of bonds, or the transfer of money to any fund, shall receive the approval of the Finance & Personnel Committee before passage. If such matters are presented without said approval, they shall be referred, without debate, to the Finance & Personnel Committee, for consideration and report, unless the rule shall be temporarily suspended by a two-thirds vote of the members of Council. The vote on such suspension shall be taken by yeas and nays and recorded in the minutes.

Rule 25 - Communications / Reports**(a) Administration/ City Officials/ Department-Division Heads**

The City Manager shall give a report at each Regular Council Meeting. Such report shall be in writing and a copy shall be provided to each member of City Council, the City Solicitor, the Finance Director, and the public. Such report shall serve to provide members of City Council with information pertaining to the state of City operations, and shall be the document on which the City Manager requests legislation necessary to carry out his or her responsibilities.

The Finance Director shall give a report at each Regular Council Meeting. Such report shall be in writing and a copy shall be provided to each member of City Council, the City Manager, the City Solicitor, and the public. Such reports shall serve to provide members of City Council with information pertaining to the state of the City's financial operations, and shall be the document on which the Finance Director requests legislation necessary to carry out his or her responsibilities.

The City Solicitor shall provide the City Council with a regular activity report, including a verbal update on all significant legal actions of which the Solicitor is able to speak. Between these reports the City Solicitor shall advise the City Council of any matters warranting immediate attention. Additionally, to ensure the City's best interests are always protected, the City Solicitor shall attend other meetings of the City Council, as requested.

All reports from City Officials and Department/Division Heads, suggesting or recommending action by Council on any matter not referred to in the source of such reports or not otherwise provided for by these Council Rules of Order, shall be referred to the Standing Committee to which the subject matter of said report is most closely related. The Standing Committee shall consider the suggestions and recommendations and report back to the full Council, without delay.

(b) With the Public

To ensure the Legislative Division is informed of the activities of each member of Council, and to ensure a record of said activities are maintained in the Office of the Legislative Division, a copy of Council members communication with the public shall be forwarded to the Clerk of Council for property public record filing.

Rule 26 - Levying Assessment or Tax

All legislation levying an assessment or tax for any public improvement shall be referred to the Finance & Personnel Committee and the City Solicitor before it is placed before the full Council.

Rule 27 - Purchase or Sale of City Owned Property

All matters concerning the purchase or sale of City owned property shall first be referred to the Finance & Personnel Committee, for consideration, before final action by the full Council. All votes pertaining to City owned property shall be taken by a roll call vote.

Rule 28 - Training

Members of the City Council may avail themselves of educational and training opportunities by attendance at professional meetings, conferences, educational institutions, and purchases of information that enhance a member's ability to perform the duties of the Legislative Authority. Reimbursement for these expenses shall be provided in accordance with the City of Ashtabula Travel Policy, when funds are available. Members of the City Council are required to participate in City of Ashtabula in-service training when notification has been issued.

Rule 29 - Chief of Police to Preserve Order

The Chief of Police or his or her designee, while in attendance at Council meetings, shall serve as the Sergeant-at-arms. Under the direction of the Presiding Officer, the Sergeant-at-arms shall preserve order and decorum, and by order of the Council, shall compel the attendance of absent members of Council in such manner as may be prescribed by legislation.

Rule 30 - Prayer

Prior to commencement of each Regular and Special Council Meeting of the City Council, the following prayer shall be recited:

Heavenly Father, We ask You to let Your inspiration precede this Council's actions, and all present here today, and Your assistance further us, so that every word and work of ours may take its beginning from You, and, so begun, may through You reach its completion. Amen.

Rule 31 - Use of Recording Device

The Clerk of Council or his or her designee is permitted to record all meetings of the City Council to assist in the transcription of meeting minutes. The recordings shall be kept for the length of time set forth in the City of Ashtabula Records Retention Schedule for the Legislative Division.

EXHIBIT A

ASHTABULA CITY MUNICIPAL CHARTER

- Section 3** Powers. (5-7-46)
- Section 4** Term of Office. (5-3-94)
- Section 5** Qualifications of Members. (5-2-95)
- Section 6** Vacancies. (11-4-58)
- Section 7** Salary. (5-2-95)
- Section 8** President. (11-2-48)
- Section 9** Appointees. (5-7-13)
- Section 10** Time of Meetings; Rules; Journal. (3-19-96)
- Section 11** Penalty for Absence. (11-2-04)
- Section 12** Legislative Procedure.
- Section 13** Ordinance Enactment. (3-19-96)
- Section 14** Emergency Measures. (3-19-96)
- Section 15** Record and Publication.
- Section 16** Times of Publication.
- Section 17** Price and Mode of Publication. (5-19-80)
- Section 18** Salaries and Bonds.
- Section 19** General Disqualifications.

Initiative and Referendum

- Section 20** The Initiative.

City Manager

- Section 27** Election; General Powers; Bond. (11-2-48; 5-3-94)
- Section 28** Powers and Duties.
- Section 29** Head of Departments. (5-7-46)
- Section 30** Platting Commissioner.
- Section 31** Salary.

Administrative Officers and Departments

- Section 32** City Solicitor. (5-3-94)
- Section 33** City Director of Finance. (5-7-13)

COUNCIL

SECTION 3 POWERS.

All powers of the City, except as otherwise provided by this Charter or by the Constitution of the State, are hereby vested in a Council to consist of not less than 7 members, 1 of whom shall be elected from each ward, and 2 of whom shall be elected at large; and, except as otherwise prescribed by this Charter or by the Constitution of the State, the Council may by ordinance or resolution prescribe the manner in which any power of the City shall be exercised. In the

absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the State applicable to municipalities.

Council shall subdivide the City into 5 wards of adjacent and compact territory with as well defined boundaries and as nearly equal population as practicable, and after each recurring Federal Census Council shall subdivide said 5 wards to the extent and in the manner prescribed by general law for increasing the number of wards upon the basis of population. (Amended 5-7-46)

SECTION 4 TERM OF OFFICE.

Members of Council shall hold their office for four (4) years beginning December 1st of their election in 1995 except the members of Council from Wards 3, 4 and 5. Council members from Wards 3, 4 and 5 shall hold office for a two (2) year term beginning December 1st after their election in 1995, and then, beginning December 1st after their election in 1997, shall hold office for four (4) year terms, thereby staggering the terms of Council. (Amended 5-3-94)

SECTION 5 QUALIFICATIONS OF MEMBERS.

Each member of the Council immediately prior to his election or appointment shall have been, and during his term of office shall continue to be, a qualified elector of the City of Ashtabula, Ohio, and shall continue to have the qualifications of an elector therein. A member from a ward shall reside in his ward immediately prior to his election or appointment, and removal of a ward member from his ward during his term of office shall work as a forfeiture of his office. Each member of Ashtabula's City Council shall not hold any other public office, except that of a notary public or member of the State militia, and shall not be interested in any contract with the City of Ashtabula, and no such member may hold employment with the City of Ashtabula.

The City Council of Ashtabula shall be the judge of the election and qualifications of its members, reviewable by the courts. Council members may be removed from office in the manner and for the causes provided by general law for the removal of public officers. (Amended 5-2-95)

SECTION 6 VACANCIES.

Any vacancy in the Council shall be filled for the unexpired term in the manner provided by the general laws of the State of Ohio now in force or as hereafter amended. (Amended 11-4-58)

SECTION 7 SALARY.

Each member of the Council, except the President, shall receive a salary of \$2,400.00 per year, and the President of Council shall receive a salary of \$2,600.00 per year, payable in equal monthly installments. (Amended 5-2-95)

SECTION 8 PRESIDENT.

The member of Council elected at large having the highest vote shall be President of Council and the member of Council elected at large having the next highest vote shall be Vice-President of Council.

The President shall preside at all meetings of the Council, and perform such other duties consistent with his office as may be imposed by it; and he shall have a voice and vote in its proceedings, but no veto.

If the President be temporarily absent from the City, or becomes temporarily disabled from any cause, his duties shall be performed during such absence or disability by the Vice-President. In the absence of both President and Vice-President the other members of Council shall appoint one of their number to perform the duties of President. (Amended 11-2-48)

SECTION 9 APPOINTEES.

The Council shall appoint a City Director of Finance and Clerk of Council. The Clerk of Council shall keep all City Council records and perform all other duties required by this Charter or by Council. Council may also appoint and employ such other officers and employees of its body as it deems necessary. City Council shall also designate some officer of the City, other than the City Director of Finance or Clerk of Council, to act as the City's Purchasing Agent. Said appointees of Council shall hold office at the pleasure of Council except that before the City Director of Finance or Clerk of Council is discharged, written charges of malfeasance, misfeasance or nonfeasance in office shall be filed with Council and such officer shall be afforded a copy thereof. Thereafter, Council may suspend such officer for a period of not less than ten (10) days nor more than thirty (30) days and, if within ten (10) days of the time said officer receives a copy of such written charge, said officer files with Council a written demand for a public hearing thereon before Council, Council shall conduct such public hearing before permanently discharging said officer or making said officer's suspension permanent. (Amended 5-7-13)

SECTION 10 TIME OF MEETING; RULES; JOURNAL.

At 6:30 p.m. on the first day of December following a regular municipal election, or if such day be Sunday, on the day following, the Council shall meet at the usual place for holding the meetings of the legislative body of the City for the purpose of organization. Thereafter the Council shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than the first and third Mondays of each month. The President, any 2 members of the Council, or the City Manager, may call special meetings of the Council, upon at least 12 hours' written notice to each member, served personally or left at his usual place of residence. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings. Executive sessions may be held and shall be governed by Section 121.22 of the Ohio Revised Code. (Amended 3-19-96)

SECTION 11 PENALTY FOR ABSENCE.

Absence from 3 consecutive regular meetings of Council shall operate to vacate the seat of a member unless the absence is excused by a majority vote of Council and entered upon the Journal. For each excused absence of a member of Council from a regular meeting of the Council in excess of 3 in a 12 month period, there shall be deducted a sum equal to 2% of the annual salary of such member. (Amended November 2, 2004)

SECTION 12 LEGISLATIVE PROCEDURE.

The legislative action of Council shall be by ordinance or resolution, provided that this shall not apply to action accepting a bid for work and directing the appropriate officer to enter into a contract, to action ordering the dismissal of an officer, to action ordering an election, or to

action directing an officer or board to furnish the Council with information as to the affairs of any office, department, or board.

A majority of all the members elected to the Council 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 may be prescribed by ordinance. The affirmative vote of at least 4 members shall be necessary to adopt any ordinance or resolution; and the vote upon the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.

SECTION 13 ORDINANCE ENACTMENT.

Each proposed ordinance or resolution shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title, but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances passed by the Council shall be: "Be it ordained by the Council of the City of Ashtabula, Ohio." The enacting clause of all ordinances submitted to popular election by the initiative shall be: "Be it ordained by the people of the City of Ashtabula, Ohio."

No Ordinance shall be passed until it has been read at 2 regular meetings not less than one week apart, or the requirement of such reading has been dispensed with by the vote of at least 5 members of the Council. No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended; and the original ordinance, resolution, section, or sections so amended shall be repealed.

All ordinances and resolutions passed by Council shall be in effect on and after the 30th day from the date of their passage except that Council may pass measures to take effect at the time indicated thereon (immediately or otherwise) by a vote of 5 members or more. (Amended 3-19-96)

SECTION 14 EMERGENCY MEASURES.

(EDITOR'S NOTE: The provisions of Section [14](#) were repealed on March 19, 1996.)

SECTION 15 RECORD AND PUBLICATION.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the Clerk of the Council. Every ordinance or resolution of a general or permanent nature shall be published once within 10 days after its final passage in the manner hereinafter provided; except that whenever the passage of more than one ordinance or resolution is required by law to complete the legislation necessary to make and pay for any public improvement, the provisions of this section shall apply only to the first ordinance or resolution required to be passed, and not to any subsequent ordinance or resolution relating thereto, provided that before issuing bonds to pay for any public improvement Council may publish a notice headed "Notice of Bond Issue for Public Improvement," describing said improvement in general terms and setting forth within what time assessments on property specially benefited may be paid in cash, and for what period of time and at what rate of interest bonds will be issued for that portion of the assessment not so paid.

SECTION 16 TIMES OF PUBLICATION.

Advertisements for bids for work and notices of the sale or lease of real estate or sale of personal property shall be published once a week for not less than 2 nor more than 4 consecutive weeks; proclamations of elections, such number of times as provided by law; and all other matters, once.

SECTION 17 PRICE AND MODE OF PUBLICATION.

All the above mentioned publications, as well as all other newspaper publications made by the City, except as hereinafter provided, shall be published in one newspaper of general circulation in the City, printed in the English language, to be designated by the Council. Before designating the newspaper to carry such publications the Council shall request all such newspapers to submit sealed bids for such publishing together with their published rate card for commercial advertising, and a sworn statement of their bona fide net paid circulation within the City of Ashtabula, and in making such designation the Council shall take into consideration both the rate and circulation of the newspaper, and the City shall thereupon enter into a contract with the newspaper so designated for such period of time, not exceeding 3 years, as Council shall determine.

All such publications shall be set solid in the regular reading type of the newspaper so designated, but not larger than 8-point type and 9-point body, with an 18-point headline specifying the nature of the publication; provided that by order of Council special notices or advertising may be set in larger type than above specified, and notices of the sale of bonds may be published in not to exceed 2 newspapers published outside of the City. The newspaper carrying any or all of such publications shall be paid for the quantity of space used at a rate no higher than it charges for the same space for commercial display advertising. Whenever it may appear to the Council that the rates offered by such newspapers are unfair, such other means of securing due publicity may be employed, in lieu of newspaper advertising, as the Council may by resolution determine. (Amended 5-19-80)

SECTION 18 SALARIES AND BONDS.

The Council shall fix by ordinance the salary rate of compensation of all officers and employees of the City entitled to compensation except as otherwise provided in this Charter; but this shall not prevent the City from securing the services of special or temporary employees who shall receive such compensation as may be agreed upon, and approved by Council. Council may require any officer or employee to give a bond for the faithful performance of his duty, in such an amount as it may determine, and it may provide that the premium thereof shall be paid by the City.

SECTION 19 GENERAL DISQUALIFICATIONS.

No member of the Council, the City Manager, or any other officer or employee of the City, shall be directly or indirectly interested in any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof, nor in the expenditure of any money on the part of the City, other than his fixed compensation; and any contract with the City in which any such officer or employee is, or becomes, interested may be declared void by the Council.

No member of the Council, the City Manager, or other officer or employee of the City shall knowingly accept any gift, frank, free ticket, pass, reduced price, or reduced rate of service from any person, firm, or corporation operating a public utility or engaged in business of a public nature within the City, or from any person known to him to have or to be endeavoring to secure a contract with the City; but the provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is provided for by ordinance.

INITIATIVE AND REFERENDUM

SECTION 20 THE INITIATIVE.

Any proposed ordinance may be submitted to the Council by petition signed by electors of the City equal in number to 10% of the total number of registered electors therein. All petition papers, circulated with respect to any proposed ordinance, shall be uniform in character, and shall contain the proposed ordinance in full, and the names and addresses of at least 5 electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named.

Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition paper after his name his place of residence by street and number, and the date of signing. The signatures to any such petition need not all be appended to one paper but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the affiant and on the date indicated. No person shall sign more than one petition paper for the same purpose.

Before any ordinance so proposed shall be submitted to the Council, its form shall be approved by the City Solicitor, who shall endorse his approval thereon; and it shall be the duty of the City Solicitor to draft any such proposed ordinance in proper legal language and to render such other services to persons desiring to propose such ordinance as shall be necessary to make the same proper for consideration by the Council.

All papers comprising a petition shall be assembled and filed with the Clerk of the Council as one instrument within 120 days from the date of the first signature thereon. Within 10 days from the filing of such petition the Clerk shall endorse thereon a certificate showing the number of signatures of qualified electors contained therein and the number required.

If the Clerk's certificate shows that the petition is insufficient he shall at once notify each member of the committee of the petitioners, hereinbefore provided for, and the petition may be supplemented at any time within 15 days from the date of such notification by filing with the Clerk an additional petition paper or papers in the same manner as provided for the original petition.

Upon the filing of such supplemental petition the Clerk shall, within 10 days thereafter, attach thereto his certificate as hereinbefore required. If the petition as so supplemented is still insufficient or if no supplement shall have been filed, the Clerk shall file the petition in his office

and shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

When the certificate of the Clerk shows the petition to be sufficient, he shall submit the proposed ordinance to the Council at its next regular meeting and the Council shall take final action thereon within 30 days from the date of such submission. If the Council rejects the proposed ordinance, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition, or amendment, which was presented to Council in writing by said committee during the consideration thereof by the Council.

When an ordinance proposed by petition is to be submitted to a vote of the electors the committee of the petitioners shall certify that fact and the proposed ordinance to the Clerk of the Council within 40 days after the submission of such proposed ordinance to the Council.

Upon receipt of the certificate and certified copy of the proposed ordinance, the Clerk shall certify that fact to the Council at its next regular meeting. If no election is to be held within 6 months and more than 30 days after the receipt of the Clerk's certificate by the Council, the Council may provide for submitting the proposed ordinance to the electors at a special election. If a supplemental petition, signed by electors equal in number to 25% of the total number of registered electors in the Municipality other than and in addition to those who signed the original petition, be filed with the Clerk asking that the proposed ordinance be submitted to the voters at a time indicated in such petition, the Council shall provide for a special election at such time. The sufficiency of any such petition shall be determined, and it may be supplemented, in a manner hereinbefore provided for original petitions for proposing ordinances to the Council. If no other provision be made as to the time of submitting a proposed ordinance to a vote of the electors, it shall be submitted at the next election.

The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on and below it the 2 propositions, "For the Ordinance" and "Against the Ordinance". Immediately at the left of each proposition there shall be a square in which by making a cross (X) the voter may vote for or against the proposed ordinance. If a majority of the qualified electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City.

No ordinance adopted by an electoral vote shall be repealed or amended except by an electoral vote, but an ordinance to repeal or amend any such ordinance, may by resolution of the Council, be submitted to an electoral vote on the day of any regular or special election or at a special municipal election called for that purpose, provided notice of the intention so to do be published by Council not more than 60 nor less than 30 days prior to such election in the manner required for the publication of ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the vote shall have the same effect, as in cases of ordinances submitted to an election by popular petition.

Proposed ordinances for repealing any existing ordinance or ordinances in whole or in part, or amending the same, may be submitted to the Council as provided in the preceding sections for initiating ordinances.

CITY MANAGER

SECTION 27 ELECTION; GENERAL POWERS; BOND.

The City Manager shall be the executive and administrative head of the municipal government. He shall be elected by the legal voters of the City at the regular municipal election for a term of 4 years and serve until his successor is elected and has qualified. He shall be an elector in the City and shall have been a qualified elector of the City prior to his election. He shall not hold other office or employment except that of a notary public. He shall not be interested in any contract work or service of the City, except in his official capacity.

He, the City Manager, shall be nominated and elected in the same manner as is now provided in [Section 42](#) of the Charter of Ashtabula for the elective officers of the City, and shall be nominated in the same manner as is provided for the nomination of candidates for councilmen-at-large. If the City Manager be temporarily absent from the City, or becomes temporarily disabled from any cause, his duties shall be performed during such absence or disability by the President of Council, and in the temporary absence aforesaid of both the City Manager and the President of Council, the other members of the Council shall appoint one of their number to perform the duties of City Manager. When the City Manager dies during his term of office, or resigns, or is permanently disabled or unable to complete his tenure of office by any other cause, the Council shall designate some proper person with the qualifications aforesaid of a candidate for City Manager, to execute the functions of the said office until a City Manager shall have been elected at the next regular municipal election, and has qualified to begin his duties the next January 1st.

The City Manager shall be recognized as the official head of the City by the courts and for the purpose of serving civil process, by the governor for the purpose of military law, and for all ceremonial purposes. He may take command of the police and govern the City by proclamation during times of public danger or emergency, and the Council shall be the judge of what constitutes such public danger or emergency. The powers and duties of the City Manager shall be such as are conferred upon the City Manager under the present City Manager, together with such others as are conferred by the Council in pursuance of the provisions of the Charter and not in conflict with the powers conferred by these amendments.

The City Manager, elected by the electors as aforesaid, shall have veto power over any and all legislation passed by Council. When said City Manager shall have exercised his right of veto within 10 days after final passage of any ordinance by the Council, the ordinance shall not become effective. The City Manager's veto, however, may be overcome by not less than two-thirds vote of all of the 7 membership of Council, and the ordinance then made and voted for by not less than two-thirds vote of Council as aforesaid shall become effective as an ordinance of the City, and the City Manager shall have no veto after an ordinance shall have been adopted by not less than two-thirds of the 7 membership of Council.

The City Manager shall have the qualifications of an elector of the City of Ashtabula and shall have resided therein, at the time he files his nomination petition, not less than 5 years next preceding his election. His term of office shall not be interfered with by Council, and he shall hold office for the full term for which he is elected, except in case of removal under the causes as a mayor of any municipality may be removed under the Constitution and laws of the State of Ohio. The City Manager so elected by the people shall have all the powers and perform all the

duties of a City Manager the same as when he is appointed by the Council under the present City Charter, together with such additional powers as are granted by these amendments. The City Manager, before entering upon his duties, shall give bond to the City of Ashtabula in the sum of \$5,000, the said bond to provide for the faithful performance of his duties as City Manager and to be approved by the City Council.

The office of City Manager is hereby declared to be an elective office. (Amended 11-2-48; 5-3-94)

SECTION 28 POWERS AND DUTIES.

The powers and duties of the City Manager shall be:

- (a) To see that the laws and ordinances be enforced;
- (b) Except as herein provided, to appoint and remove all heads of departments, and all subordinate officers and employees of the City; all appointments to be upon merit and fitness alone;
- (c) To exercise control over all departments and divisions created herein or that hereafter may be created by the Council;
- (d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise be faithfully kept and performed; and upon knowledge of any violation thereof to call the same to the attention of the City Solicitor, who is hereby required to take such steps as are necessary to enforce the same;
- (e) To attend all meetings of the Council, with the right to take part in the discussion but having no vote;
- (f) To recommend to the Council for adoption such measures as he may deem necessary or expedient;
- (g) To act as Budget Commissioner and to keep the Council fully advised as to the financial condition and needs of the City; and
- (h) To perform such other duties as may be prescribed by this Charter or be required of him by ordinance or resolution of the Council.

SECTION 29 HEAD OF DEPARTMENTS.

Excepting the departments of City Solicitor, City Auditor, City Treasurer, and Board of Health, the City Manager shall be the acting head of each and every department or division of the City until otherwise provided by the Council; but with the consent and approval of the Council, he may appoint a deputy or chief clerk to represent him in any department or division of which he is acting head. No member of the Council shall interfere with the conduct of any department or division, or order any service or report therefrom except at the express order of Council. (Amended 5-7-46)

SECTION 30 PLATTING COMMISSIONER.

The City Manager shall be the Platting Commissioner of the City and shall exercise the authority and discharge the duties of that office under the provisions of the general law of the State applicable thereto, except as the same may be modified by the Council.

SECTION 31 SALARY.

The City Manager shall receive such salary as may be fixed by ordinance of the Council.

ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 32 CITY SOLICITOR.

The City Solicitor shall be an attorney-at-law admitted to practice in the State of Ohio and be an elector of the City, and shall be a qualified elector therein prior to his election, and shall have such assistants of like qualifications as the Council may authorize. The City Solicitor shall be the legal adviser of and attorney and counsel for the Municipality, and for all officers and departments thereof in matters relating to their official duties. He shall prepare all contracts, bonds, and other instruments in writing in which the Municipality is concerned, and shall endorse on each his approval of the form and correctness thereof; and no such contract with the City shall take effect until his approval is endorsed thereon. He and his assistants shall be the prosecuting attorney of the Municipal Court, and he shall perform such other duties as the Council shall require.

The City Solicitor shall be nominated and elected by the legal voters of the City at the regular municipal election for a term of 4 years; and, except as hereinafter set forth, shall serve until his successor is elected and qualified. He, the City Solicitor, shall be nominated and elected in the same manner as is provided in Section [42](#) of the present Charter of the City of Ashtabula for the elective officers of the City and shall be nominated in the same manner as is provided for nomination of candidates for councilman-at-large.

The City Solicitor shall not be removed from office during his elective term, except in manner provided by the general laws of Ohio, applicable to cities of the State. The City Solicitor when elected and before entering upon his duties shall give bond to the City of Ashtabula in the sum of \$1,500, the said bond to provide for the faithful performance of his duties as City Solicitor and to be approved by the City Council. The office of City Solicitor is hereby declared to be an elective office.

During temporary or permanent vacancies in the office of City Solicitor, a successor with the same qualifications as required of candidates for City Solicitor of the City, shall be appointed by the City Council in the manner provided in the within Section [27](#) for filling temporary and permanent vacancies in the office of City Manager and until a successor in the same manner shall be elected and has qualified. (Amended 5-3-94)

SECTION 33 CITY DIRECTOR OF FINANCE.

The former offices of City Auditor and City Treasurer are abolished as of the effective date of this Section. The office of City Director of Finance is hereby created, who shall be the head of and administer the City of Ashtabula Finance Division. Wherever either the term "Auditor" or "Treasurer" is found in this Charter, or in any ordinance enacted prior to the effective date of this section, such term shall be deemed to read and mean "Director of Finance."

The Director of Finance shall have general charge of the administration of the financial affairs of the City, and to that end shall have authority and shall be required to:

- (1) Assist the City Manager in preparing and submitting the current income and expense estimates for the budget;
- (2) Supervise and be responsible for the disbursement of all monies and control all expenditures so that appropriation and cash resources are not exceeded;

(3) Maintain a general accounting system for the City government; keep accounts for and exercise budgetary control over each office, department and agency; keep separate appropriate accounts, each of which shall show the amount of appropriation, the encumbrances thereon, the amounts expended therefrom, and the unencumbered balance therein; require reports of receipts and disbursements from each receiving and disbursing agency of the City government at such intervals as the Director of Finance may deem expedient and in such form as required by the Director;

(4) Submit to the City Manager and City Council, not less often than monthly, a statement of receipts and disbursements and account balances in sufficient detail to show the financial condition of the City;

(5) Prepare and deliver to City Council, as of the end of each fiscal year, a complete financial statement and report;

(6) Receive and record all fees and revenues due the City;

(7) Have custody of all public funds belonging to or under control of the City or any office, department or agency of the City government and deposit said funds in such depositories as may be designated by resolution of the Council.

The Director of Finance shall have the authority to appoint, promote, discipline, discharge or lay off such employees as are necessary to perform the duties of the office. Persons who, as of the effective date of this Section, were employees of the prior Auditor or Treasurer, or of the Income Tax Division, shall continue as employees of the Finance Division with the same compensation, rights, duties and privileges as formerly.

The term of office of any persons holding the position of Auditor or Treasurer shall terminate at 11:59 PM on December 31, 2013. The balance of this Section shall become and be effective at 12:00 AM on January 1, 2014. (Amended 5-7-13)