

# City of Ashtabula



## CITY COUNCIL RULES of ORDER

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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

Adopted: November 5, 2012; Amended: October 8, 2015; March 6, 2017; April 17, 2017; December 17, 2018

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Rules of Order  
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# Ashtabula City Council Rules of Order

## DEFINITIONS

### 1. AGENDAS

#### a) **Preparation of Agendas**

The Clerk of Council shall be responsible for preparing the agendas for all City 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 meetings.

#### b) **Consent Agenda**

The Consent Agenda is a means whereby City Council is able to more efficiently conduct business in meetings. A Consent Agenda may be used at the Regular City Council and Special City Council meetings. There are two sections to a Consent Agenda:

- The Disposal of routine Special Meeting and Regular Meeting minutes, where each set of meeting minutes shall be read up to and including the “Excused Absences” portion. They may then be disposed of by one motion, one second and one vote.
- The Legislation Agenda, which consist of the ordinances and resolutions. 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 City Council, City Administration or the public requests in-depth discussion on any legislation that appears on the Consent Agenda, a motion is required to remove that item from the Consent Agenda for consideration during the Regular Business Agenda portion of the meeting.

#### c) **Regular Business Agenda**

The Regular Business Agenda is where items of a non-consent nature, are taken up, including legislation that has not been formally requested or will be requested individually.

### 2. Ashtabula City Municipal Charter

The Ashtabula City Municipal Charter is the Constitution of the City of Ashtabula. The primary sections governing City Council are Sections 3 through 9. The Charter, in its entirety, is attached as Exhibit A, for reference purposes.

### 3. Legislation

The term “Legislation” means Ordinances and Resolutions.

### 4. Meeting (Ohio Sunshine Laws/The Ohio Open Meetings Act/Chapter One: B.)

The Ohio Sunshine Law/Open Meetings Act defines a “meeting” as:

- (1) a prearranged gathering
- (2) a gathering where the majority of the members of a public body are in attendance
- (3) a gathering 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, Work Sessions or Workshops, and the like, are “meetings” when a public body discusses public business among a majority of its members 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.

## 5. Minutes/Journal

The “Minutes”, in some instances, will be referred to as the “Journal”. It is the official record of a public body’s proceedings. 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 minutes of the Ashtabula City Council’s Regular and Special Meetings and Public Hearings shall be promptly prepared, filed, and maintained and shall be open to public inspection. 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. In accordance with the Ohio Sunshine Law/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 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; therefore the Clerk may take the liberty of adding to what was reported by the inclusion of information that took place at the actual committee meeting.

## 6. Motions

The following procedures shall be followed during City Council Meetings:

- **Main Motion**

A motion to introduce a subject (requires simple majority vote).

- **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,*

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*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 2/3<sup>rd</sup> vote. (NOT DEBATABLE).
- g. **To limit or extend limits of debate** (required 2/3<sup>rd</sup> 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** (2/3<sup>rd</sup> 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).

- **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).

- **Motion to Reconsider**

If a motion has been either adopted or defeated during a meeting, and at least one member who voted on the prevailing (winning) side wants to have the vote reconsidered, such a member may make the motion to Reconsider. The motion can only be made by a member who voted on the prevailing (winning) side. The motion to Reconsider may be seconded by any member, no matter how he or she voted. There is only a limited period of time within which a motion to Reconsider can be made. In the usual case, this motion can be made only on the same day on which the vote sought to be reconsidered was taken. The only exception to this rule is in the case of a session (such as a lengthy convention) in which meetings take place over a period of more than one day. In that event, the motion to Reconsider can be made on the same day the original vote was taken or on the next succeeding day within the session on which a business meeting is held.

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.

- **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.

**7. Public Body** (Ohio Sunshine Laws/The Ohio Open Meetings Act/Chapter One: A.)

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.

**8. Quorum**

The number of members of a group or organization required to be present to transact business legally, usually a majority. A simple majority (4) of all the elected or appointed members of Council 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 these Rules of Order. Whenever the term "majority" is used, unless otherwise expressly indicated, it shall 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.

**9. Votes**

When the members of City Council number (7), the following shall be true:

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

# CITY COUNCIL RULES of ORDER

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

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### **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 City Council by two-thirds affirmative votes of Council, and the vote on each suspension shall be taken by a roll call vote (ayes and nays) and entered upon 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 the 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. Knowledgeable or interested members may be heard by way of providing an 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 Ashtabula City Council shall be governed by "ROBERT'S RULES OF ORDER NEWLY REVISED (CURRENT EDITION)."

### **Rule 5 – 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 the permanent record of the proceedings and are required, by the Ohio Sunshine Law/Open Meetings Act, to be permanently maintained.

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 02 19 2019 amended council rules of order

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 6 – Leaving the Meeting While in Session**

No member shall leave the Regular or Special Meeting or Public Hearing, 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 (8)(c).

**Rule 7 – 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 proceeds to conduct 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.

**Rule 8 - Voting**

**(a) Ayes and Nays and Order of Voting**

When requested by any member of City Council, the ayes and nays shall be taken on the passage of any legislation or any questions of proposition submitted to City Council, and in taking the ayes 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 announces the vote outcome, the Clerk of Council shall read the votes so taken upon request of any member.

**(b) Recorded Vote of Absent Members**

Any member of City Council, having been unavoidably absent, may at the next meeting have their vote recorded upon any question acted upon during their absence, provided such vote shall not change the result, and provided shall not be entitled to move for a Reconsideration of the Question so voted upon. Members of Council 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 attendance intentions may be considered as an “unexcused” absence.

**(c) Voting, Abstention from Voting, Censure and Expulsion**

Every member of City Council present shall vote on any question, by voice vote or on the roll call of the ayes and nay. A member may request to abstain from voting. The request to abstain requires a majority vote of the remaining members present and must be requested prior to the call of the vote. Any member not being excused who refuses to vote upon any question when the ayes 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 City Council Meeting, whichever comes first, and shall be ineligible for the period of such suspension to address Council or cast a vote.

## **TYPES OF MEETINGS**

### **Rule 9 - 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 10 - 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 meeting minutes of the open session shall reflect the vote to convene the Executive Session, its purpose, the roll call vote to convene the session, and who was present in the 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 reconvened.

### **Rule 11 - Pre-Council Meeting**

A type of regular meeting held in Pre-Council or Council Chambers located in the Ashtabula City Municipal Building, on the 1<sup>st</sup> and 3<sup>rd</sup> 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 12 – Public Hearing**

A meeting of City Council for the purpose of permitting City Council and the public to comment for or against 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. (see Codified Ordinance Sections 1109.05 & 1109.07)

### **Rule 13 – Regular City Council Meeting**

#### **(a) Frequency, Day, Time, Place**

Regular City Council Meetings, as set forth in Ashtabula City Municipal Charter Section 10, shall be held in the Ashtabula City Municipal Building, on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month, and commence at 7:00 p.m., or, if such day be a legal holiday, on the day following. In the event of a lack of a quorum, the death of a member of Council or City administrator, a Tuesday holiday or inclement weather, a regular meeting may be postponed to a date determined by the President or Vice-President.

#### **(b) 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, 02 19 2019 amended council rules of order

unless the absence is excused, for a reasonable cause, by a simple majority affirmative vote [4] of the City 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.

**(c) Order of Business**

The business at all Regular City 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**

- **Approval of Meeting Minutes**
  
- **Legislation**
  - ❖ Formal Requests
  - ❖ Public Comment (on legislation only)
  - ❖ Brief Overview
  - ❖ Reading
    - Second Reading (reading of title, vote to waive the reading the legislation in its entirety, and vote to adopt the legislation)
  
    - First Reading (reading of title, vote to waive the reading of the legislation in its entirety, and announcement that legislation is placed on its first reading)
  
    - One Reading (suspension of Charter requirement of two readings) (reading of title, vote to waive the reading of legislation in its entirety, vote to suspend Charter requirement of two readings and vote to adopt the legislation)

**REGULAR BUSINESS AGENDA**

- **Approval of Meeting Minutes** – Presentation and Vote to Approve
  
- **City Officials - Reports and Communications**
  - City Manager
  - City Solicitor
  - Director of Finance
  - Clerk of Council

- **Standing City Council Committee Reports and Communications**
  - Community Development/Economic Development/Parks & Recreation
  - Finance & Personnel
  - Public Works/Public Utilities/Cables/Schools
  - Safety Forces
  - Work Sessions
- **Legislation**
  - Formal Requests
  - Public Comment (on legislation only)
  - Brief Overview
  - Reading
    - Second Reading (reading of title, vote to waive the reading the legislation in its entirety, and vote to adopt the legislation)
    - First Reading (reading of title, vote to waive the reading of the legislation in its entirety, and announcement that legislation is placed on its first reading)
    - One Reading (suspension of Charter requirement of two readings) (reading of title, vote to waive the reading of legislation in its entirety, vote to suspend Charter requirement of two readings and vote to adopt the legislation)
- **New Business**
  - Liquor Permit Request
  - “Tell Us Something We Don’t Know”
- **Public Comment (General Matters)**
- **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 (on legislation only)”, is when the public may comment on the legislation agenda. The public may address Council on matters of a general nature during “Public Comment (General Matters)”.

The person desiring to address the dais must first provide their name and address, or their name and the community in which they reside, or their organization affiliation.

Each member of the public will be given a maximum of 5 minutes to speak, unless permission, by a simple majority voice vote of City Council, is granted.

**(d) 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

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of Silence, when applicable. The Clerk of Council shall be asked to call the roll, which roll shall include the City Manager, City Solicitor, Director of Finance 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 Director of Finance shall perform the functions of the Clerk of Council at City Council Regular Meetings, Special Meetings and Public Hearings. In the absence of the President and Vice-President, the Clerk of Council shall call City Council to order, and if a quorum is determined to be present, City 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.

**(e) Presiding Officer**

The President of Council shall be the Presiding Officer at the Regular and Special Meetings and Public Hearings of the City Council. Section (a) above details how the Presiding Officer shall be selected in the absence of the President of Council and/or Vice-President of Council.

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 the Presiding Officer, the chair shall be turned over to the Vice-President of Council during the remaining Council's consideration of the motion.

**(f) Reports and Communications**

**City Manager**

The City Manager shall give a report and field questions at each Regular City Council Meeting. Such report shall be in writing and a copy shall be provided to each member of City Council, the City Solicitor, the Director of Finance, 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.

**City Solicitor**

The City Solicitor shall, at each Regular City Council Meeting, give a report on all significant legal actions of which the Solicitor is able to speak, as it pertains to the City of Ashtabula and field questions. The City Solicitor shall provide City Council with a written report on all financial rewards that have been granted by the courts, payable by the City of Ashtabula. The City Solicitor shall advise the City Council of any matters warranting immediate attention. Additionally, to ensure the City's best interests are protected, the City Solicitor shall attend other meetings of the City Council, as requested.

**Director of Finance**

The Director of Finance shall give a report and field questions at each Regular City 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, sewer and trash billings and income taxes, and shall be the document on which the Director of Finance requests legislation necessary to carry out the responsibilities of the Director of Finance.

**Clerk of Council**

The Clerk of Council shall give a report and field questions at each Regular City Council Meeting on matters pertaining to day-to-day operations of the Legislative Division.

**Rule 14 – Special Meeting**

- (a) A session held at a time different from that of a Regular City Council Meeting and convened only to consider items of business specified in the call of the legal notice for the Special Meeting, and in accordance with Ashtabula City Municipal Charter Section 10, found in Exhibit A.
- (b) Except in the case of a Special Meeting referred to in Codified Ordinance Section 111.05, the Clerk shall, no later than twenty-four hours before the time of a Special Meeting of Council, post a statement of the time, place and purpose(s) 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 the City Council. For purposes of this Section, email or electronic communication shall be considered a reasonable effort to give notice.
- (c) The statement under this section and notifications under Codified Ordinance Section 111.05 shall state the specific or general purpose(s), then known to the Clerk, intended to be considered at the Special Meeting. (Codified Ordinance Section 111.04).
- (d) 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. (Codified Ordinance Section 111.05)

**Rule 15 - Work Sessions**

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

**Rule 16 - Committees**

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

**1. Standing Committees****(a) Forming**

At the December 1<sup>st</sup> 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 Council Committee Roster on the City of Ashtabula website and bulletin board on the first floor of the Ashtabula City Municipal building.

**(b) Location**

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

**(c) Frequency of Meeting**

The Standing Committees shall meet once a month, subject to cancellation by the Chair if there is no business to consider or if a quorum will not be present. The members of a committee shall agree on the day and time that is best for the monthly meeting to occur.

**(d) Report**

At the Regular City Council meeting, committee chairs or their designee shall make a full report of what took place at their committee meeting, including formal legislation requests. Matters referred to a committee of Council shall be reported on to the full Council by the committee to which the matter was referred. At least a majority of the committee to which a matter is referred shall agree on the outcome. If an agreement cannot be reached, the committee shall present the matter to the full Council to consider.

**(e) 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 Presiding Officer. Members of Council are welcome to attend committee meetings of which they are not a member and are permitted to participate, but shall have no voting privileges.

**(f) Names and Responsibilities of Standing Committees, 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 that 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 shall appoint one of its members as the City Council's liaison to the Ashtabula City Parks and Recreation Board. 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 Collaborative, 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, Ashtabula County Medical Center and NeoFund to ensure city government remains informed, is ready to help when possible, and in order to cultivate 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 previously enacted legislation, debt, taxation, assessments, the standardization of compensation, salaries wages and benefits, the sale and purchase of city real estate, bond ratings, and the personnel matters pertaining to the Clerk of Council and the Director of Finance Department. 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) shall be 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, 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 citizen 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, Fire, health, sanitary regulations, public safety, emergency management operations and plans, and traffic control map and file changes.

**(g) Special / Adhoc Committees**

The President of Council, with a majority vote of the City Council, may appoint special committees when public business requires such an appointment.

**(h) Boards and Commissions**

City Council is empowered to create City boards and commissions, in addition to those established by the Ashtabula Municipal City Charter. The City Council is the appointing authority to various 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 17 - Parliamentarian**

The Council shall appoint the Clerk of Council to act as the Official Parliamentarian as long as said Clerk of Council is a Member of the National and Ohio Association of Parliamentarians. The City Solicitor shall be the Parliamentarian in the absence of the Clerk of Council and shall be consulted, when required.

**LEGISLATION**

**Rule 18 – Legislation - Preparation of**

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 shall be made at a Regular or Special Meeting of City Council.
- The Clerk of Council shall formally submit to the City Solicitor a written request for legislation preparation no later than (3) working days after the request is made.

- The legislation shall be presented to the Clerk of Council by Noon on Wednesday prior to the Regular City 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 Director of Finance 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 by anyone other than the City Solicitor shall be submitted to the City Solicitor for review as part of the legislative process.
- No ordinance shall be placed on a City 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 that 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 19 – Legislation - Amendments to**

Legislation may be amended at any time, but if amended during its second reading, the ordinance shall again be presented for a second reading at the next Regular or Special City Council Meeting, before it is adopted.

**Rule 20 – Legislation - Enactment, Passage or Adoption**

All legislation, 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 or appointed, and the vote on their passage or adoption shall be taken by ayes and nays and recorded on the Journal. No ordinance shall be placed on the Regular City Council Meeting agenda unless received from the City Solicitor’s Office the Wednesday prior to the meeting, by 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 21 - Correspondence / Communications 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 City Council members written correspondence and communication to and from the public shall be forwarded to the Clerk of Council for proper public record in accordance with the Ohio Sunshine Law/Open Meetings Act and the approved Legislative Division Record Retention Schedule.

**Rule 22 - 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

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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 ayes and nays and recorded in the minutes.

### **Rule 23 - 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 City Council for their consideration.

### **Rule 24 - Purchase or Sale of City Owned Property**

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

### **Rule 25 - Training**

Members of the City Council may avail themselves of educational and training opportunities by attendance at professional meetings, conferences, educational institutions and seminars, and purchase information to 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 is issued.

### **Rule 26 - Chief of Police to Preserve Order**

The Chief of Police or his or her designee, while in attendance at City 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 27 - Prayer**

Prior to commencement of each Regular and Special City Council Meeting, the following prayer shall be recited by a member of City Council, the City Administration/Officers or a member of the public:

**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 28 - 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.

(council rules/council rules ashtabula 04 17 2017)

## EXHIBIT A

# CHARTER OF THE MUNICIPALITY OF ASHTABULA, OHIO TABLE OF CONTENTS November 7, 2017

EDITOR'S NOTE: The Ashtabula, Ohio Charter was approved by the voters on November 3, 1914. Dates appearing in parentheses following section headings indicate those sections were subsequently amended, added or repealed on the date given.

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**CHARTER  
OF THE MUNICIPALITY OF  
ASHTABULA, OHIO  
PREAMBLE**

We, the people of the City of Ashtabula, Ohio, in order to obtain the benefits of local self-government, to encourage more direct and business-like methods in the transaction of our municipal affairs, and otherwise to promote our common welfare, do adopt the following Charter of our City.

**CORPORATE POWERS, RIGHTS, AND PRIVILEGES**

**SECTION 1 NAME AND POWERS.**

The inhabitants of the City of Ashtabula, as its limits now are, or may hereafter be, shall be a body politic and corporate by name, the City of Ashtabula, and as such shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property in fee simple or lesser interest or estate by purchase, gift, devise, appropriation, lease, or lease with the privilege to purchase for any municipal purpose; may sell, lease, hold, manage, and control such property, and make any and all rules and regulations by ordinance or resolution which may be required to carry out fully all the provisions of any conveyance, deed, or will, in relation to any gift or bequest, or the provisions of any lease by which it may acquire property; may acquire, construct, own, lease, and operate and regulate public utilities; may assess, levy, and collect taxes for general and special purposes on all the subjects or objects which the City may lawfully tax; may borrow money on faith and credit of the City by the issue or sale of bonds or notes of the City; may appropriate the money of the City for all lawful purposes; may create, provide for, construct, regulate, and maintain all things of the nature of public works and improvements; may levy and collect assessments for local improvements; may license and regulate persons, corporations, and associations engaged in any business, occupation, profession, or trade; may define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the City, and all nuisances and causes thereof; may regulate the construction, height, and the material used in all buildings, and the maintenance and occupancy thereof; may regulate the construction, location, size, height, and the materials used in all billboards, and the maintenance and use of the same; may regulate and control the use, for whatever purposes, of the streets and other public places; may create, establish, organize, and abolish offices and fix the salaries and compensations of all officers and employees; may make and enforce local police, sanitary, and other regulations; and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government, and welfare of the City, and for the performance of the functions thereof. The City shall have all powers that now are, or hereafter may be granted to municipalities by the Constitution or laws of Ohio; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such manner as shall be provided by ordinances or resolutions of the Council.

**SECTION 2 ENUMERATED POWERS NOT EXCLUSIVE.**

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the City shall have, and may exercise, all other powers which, under the Constitution and laws of Ohio, it would be competent for this Charter specifically to enumerate.

**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 be 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, or if such day be a legal holiday, on the day following. In the event of a lack of a quorum, the death of a member of Council or City administrator, a Tuesday holiday or inclement weather, a regular meeting may be postponed to a date determined by the President or Vice-President. The President, any 2 members of the Council or the City Manager may call special meetings of the Council, upon at least 12 hours' notice to each member. Notice of a special meeting shall be given to Council members electronically via email, and also given verbally via telephone if possible. The Council shall determine its own rules and order of business and shall keep minutes of its meetings. Executive sessions may be held and shall be governed by Section 121.22 of the Ohio Revised Code.

(Amended 11-7-17)

**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 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 in the minutes.

(Amended 11-7-17)

#### **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 the minutes, and shall be authenticated by the signatures of the presiding officer, the City Manager 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.

(Amended 11-7-17)

## **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)

**SECTION 34 CITY TREASURER. (REPEALED)**

EDITOR'S NOTE: Former Section **34** of the City Charter is repealed, effective 11:59 p.m. on December 31, 2013.

**SECTION 35 PURCHASING AGENT.**

The Purchasing Agent shall purchase all supplies for the City, and approve all vouchers for the payment of the same. He shall also conduct all sales of personal property which the Council may authorize to be sold as having become unnecessary or unfit for the City's use.

All purchases and sales shall conform to such regulations as the Council may from time to time prescribe; but in either case, if any amount in excess of \$500 is involved, opportunity for competition shall be given. Where purchases or sales are made on joint account of separate departments, the Purchasing Agent shall apportion the charge or credit to each department. He shall see to the delivery of supplies to each department, and take and retain the receipt of each department therefor. Until the Council shall otherwise provide, the City Manager shall act as such Purchasing Agent.

**SECTION 36 TRUSTEES OF THE SINKING FUND. (REPEALED)**

(EDITOR’S NOTE: Former Section **36** was repealed by the voters on November 7, 2017.)

**SECTION 37 OTHER BOARDS AND DEPARTMENTS.**

Excepting the officers, boards, commissions, and departments hereinbefore specially mentioned and provided for, the Council shall have power to establish, create, combine or abolish offices, boards, departments or divisions when in its opinion the proper administration of the business of the City so requires; provided that all other administrative departments in existence January 1, 1916, shall continue until otherwise provided by the Council, and all administrative boards in charge of any administrative department of the City shall continue in office, and their successors shall be appointed as heretofore, excepting as other provision is made in this Charter, or may hereafter be made by the Council.

**SECTION 38 POLITICAL ACTIVITY.**

Neither the City Manager, nor any person in the employ of the City under him shall take any active part in securing, or contribute any money toward, the nomination or election of any candidate or candidates for the office of member of Council, excepting to answer such questions as may be put to him and as he may desire to answer.

**SECTION 39 PENALTIES.**

The provisions of the last preceding section and of Section **19** shall not be considered exclusive, but as in addition to any other provisions of the general law of the State applicable to the case; and a violation of any provision of such sections shall subject the offender to removal from his office or employment, and to punishment by a fine of not exceeding \$100.

**CIVIL SERVICE**

**SECTION 40 THE CIVIL SERVICE COMMISSION.**

The Council shall appoint 3 persons, one for a term of 2 years, one for 4 years, and one for 6 years, who shall constitute the Civil Service Commission for the City of Ashtabula, the Ashtabula City School District, and the Ashtabula City Health District, provided that members of the existing Civil Service Commission shall continue in office for the term for which they have been appointed and until their successors are appointed and qualified. Each alternate year thereafter Council shall appoint one person as successor to the member whose term expires to serve 6 years and until his successor is appointed and qualified. A vacancy shall be filled by Council for the unexpired term. At the time of each appointment not more than 2 Commissioners shall be adherents of the same political party.

The Council may at any time remove any Commissioner for inefficiency, neglect of duty, or malfeasance in office, having first given to such Commissioner a copy of the charges against him and an opportunity to be publicly heard in person or by counsel, in his own defense; and any such removal shall be final. The Civil Service of the City, and such Commission and all matters pertaining thereto, shall be governed by the general laws of the State applicable thereto.

(Amended 5-7-46)



**SECTION 41 APPOINTMENTS AND REMOVALS.**

Appointments and promotions in the Civil Service of the City shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Ordinances may be passed to enforce this provision, to fix the powers and duties of the Commission, and to prescribe rules and regulations governing the Civil Service and determining the method by which persons in the Civil Service may be promoted, transferred, reduced or discharged; provided that all persons holding positions in the Civil Service of the City at the time of the adoption of this Charter, shall retain their positions until promoted, transferred, reduced, or discharged according to law or in accordance with such ordinances.

**SECTION 41.1 CIVIL SERVICE COMMISSION; QUALIFICATIONS; ORGANIZATION; FUNDING.**

Those persons appointed as members of the Civil Service Commission shall be electors of the City. At its first meeting each year the members of the Commission shall elect a chairman of said Commission who shall preside at all meetings and hearings of the Commission. The Commission shall approach Council with a tentative budget each July 1st outlining anticipated expenses in the coming year. Each September 1st Council shall notify the Commission of the intended amount that they will approve when the amended certificate arrives. The effective date of this amendment shall be December 1, 1983.

(Amended 6-8-82)

**ELECTIONS**

**SECTION 42 NOMINATION OF CANDIDATES.**

The nomination of candidates for elective offices of the City shall be made in the manner provided by the general laws of the State of Ohio now in force or as hereafter amended, except that primary elections for the nomination of such candidates shall be held on the first Tuesday after the first Monday in May in the odd-numbered years. Declaration of candidacy and petitions and nominating petitions for such offices shall be filed not later than 4:00 p.m. of the 75th day before the day of such primary election.

(Amended 5-2-95)

**SECTION 44 BALLOTS.**

The form, type, use, and application of the ballots in all municipal elections shall be 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 45 TIME OF ELECTION.**

Regular municipal elections shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. (Amended 11-2-10)

**SECTION 46 ELECTION.**

The casting, counting, and results of the ballots shall be 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 47 GENERAL LAWS TO APPLY.**

All elections shall be conducted by the election authorities 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 47.1 REMOVAL FROM OFFICE BY RECALL PETITION.**

The City Manager, City Solicitor and members of City Council of the City of Ashtabula shall be subject to the general law of the State permitting elected officials of a municipality to be removed from office by means of recall petition.

(Ordinance No. 2011-199-Change enacted 3-6-12)

**APPROPRIATIONS**

**SECTION 48 THE ESTIMATE.**

The fiscal year of the City shall begin on the first day of January. On or before the first day of November of each year the City Manager shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the City Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

- (a) A detailed estimate of the expense of conducting each department as submitted by the department.
- (b) Expenditures for corresponding items for the last 2 fiscal years.
- (c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.
- (d) Amount of supplies and material on hand at the date of the preparation of the invoice.
- (e) Increase or decrease of requests compared with the corresponding appropriations for the current year.
- (f) Such other information as is required by the Council or that the City Manager may deem advisable to submit.
- (g) The recommendation of the City Manager as to the amounts to be appropriated with reasons therefor in such detail as the Council may direct.

Sufficient copies of such estimates shall be prepared and submitted, that there may be copies on file in the office of the Clerk of Council for inspection by the public.

**SECTION 49 APPROPRIATION ORDINANCE.**

Upon receipt of such estimate the Council shall prepare an appropriation ordinance, but before finally acting upon such tentative appropriation it shall fix a time and place for holding a public hearing upon the tentative appropriation, and shall give public notice of such hearing. The Council shall not pass the appropriation ordinance until 10 days after such public hearing.

**SECTION 50 TRANSFER OF FUNDS.**

Upon request of the City Manager the Council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient or may authorize a transfer to be made between items appropriated to the same office or department.

**SECTION 51 UNENCUMBERED BALANCES.**

At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriations. Any accruing revenue of the City, not appropriated as hereinbefore provided, and any balances at any time

remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Council to such uses as will not conflict with any uses for which such revenues specifically accrued. No money shall be drawn from the Treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriations made by the Council, but nothing in this or the preceding section shall be construed to authorize the application of revenue derived from a public utility of the City to any other purpose than that of the utility from which the same was derived.

## **PAYMENTS - REPORTS**

### **SECTION 52 PAYMENT OF CLAIMS.**

No warrant for the payment of any claim shall be issued by the City Auditor until such claim shall have been approved by the head of the department for which the indebtedness was incurred and by the City Manager, and such officers and their sureties shall be liable to the Municipality for all loss or damage sustained by the Municipality by reason of the corrupt approval of any such claim against the Municipality. Whenever any claim shall be presented to the City Auditor he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent, or employee, of any department of the Municipality, or any other person, and examine him upon oath or affirmation relative thereto.

### **SECTION 53 CERTIFICATION OF FUNDS.**

No contract, agreement, or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the Council, or be authorized by any officer of the City, unless the City Auditor shall first certify to the Council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the Treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement, or obligation. The provisions of this section shall not apply to contracts or proceedings relating to improvements any part of the cost of which is to be paid by special assessments.

### **SECTION 54 MONEY IN THE FUND.**

All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the Treasury before the maturity of such contract, agreement, or obligation, from taxes, assessments, or license fees, or from sales of services, products or by-products of any City undertaking, and moneys to be derived from lawfully authorized bonds sold and in process of delivery, for the purpose of such certificate shall be deemed in the Treasury to the credit of the appropriate fund and shall be subject to such certification.

### **SECTION 55 FINANCIAL REPORTS.**

The Council shall have furnished them a monthly balance showing in detail all receipts and expenditures of the City for the preceding month; and the aggregate receipts and expenditures of each department shall be published by the Council in such manner as to provide full publicity. At the end of each year the Council shall have printed an annual report, in pamphlet form, giving a classified statement of all receipts, expenditures, assets, and liabilities of the City; a detailed comparison of such receipts and expenditures with those of the year preceding; a summary of the Council proceedings and summary of the operations of the administrative departments for the previous 12 months. A copy of this report shall be

furnished the State Bureau of Accounting, the public library and any citizen of the City who may apply therefor at the office of the Clerk of the Council.

## **IMPROVEMENTS - CONTRACTS**

### **SECTION 56 LIMITATION OF ASSESSMENTS.**

In levying special assessments to pay any part of the cost of any public work or improvement, the Council shall not exceed any limitation as to the amount thereof which may be prescribed by the general laws of the State applicable to municipalities and in force at the time it is determined by the Council that any such work shall be done or improvement made. Unless for special reasons which shall be stated in the ordinance levying an assessment or made pursuant to contract, no such ordinance shall be passed, or assessment levied or money borrowed, until bids for the labor and material have been received and the approximate cost of the improvement determined.

### **SECTION 57 IMPROVEMENTS BY DIRECT LABOR.**

Nothing in the preceding section shall be construed to prohibit the Council from doing any public work or making any public improvement by the direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, but the Council may, upon so declaring by ordinance or resolution, cause any public work or improvement to be done or made in such manner.

### **SECTION 58 SEWER, WATER, AND GAS CONNECTIONS.**

Before paving or otherwise surfacing or resurfacing any street or alley of the City, the Council shall determine the time within which sewer, water, gas, or other connections shall be constructed, and shall give notice thereof to the persons or corporations required to make the same, and if such persons or corporations fail to make any such connection when so required, no permission to make the same shall thereafter be granted within 5 years from the completion of any such street improvement unless with the consent of 5 members of the Council, expressed by resolution adopted at a regular meeting of the Council and stating the reasons therefor and the conditions under which the same shall be made. Nothing herein shall be construed to prohibit the Council from providing that such connections may be made by the City and the cost thereof assessed against the lots and lands specially benefited thereby.

### **SECTION 59 STREET SPRINKLING.**

Council may provide by ordinance or resolution for the sprinkling of streets or parts of streets with water, or treating the same with oil or other dust preventive, and for assessing the cost thereof against the abutting property if not paid for by the owners of said property within the time specified in such ordinance or resolution. In determining what streets or parts of streets shall be so sprinkled or treated Council shall be governed as far as practicable by the wishes of a majority of the owners of the abutting property living thereon.

### **SECTION 60 ASSESSMENT FOR REMOVAL OF SNOW, WEEDS, ETC.**

Council may provide by ordinance or resolution for assessing against the abutting property the cost of removing snow and ice from the sidewalks of the City, and for assessing against property the cost of cutting and removing therefrom noxious weeds and rubbish.

### **SECTION 61 EXPENDITURES IN EXCESS OF \$10,000.00.**

A proposed expenditure, other than for the compensation of persons employed by the City, in excess of \$10,000.00, shall first be authorized by ordinance of the Council, and the contract therefor shall be made upon the approval of the City Manager and the Council.  
(Amended 3-19-96)

**SECTION 62 TIME OF MAKING CONTRACTS.**

The Council shall not authorize or enter into any contract which is not to go into full operation during the term for which all the members of such Council are elected.

**SECTION 63 MODIFICATION OF CONTRACTS.**

When it becomes necessary in the opinion of the City Manager, in the prosecution of any work or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications, if made, shall be of no effect until the price to be paid for the work and material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and by the City Manager and approved by the Council.

**SECTION 64 BIDS IN EXCESS OF ESTIMATE.**

No contracts shall be awarded upon bids which as a whole, or in aggregate, if bids for parts of the work are taken, exceed the estimate for the improvement contemplated.

**SECTION 65 CONTRACTS - WHEN VOID.**

All contracts, agreements, or other obligations entered into and all ordinances passed, or resolutions and orders adopted contrary to the provisions of the preceding sections, shall be void.

**FRANCHISES**

**SECTION 66 GRANTS LIMITED.**

No grant, or renewal thereof, to construct and operate a public utility in the streets and public grounds of the City shall be made by the Council to any individual, company, or corporation in violation of any of the limitations contained in this Charter.

**SECTION 67 PERIOD OF GRANTS.**

No such grant shall be exclusive, nor shall it be made for a longer period than 20 years. No such grant shall be renewed earlier than 2 years prior to its expiration unless the Council shall by a vote of at least 5 of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

**SECTION 68 STRICT CONSTRUCTION.**

All franchises or privileges for the occupation of the streets shall be strictly construed in favor of the City and no franchise or privilege shall be held to have been granted unless specified in clear and unmistakable terms.

**SECTION 69 FREE CARRIAGE OF POLICEMEN AND FIREMEN. (REPEALED)**

(EDITOR'S NOTE: Former Section **69** was repealed by the voters on November 7, 2017.)

## **SECTION 70 ASSIGNMENT.**

No such grant shall be leased, assigned, or otherwise alienated except with the express consent of the Council.

## **SECTION 71 RIGHT OF PURCHASE.**

All such grants shall reserve to the City the right to purchase or lease all the property of the utility used in or useful for the operation of the utility, at a price either fixed in the ordinance making the grant, or to be fixed in the manner provided by such ordinance, which price shall in no event include any value for the grant. Nothing in such ordinance shall prevent the City from acquiring such property by condemnation proceedings or in any other lawful mode, but such rights and remedies shall be in addition to those reserved in such ordinance. Upon the acquisition of such property by purchase, condemnation, or otherwise all grants shall at once terminate.

## **SECTION 72 EXTENSION BY ANNEXATION.**

It shall be provided in every such grant that upon the annexation of any territory to the City the portion of any such utility that may be located within such annexed territory and upon the streets, alleys, or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereof.

## **SECTION 73 CONSENTS.**

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance, or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

## **SECTION 74 RIGHT OF REGULATION.**

All grants shall be subject to the right of the City, whether in terms reserved or not, to control at all times the distribution of space in, over, under, or across all streets, alleys, or public grounds, occupied by public utility fixtures, and, when in the opinion of the Council the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered, or discontinued; and said City shall at all times have the power to pass all regulatory ordinances affecting such utilities which, in the opinion of the Council, are required in the interest of the public health, safety, or accommodation.

## **SECTION 75 FORFEITURES.**

If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside or have declared void any of the terms of such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the Council, to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the Council for the violation by the grantee of any of the terms thereof.

## **SECTION 76 PAVING AND SPRINKLING.**

The Council by resolution may require the owner or operator of any railway, railroad, or spur track lying within the street limits to lay, maintain, and renew the pavements between the rails, and the tracks, and for a distance of one foot outside of the track, and to remove snow and ice therefrom and to sprinkle the roadway to a width of not more than 50 feet, and upon any failure of such owner or operator to comply with the provisions of such resolution after 60 days' notice to the person having charge or management of such railway, railroad, or spur track in the City, the City may do said work directly or by contract, as in the case of other improvements, at the expense of the owner or operator of such tracks, and

all such expense shall be reported by the City Manager to the Council, and shall be charged against such owner or operator and shall be a lien upon all the real estate and leasehold interest of such owner or operator within the County of Ashtabula, and such charge and cost, together with a penalty of \$25 for each and every day of failure on the part of such owner or operator to comply with the requirements of such resolution, may be collected in any court of competent jurisdiction, or the lien enforced in the manner provided by law.

#### **SECTION 77 ACCOUNTS AND REPORTS.**

Every person or corporation operating a public utility within the City limits, whether a grant heretofore or hereafter obtained, shall keep and maintain at some place within the City suitable and complete books of account, showing in detail the assets, financial obligations, gross revenue, net profits, and all the operations of such utility which are usually shown by a complete system of bookkeeping. Each person or corporation, within 60 days after the end of each of its fiscal years, unless the Council shall extend the time, shall file with the Council a report for the preceding fiscal year showing the gross revenue, the net profits, expenses of repairs, betterments, and additions, amount paid for salaries, amount paid for interest and discount, other expenses of operation, and such other information, if any, as the Council from time to time may prescribe. Council may also prescribe the form for such reports.

It shall be the duty of each person or corporation to furnish the Council such supplementary or special information about its affairs as Council may demand; and the Council, or its authorized representative, shall at any and all reasonable times have access to all the books, records, and papers of each and every person or corporation, with the privilege of making copies of same or any part thereof. The duties herein prescribed may be specifically enforced by appropriate legal proceedings; and in addition, each such person or corporation, for failure to comply with the provisions of this section, shall be liable to the City of Ashtabula, Ohio, in the sum of \$25 per day for each day of such failure, to be recovered in a civil action in the name of the City.

The provisions of this section do not apply to any utility building extending in its operation to other communities not properly suburban to the City of Ashtabula, Ohio; but the Council by ordinance may make the same, or any part thereof, applicable to the portion of any such utility operated within the limits of the City.

#### **SECTION 78 GRANTS NOT INCLUDED.**

Revocable permits for laying spur tracks across or along streets, alleys, or public grounds, to connect a steam or electric railroad with any property in need of switching facilities shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms and conditions as the Council may by ordinance prescribe.

#### **SECTION 79 GENERAL PROVISION.**

Nothing in this Charter contained shall operate in any way, except as herein specifically stated, to limit the Council in the exercise of any of its lawful powers respecting public utilities, or to prohibit the Council from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this Charter or the Constitution of the State.

### **MISCELLANEOUS PROVISIONS**

#### **SECTION 80 GENERAL LAWS TO APPLY.**

All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter, or with ordinances or resolutions hereafter enacted

by the Council, shall be applicable to this City and all officers and departments thereof; provided that nothing contained in this Charter shall be construed as limiting the power of the Council to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this Charter.

#### **SECTION 81 ORDINANCES CONTINUED IN FORCE.**

All ordinances and resolutions in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

#### **SECTION 82 CONTINUANCE OF PRESENT OFFICERS.**

All persons, except the members of the Board of Education and the Police Judge, holding office at the time this Charter is adopted shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, board or department of the City under the laws of the State, or under any City ordinance or contract in force at the time of the taking effect of this act shall, if such office or department is abolished by this Charter, be thereafter exercised and discharged by the Council, officer, board or department upon whom are imposed corresponding functions, powers, and duties by this Charter or by an ordinance or resolution of the Council hereafter enacted.

#### **SECTION 83 CONTINUANCE OF CONTRACTS AND VESTED RIGHTS.**

All vested rights of the City shall continue to be vested and shall not in any manner be affected by the adoption of this Charter; nor shall any right or liability, or pending suit or prosecution, either in behalf of or against the City, be in any manner affected by the adoption of this Charter, unless otherwise herein expressly provided to the contrary. All contracts entered into by the City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken, under laws in force at the time this Charter takes effect, may be carried to completion in accordance with the provisions of such laws.

#### **SECTION 84 INVESTIGATION.**

The Council, or any special committee of not less than 3 persons appointed by it for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated; and for such purpose the Council or such investigating committee shall have the power to compel the attendance of witnesses and the production of books, papers, and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body making the investigation, and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall also have the power to cause the testimony to be given under oath to be administered by some officer authorized by general law to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge, or to produce any books or papers under his control, relating to the matter under investigation.

(Amended 5-7-46)

#### **SECTION 85 OATH OF OFFICE.**

All officers before taking office shall take the oath of office prescribed by law, the same to be in writing and filed with the City Auditor.



**SECTION 86 HOURS OF LABOR.**

Except in case of extraordinary emergencies, not to exceed 8 hours shall constitute a day's work, and not to exceed 48 hours a week's work for workmen engaged on any public work carried on or aided by the Municipality, whether done by contract or otherwise. The Council shall, by ordinance, provide for the enforcement of the provisions of this section.

**SECTION 87 AMENDMENT OF CHARTER.**

Amendments to this Charter may be submitted to the electors of the City by a two-thirds vote of the Council, and upon petition signed by 10% of the electors of the City, setting forth any such proposed amendment, shall be submitted by such Council. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than 60 nor more than 120 days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than 30 days prior to such election, the Clerk of the Council may mail a copy of the proposed amendment to each elector whose name appears upon the poll or registration books of the last regular municipal or general election, or, pursuant to laws passed by the general assembly, notice of such proposed amendments may be given by newspaper advertising. If such proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter at the time fixed therein.

(Amended 11-2-71)

**SECTION 87.1 CHARTER REVIEW.**

A Charter Review Commission of 5 to 10 members may be appointed by Council at any time to study and evaluate the operation of this Charter. The Commission shall make a recommendation to Council, indicating any amendments which it deems desirable or necessary. Council shall act upon such recommendations within 60 days after their receipt. The effective date of this amendment shall be December 1, 1983.

(Amended 6-8-82)

**SECTION 88 SAVING CLAUSE.**

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

**SECTION 89 WHEN CHARTER TAKES EFFECT.**

For the purpose of nominating and electing officers and all purposes connected therewith and for the purpose of exercising the powers of the City as provided herein, this Charter shall take effect from the time of its approval by the electors of the City. For the purpose of establishing departments, divisions, and officers, and distributing the functions thereof, and for all other purposes it shall take effect on the first day of January, 1916.

**TAXATION**

**SECTION 90 ANNUAL LEVY.**

The Council shall annually levy a tax for current operating expenses on the real and personal property in the City. The rate of such tax shall not exceed 9 mills on the dollar of assessed valuations; provided that any levy in excess of 7 mills shall be expended only for improvements having a life of 5 years or more.

(Amended 8-15-83)

## **SECTION 91 EXCESS LEVIES.**

On or before the 15th day of September in any year Council may, by resolution adopted by vote of two-thirds of all the members elected thereto, declare that the amount of money that may be raised by taxation under the limitations of this Charter or the general law of the State for the ensuing year, together with all other funds available during the year, will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary to levy taxes in excess of said limitations (1) for the purpose of meeting the current expenses of the City, its boards, departments, and institutions, and (2) for any specified improvement or improvements having a life of 5 years or more, and may require the submission of the question of levying such additional tax to the electors of the City at the next November election. Such resolution shall specify the additional sum which it is necessary to levy, the purpose thereof and the number of years during which such increased rate may be levied, which shall not exceed 5 years. Such resolution shall take effect upon its adoption and shall be certified within 5 days thereafter to the election authorities who shall place said question upon ballot in the following form:

For the approval of an additional levy of taxes by the City of Ashtabula in the sum of \$ \_ to be used for the purpose of \_ , and effective during the tax year.

Against the approval of an additional levy of taxes by the City of Ashtabula in the sum of \$ \_ to be used for the purpose of \_ , and effective during the year.

The question covered by such resolution shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition other than the election of officers at the same election. If a majority of those voting thereon vote for the approval of such additional levy, Council shall immediately make such levy, or such part thereof as it finds necessary, pursuant to such approval, and certify the same to the County Auditor to be placed on the tax list and collected as other taxes.

(Amended 5-7-46)

## **SECTION 91.1 ELECTOR APPROVAL OF INCOME TAX.**

No ordinance for the levy of an income tax shall be effective until the same shall be approved by a majority of the electors. A resolution to submit the question of any levy of an income tax to the electors of the City shall specify the date of holding such election, which shall not be earlier than seventy-five days after the adoption and certification of the resolution. The resolution shall go into immediate effect upon its passage and no publication of the same is necessary other than that provided for in the notice of election. A copy of such resolution, immediately after its passage, shall be certified by the Clerk of Council to the Board of Elections of the County. If a majority of the electors who cast ballots on the income tax levy vote in favor thereof, the same shall thereupon be adopted and be in full force and effect.

(Amended 3-4-08)

## **TIME**

## **SECTION 92 STANDARD OF TIME.**

The standard of time throughout the City of Ashtabula shall be Eastern Standard Time, except that the City of Ashtabula shall observe Eastern Daylight Savings Time as its standard of time on and during those dates that Eastern Daylight Savings Time is in general effect throughout the offices and departments of the State of Ohio. All municipal courts, offices, proceedings and activities shall be regulated by this provision.

(Amended 3-4-08)

## TRAFFIC

### **SECTION 93 USE OF PHOTO-MONITORING DEVICES TO DETECT CERTAIN TRAFFIC LAW VIOLATIONS.**

The City, including its various boards, agencies and departments, shall not use any traffic law photo-monitoring device for the enforcement of a qualified traffic law violation, unless a law enforcement officer is present at the location of the device and personally issues the ticket to the alleged violator at the time and location of the violation.

Definitions. As used in this Section **93**:

(a) “Law enforcement officer” means any law enforcement officer employed by the City or any other political jurisdiction in Ohio, including the State. The City may from time to time and in its discretion, by ordinance or resolution, designate which City employees are, “law enforcement officers” for purposes of this Section **93**.

(b) “Qualified law traffic violation” means a violation of any of the following: (1) any state or local law relating to complying with a traffic control signal or a railroad crossing sign or signal; or (2) any state or local law limiting the speed of a motor vehicle.

(c) “Ticket” means any traffic ticket, citation, summons, or other notice of liability (whether civil or criminal) issued in response to an alleged qualified traffic law violation detected by a traffic law photo-monitoring device.

(d) “Traffic law photo-monitoring device” means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape, or digital images of the vehicle, its license plate or its operator.

(Added 11-8-11)

Charter/11 07 2017 charter (new)