

# WESTERVILLE CITY COUNCIL BY-LAWS

Pursuant to Article III, Section 3, of the Westerville City Charter, we the members of the Westerville City Council adopt these rules, regulations and by-laws, and agree to subscribe to them. All regular and special meetings will be conducted by these rules.

All persons seeking to participate in Council meetings will be bound by these rules and regulations and are herewith advised to familiarize themselves with the rules. Copies may be obtained free of charge from the Clerk of Council.

## 1. APPLICATION OF RULES

Except as otherwise provided by law or charter, the proceedings of Council shall be governed by the following rules.

## 2. DEFINITIONS

The following definitions are relevant:

Quorum – A majority of the members elected to Council shall constitute a quorum.

Majority – four (4) members of Council.

2/3 Majority – five (5) members of Council.

## 3. COUNCIL MEETINGS

3.1 Meetings. Council shall have Regular Meetings and Special Meetings.

3.1.1. Regular Meetings.. Regular Meetings shall consist of the Legislative Sessions and Work Sessions and Executive Sessions that are scheduled by Council in its adoption of its annual meeting schedule in December of each year. A quorum is required at all Regular Meetings. A journal and other record of the Council for all Regular Meetings shall be available for public inspection at all reasonable times.

(1) Legislative Sessions. Legislative Sessions shall be held on the first and third

Tuesdays of each month, unless otherwise provided by Council. The nature and order of business for legislative meetings shall be as set forth in Section 8.3 of the Council By-Laws. All Legislative Sessions shall be open to the public.

(2) Work Sessions. Work Sessions, also commonly known as study sessions, are meetings where no legislation or legislative action may be acted upon. All Work Sessions shall be open to the public. Public discussion or participation in the deliberations of Council in Work Sessions shall be at the discretion of Council.

Despite the fact that no legislation or legislative action can be acted upon at a Work Session, Council may vote for any informal, non-legislative purpose, including, but not limited to, procedural matters; determining Council's consensus; summarizing discussions and plans; and to provide direction to staff, Council or any other member of Council.

(3) Executive Sessions. Executive Sessions are meetings that meet the requirements for Council to meet in executive session, such as the annual evaluation of the City Manager, interviews of applicants for Boards and Commissions, or regular personnel or salary reviews.

(4) Place, Time and Notice of Regular Meetings. Regular Meetings shall be held in the Council Chambers of the City of Westerville or in any other public place within the confines of the City of Westerville, provided that public notice shall be given 24 hours prior to meeting if the site is other than Council Chambers. Regular Meetings shall be called to order at 7:00 P.M., provided that Council, by motion at a prior Regular Meeting, may change the starting time or change the date of any Regular Meeting, or cancel any Regular Meeting when it is deemed unnecessary, provided that one Legislative Session is held at the regular time and date each month, except as otherwise set forth in section (5) below. The Chair of Council reserves the right to cancel a Regular

Meeting in case of an emergency.

(5) Recess. Notwithstanding the foregoing, Council hold one Legislative Session on a Tuesday during July or August but otherwise be on recess during the months of July and August. The date for such Legislative Session shall be set at the time of Council's adoption of its annual meeting schedule.

3.1.2 Special Meetings. Special Meetings shall be all meetings of Council that are not Regular Meetings as defined in 3.1.1 above. Special Meetings may include Work Sessions and Executive Sessions that are not scheduled by Council in its adoption of its annual meeting schedule, or a meeting at which legislation is considered other than at a Legislative Session. All Special Meetings, except where Council has lawfully adjourned into Executive Session, shall be open to the public and any citizens shall have access to the minutes and records thereof at all reasonable times. A quorum is required.

(1) Procedure. Special Meetings may be called by a majority vote of Council taken at any Regular or Special Meeting thereof or may be called by the Chair, Vice-Chair, City Manager or any three members of the Council.

(2) Notice to Council Members and City Manager. The Clerk of Council, or in the Clerk's absence, incapacity or refusal to act, the City Manager shall cause notice in writing, setting forth the date, time, place and agenda of each Special Meeting to be served personally or at the usual place of residence upon each member of the Council and the City Manager not less than twelve (12) hours preceding the time for such Special Meeting. In the event that a Special Meeting is called by a majority vote of Council taken at a Regular or Special Meeting from which any member of Council or the City Manager is absent, written notice of such Special Meeting shall be given each absentee in the manner hereinbefore described. Service of notice of any Special Meeting shall be deemed

conclusively to have been waived by any member of Council or the City Manager who shall be present at such Regular or Special Meetings; no subjects except those on the agenda shall be considered at a Special Meeting.

(3) Public Notice. A copy of each notice shall be posted at least twelve (12) hours prior to such Special Meeting, but failure to so post shall not affect the validity of any meeting or any action taken by a majority of Council at such meeting. Members of the press shall be advised of all Special Meetings if they are not present when the Special Meeting date is set.

#### **4. COUNCIL ORGANIZATION**

4.1 Procedure. Organizational procedure outlined in the Charter shall be followed by the Council. Election of Council Officers shall be in the following order:

- (1) Chair
- (2) Vice-Chair
- (3) Mayor
- (4) Vice-Mayor
- (5) Planning Commission Member
- (6) Other Councilmanic Officers as determined by Resolution, Ordinance or motion of Council.

#### **5. DUTIES OF COUNCIL**

The Council members are the only elected city officials under our Charter and, therefore, are the direct representatives of all Westerville residents.

Council is charged with the responsibility of determining policy. In determining policy the Council must come to a decision and authorize that a decision be carried out. Thus, the Council must hold the City Manager responsible for properly implementing policy decisions. The Council, being responsible to the people, has the role of requiring effective administrative action. The

Chair of Council and all members of Council must advise, educate, and inform citizens about problems, programs, and activities of their municipal government as well as seek from the citizens their observations relative to the performance of their municipal government.

No member of Council may make a statement of Councilmanic policy, unless a matter has been voted on by Council. The member may express their own personal opinion on the matter, and cite past examples of what the Council has done in similar situations. No member may speak for the Council as a body unless specifically authorized by the Council to do so.

**6. DUTIES OF COUNCIL OFFICERS**

6.1 Chair/Vice-Chair. The Chair, or Vice-Chair in the Chair's absence, shall have all the powers, duties, functions, obligations and rights of any other member of Council including the right to vote, shall preside at all meetings of Council, shall appoint the various committees of Council, and shall coordinate the work of the various committees appointed by the Chair. The Chair shall take the chair at the time appointed for the meeting of Council and shall immediately call the members to order. If a quorum is present the Chair shall conduct the meeting according to the agenda. The Chair is responsible for granting the floor to Council members and others desiring to speak. The Chair shall announce the results of all votes. The Chair shall decide all points of order without debate, subject to appeal of Council by any two members. On such appeal there shall be no debate, but the member shall have the right to a similar statement. In case of appeal, the question shall be, "Shall the decision of the Chair stand as the decision of the Council?" A majority vote is required to overrule the Chair's decisions. The Chair shall sign for Council all ordinances, resolutions or other matters requiring the approval of Council. The Chair shall preserve order and decorum during the session of Council and to this end may direct the City Manager to assist in the preservation of order. The Chair shall have the right to call any member to the Chair for any part of a session.

6.2 Vice-Chair. The Vice-Chair shall act as Chair in the event the Chair is absent from the municipality or unable for any cause to perform the duties and said Vice-Chair while acting as Chair shall have and exercise the same powers and duties, as herein granted to the Chair.

6.3 Mayor/Vice-Mayor. The Mayor shall act as the ceremonial head of the City, shall be recognized as the official head of the municipality for the purpose of serving civil process, and shall have the judicial powers granted to a Mayor of a municipal corporation by the laws of the State of Ohio. The Mayor shall have the power to vote but shall have no power to veto. The Vice-Mayor shall act as Mayor in the event the Mayor is absent from the municipality or unable for any cause to perform such duties and said Vice-Mayor while acting as Mayor shall have and exercise the same powers and duties, including judicial, as herein granted to the Mayor.

6.4 Planning Commission Representative. The member of Council selected to be Council representative to the Planning Commission shall serve a two year term.

6.5 COTA Representative. The member of Council selected by the Mayor and confirmed by a majority vote of Council to be Council representative to the Central Ohio Transit Authority shall serve the term as designated in the appointment.

6.6 Ohio Municipal Electric Association. The member of Council selected to be Council representative to the Ohio Municipal Electric Association shall serve a term of two years.

6.7 MORPC Representative. The member of Council selected to be Council representative to the Mid-Ohio Regional Planning Commission shall serve a two year term.

6.8 Finance/Audit Committee

Preamble. It shall be the duty of each Council member to be responsible for the general financial oversight of the City. To assist Council with this duty, Council shall appoint a Finance-Audit Committee to provide oversight concerning fiscal management and financial reporting particularly as it relates to the annual audit. However, nothing herein shall prohibit a

member of Council, with the knowledge of the Chair of Council or the Finance/Audit Committee from consulting with the City's auditors and/or financial advisors.

Composition. The Committee shall consist of three (3) members of Council selected by Council at its biennial reorganization meeting. The City Manager and Finance Director shall be ex-officio non-voting members and for the purposes of facilitating the meetings of the Committee, the City Manager shall serve as the presiding officer (i.e. "Chair") with the Finance Director serving as the Secretary of the Committee.

Meetings. The Committee shall meet at the call of the Chair, or that of a majority of the members, or upon a schedule determined by the Committee. All meetings are public meetings and records of all proceedings shall be kept and transmitted to all Council members.

Powers and Duties:

- (1) To serve as a focal point for communications between Council, the independent auditor, financial advisors and staff.
- (2) Assist Council in fulfilling its responsibilities as to accounting policies and financial reporting practices of the City.
- (3) Act independent of staff on behalf of Council and at the direction of Council with no decision-making power, but only the power to recommend to Council.
- (4) Assist Council in fulfilling its responsibilities regarding the oversight of the management and investment of the City's funds.
- (5) Review and advise Council regarding fiscal policy, budget assumptions and debt capacity oversight to Council.
- (6) Review management's recommendations pertaining to the selection and retention of audit and financial advisory services.
- (7) Review policies and procedures, as well as any audit findings or recommendations

pertaining to fraud risk, and provide guidance as necessary.

6.9 Council Committees. Committees of Council shall be appointed by the Chair for terms not to exceed two years

6.10 Clerk of Council. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as the council may require. The Clerk shall make available for public inspection each journal and other records of the Council at all reasonable times. The Clerk shall prepare an agenda for each regular and special meeting of Council and cause notice of all special meetings to be served as specified in Section 3.2. The Clerk shall attend all Council meetings, regular and special. The Clerk shall assign numbers, in their proper sequence, to all ordinances and resolutions, and, by appropriate notation, show subsequent repeal and amendment thereof. The Clerk shall perform all clerical duties incidental to the office, and all other duties prescribed in the City Charter.

6.11 Temporary Chair. In the absence of both the Chair and Vice-Chair of the Council, the Council may appoint from its members a Temporary Chair who shall perform the duties of the Chair until the arrival of the Chair or Vice-Chair.

6.12 Confidentiality/Executive Sessions. On matters discussed in executive session and items where public knowledge would be detrimental to the City's posture on legal, fiscal, acquisition of property, personnel, and other matters deemed by Council to be confidential, utmost care should be exercised by all Council members in revealing information. The City Manager should inform Council on such matters and control the output of information to press and the public.

7.0 Attendance of Members. It shall be the duty of all members of Council to be present at, and remain for the duration of, all regular and special sessions of Council. Any member of Council, who shall be absent from all Council meetings held during a consecutive 90 day period, or who is absent for a total of one-fourth of the regular meetings during a calendar year, shall be deemed



to have forfeited their office in accordance with Article III, Section 2 of the Charter, except that no forfeiture of office shall occur when a member's absence is due to obligations related to military service for a period of 60 or more consecutive days. Should a member be absent, that member shall notify the Chair prior to the meeting(s) for which the member will be absent. While it is understood that absences will occur for such reasons as a member's illness, the illness or death in a member's respective family, military service, when extraordinary professional interests demand immediate attention, when absent from the City or when granted special leave by Council for an assigned duty, members are bound by Article III, Section 2 of the Charter..

7.1 Members Rights. A member of Council may introduce legislation by submitting to the City Manager a draft of the proposed legislation. Such legislation shall receive review by proper administrative board members before being considered by Council for enactment. A member of Council may speak on any legislation, demand the vote tally on any questions, call for the question, ask for a statement of the question, which the Chair shall give, call for a division of the question, and the decision of the Chair as to its divisibility shall be subject to appeal as in question of order, question the City Manager at a regular or special meeting. No member shall vote on any question in the result of which the member is individually interested.

7.2 Vote. Every member present, when the question is put, shall vote, unless the Chair (or Acting Chair) for a special reason excuses the member. Any member requesting to be excused from voting may make a brief statement of the reason for making such a request.

7.3 Request to Speak. While each member has the right to speak, the member must request this right by addressing the Chair. Upon being recognized, the member may proceed.

7.4 Limitations of Speakers. No member may filibuster. No member shall speak for more than ten minutes on any question, except by leave of the Council Chair. All speakers must comply with the direction of Council. Personalities shall be avoided by all speakers. A member may

Speak a second time only after all members have been given one opportunity to speak.

7.5 Citizens Participation. The Council Agenda shall provide for citizen's comments at all regular Council meetings on any matter. The Chair may apply reasonable limitations and extensions to the citizen's comments.

## 8. **CONDUCT OF BUSINESS**

8.1 The Agenda. A listing of business to be considered by Council shall be prepared and delivered to each Council member at least 72 hours prior to each regular meeting of Council. The final agenda for a regular meeting shall contain: (1) A listing by number and title of each ordinance or resolution to be considered; (2) A listing of all business to be considered. The agenda shall be displayed in three public sites to be determined by Council 72 hours prior to the meeting. The agenda for special meetings shall contain similar information and must be delivered as outlined in Section 3.2.

Any person may request that a matter of business be placed on the agenda provided sufficient notice is given the City Manager or Chair of Council for its preparation. The City Manager or Council will receive items for the agenda (not less complete than rough draft form) until 12:00 noon on Wednesday preceding a regularly scheduled Council Meeting. It is the responsibility of the Clerk of Council to prepare the agenda as directed by the City Manager. The Chair of Council shall however, have the final authority to add or remove an item from the agenda. All officers of the municipality and members of the public are urged to cooperate with the Clerk in making the agenda complete and accurate. While nothing in this section will prevent the introduction of new business not listed on the agenda, Council may require additional time to study any matter not included on the agenda.

8.2 Seating. The Chair of Council shall occupy the center seat of Council with other officers of Council seated nearby.

8.3 Order of Business. The Chair shall conduct the Council meeting in the order outlined by the agenda. The order of the agenda shall be as follows:

- (1) Call to Order
- (2) Roll Call
- (3) Invocation
- (4) Pledge of Allegiance
- (5) Action on minutes of previous meeting
- (6) Mayor's Report
- (7) Finance Director's Report
- (8) City Manager's Report
- (9) Council Representative Reports
- (10) Citizens Comments
- (11) Legislation
- (12) Third Reading of Ordinances and Resolutions
- (13) Second Reading of Ordinances and Resolutions
- (14) First Reading of Ordinances and Resolutions
- (15) Old Business
- (16) New Business
- (17) Poll of Individual Council Members for Comments
- (18) Adjournment

8.4 Legislative Procedure. Preparation, introduction, revision and passage of ordinances or resolutions shall be in accordance with Article III, Section 13 of the Charter of the City of Westerville, Ohio. Legislative measures shall be posted at (1) City Hall; (2) The United States Post

Office on either South State Street or McCorkle Boulevard; and (3) 64 E. Walnut Street or, alternatively the Community Center on Cleveland Avenue. The Clerk is also directed to post legislative measures on the City's website.

8.4.1 Introduction of Legislation. All proposed ordinances and formal resolutions shall be sponsored by a member of Council, the City Manager, or the Manager's designee, Committees appointed by Council, or Boards and Commissions. All such proposed legislation shall be presented in writing.

8.4.2. Reduction of Motion to Writing. Every motion shall be reduced to writing, if the Chair or any member so desires.

8.4.3. Statement of Motion Withdrawals. When a motion is made and seconded, it shall be stated by the Chair. When written, it may be read by the Clerk before debate.

After a communication, motion, resolution, or ordinance has been stated by the Chair, or read by the Chair or Clerk, it shall be deemed to be in possession of Council, and can only be withdrawn by leave of Council.

8.4.4. Rejection of Ordinances, Resolutions and Motions; Procedure. On motion of any member, sustained by a majority vote of all members of Council, an ordinance, resolution or motion may be rejected on first or second reading. On such motion the question shall be, "Shall this ordinance, resolution/or motion be rejected?"

If the ordinance, resolution or motion that is being challenged by the rejection motion requires a greater than majority vote for passage, that requirement will also apply to the rejection motion. If the question of rejection is negative, the ordinance, resolution or motion shall go to the next reading without a question. (An ordinance, resolution or motion may be referred to a committee with or without instructions or amendments and may be moved at any reading.)

8.4.5 Required Vote for Adoption of Ordinances, Resolutions and Motions. No

ordinance, resolution or motion shall be passed without concurrence of a majority of all members elected to Council, except that a lesser number may adjourn the meeting from time to time and compel the attendance of absent members. Each emergency ordinance or resolution shall require the affirmative vote of at least two-thirds of the members elected to Council.

8.4.6 Suspension of the Rules. Suspension of the rules requiring three readings of all ordinances or resolutions proposed for adoption requires a 2/3 majority vote of all members elected to Council as stated in Art. III, Section 13 of the Charter of the City of Westerville.

8.4.7 Debate. The Council Chair must ask for discussion on all questions before the vote is taken. Sections 7.3 and 7.4 apply.

8.4.8 Voting. Voting on all ordinances, resolutions and motions shall be oral and in open Council. The Clerk shall call the roll and each Council member shall respond "yea/yes", "nay/no", or "abstain". (See Section 7.2.). The order of voting by the Council members shall rotate with each successive question in a random manner, except for the Chair who shall always vote last. After the voting is completed, the Chair shall announce the vote count by number, and state whether the question passed or failed. No vote of any Council member shall be questioned. Any member of Council so desiring, may comment upon his vote during the roll call or at its conclusion.

Voting on all elections and appointments by Council may be by ballot in which case the Clerk and Law Director shall serve as tellers.

8.4.8.1 Motion to Reconsider Vote. A motion to reconsider a vote must be made by a member voting with the prevailing side, except when an ordinance, resolution, or motion shall be defeated for want of the legal number of votes. Then any member absent at the time the vote was taken may move for reconsideration, provided the member makes such motion not

later than at the next regular meeting of Council.

When the motion is to reconsider the vote upon the final passage of an ordinance, resolution or motion the same shall take precedence over all other motions on that subject, except a motion to adjourn. A motion to reconsider shall be made not later than the next regular meeting of Council after which the ordinance or resolution was considered.

8.4.8.2 Order of Consideration of Questions. All questions, except privileged questions, and all resolutions and reports shall be considered in the order in which they are made. On precedence, all reports shall be submitted in the order in which they were referred.

8.4.8.3 Questions Under Debate; Acceptable Motions. When the question is under debate, no motion shall be received, but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit, to amend, or to postpone indefinitely, which several motions shall have precedence of each other in the order in which they are arranged.

Motions. When a question is before Council or under debate, or a motion has been made, no motion shall be proper except the following and in the order listed:

- (1) Motion to adjourn.
- (2) Motion to postpone until future stated time.
- (3) Request the discussion end and a vote be called.
- (4) Motion to refer to standing or special committee.
- (5) Motion to amend motion under discussion.
- (6) Motion to table for an indefinite time.

8.4.8.4 Questions Without Debate. The following questions shall be decided without debate: to adjourn, to lay on the table, to take from the table, and all questions relating to the priority of business.

8.4.8.5 Call to Order. If any member, speaking or otherwise, violates the rules of Council, the Chair or any member may call such member to order and the member called to order shall take his seat, if required to do so by the Chair until the question of order is decided.

**9. ALTERATION OF RULES**

These rules shall not be altered except by a vote of a majority of all members of Council, and at a regular meeting. The proposition to make amendment shall be in the form of a resolution, and shall be submitted and read to Council at a meeting preceding the one at which it is acted upon.

**10. ROBERT'S RULES OF ORDER**

In the absence of any rule upon the matter of business, the Council shall be governed by "Robert's Rules of Order".

The City Law Department shall be considered the parliamentarian and shall interpret for the Chair of Council, these Rules and Robert's Rules as they apply.

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