

# The City of Portsmouth

*"Where the Ohio and Scioto Meet"*

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**MICHAEL L. JONES**  
City Solicitor



*State of Ohio*

September 3, 2008

Mr. Bob Mollette, 3<sup>rd</sup> Ward Councilman

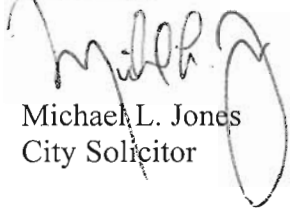
Re: Your request dated August 28, 2008 for an opinion related to Public Money Appropriations and Public Speaking

I am writing in response to your letter dated August 28, 2008 in which you requested an opinion related to public money appropriations and public speaking. Quite frankly, your letter appears to be an indirect attack on your fellow council members and city government office holders. I have been in office now for nearly nine months and continue to be amazed at the inability and apparent unwillingness on your part to work in a positive way to make Portsmouth a better city. As you are a city council member, I would hope that your motivations are to move Portsmouth forward with a positive vision. Unfortunately, this letter appears on its face to be yet another example of your attempt to create controversy where none exists.

Nevertheless, I will attempt to address your vague request for an opinion. As to the issue of citizens having the right to speak at council meetings, you are correct in stating that the City Charter provides citizens with a reasonable opportunity to be heard at such meetings. However, this right is not without reasonable restrictions and limitations. Specifically, the Rules for the Government of Council provide that citizens present in council chambers shall have an opportunity to make statements or remarks on "Items Listed on the Agenda" and then another opportunity to make statements or remarks on "Items Not Listed on the Agenda." These rules provide that citizens are limited to five minutes at each separate opportunity to speak. Furthermore, these rules state that "all citizens who wish to express themselves in Council meetings shall do so with dignity, shall avoid personal references, and shall adhere to the question at hand." Finally, the President of Council, or others members of Council, shall take adequate steps to evict noisy, unruly, undignified, or profane individuals or groups from the Council meetings when necessary. In my opinion, it is within the discretion of the President of Council to take such action when he deems necessary. In summary, while I encourage citizens to speak at council meetings, this right is subject to reasonable limitations.

As to the issue of public money appropriations, city council, as the legislative body of our city government has the authority to appropriate funds. Your letter appears to be questioning this authority. In my opinion, council always had, and continues today to exercise this authority.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Jones". The signature is stylized and somewhat cursive, with a large loop at the end.

Michael L. Jones  
City Solicitor

cc: Honorable Council Members  
Jim Kalb, Mayor  
Trent Williams, Auditor  
Jo Ann Aeh, Clerk