

RULES FOR THE GOVERNMENT OF COUNCIL

PORTSMOUTH, OHIO

Meetings

1. Regular Meetings will be held on the second and fourth Monday of each month at 6:00 p.m. in the Council Chambers or, in emergencies, where the members of Council agree upon.
2. When agreed upon by a majority of the Members of Council, the time of any meeting may be changed.
3. The Council President or three members of Council may postpone a meeting to a different date due to an emergency or in the event it is evident there will not be a quorum present.

Order of Business

4. a. The Order of Business for the meetings of Council shall be:
 1. Call to Order by the President
 2. Invocation - Pledge of Allegiance to the Flag
 3. Roll Call
 4. Reading and disposing of the Journal
 5. Public Hearings before Council as required by law
 6. Statements or Remarks of Citizens present in the Council Chambers on ITEMS LISTED ON THE AGENDA
 7. Business items listed on the Agenda
 8. Statements or Remarks of Citizens present in the Council Chambers on ITEMS NOT LISTED ON THE AGENDA
 9. Miscellaneous Business
 10. Adjournment
- b. In the case of Public Hearings and Remarks of Citizens, discussion shall be limited to five minutes per speaker, unless granted further time by Members of Council. Items requiring further time, unless of emergency nature, should be listed on the Agenda of some subsequent meeting of Council, by contact with Members of Council, or the Clerk.
- c. 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 on hand.
- d. The President of Council, or other Members of Council, shall take adequate steps to evict noisy, unruly, undignified, or profane individuals or groups from the Council Meetings when necessary.

Motions and Speaking from the Floor

5. When a motion is made, it shall be stated by the President or read by the Clerk before any debate may be in order. Every such motion and all the amendments shall be stated by the President or read by the movers thereof, at any time before decision, if a majority of Members present shall agree.
6. A seconding motion is not required.
7. Every motion or proposition shall be reduced to writing, if required by the President or any one member.
8. No motion shall be entertained while a Member is speaking or the Council is engaged in voting.
9. When a question or proposition is before the Council, or under debate, no motion shall be received by the President, except the following:

To adjourn,
To take a recess,
To proceed to the Order of the Day,
To lay on the Table,
The Previous Question,
To postpone to a time certain,
To postpone indefinitely,
To amend.

These motions shall have precedence in the Order named and the first five shall be decided without debate. The motion to adjourn shall always be in order unless Council is engaged in voting, but the motion to adjourn being decided in the negative shall not again be entertained until some motion, call, order, debate, or vote shall take place or some business be transacted.

10. When a member wishes to speak, he shall address the Chair, confine himself to the subject then under discussion and avoid personalities.
11. If any Member of Council, in speaking or otherwise, shall violate any rule of Council, the President shall (or any other Member may) call him to order. If any Member be called to order while speaking, he shall immediately relinquish the floor. On his application, he shall be permitted to explain; and the Council, if appealed to, shall decide the matter.
12. No Member may speak more than twice or longer than five minutes at any one time on any matter at any one session of Council, unless the Members permit him to speak more often or for a longer period of time. In no event shall any Member speak more than once until other Members have been given the opportunity of speaking, unless the Members permit otherwise.

Action of Council

3. a. The action of Council shall be by Ordinance, Resolution or Motion.
 - b. The vote on all Ordinances and Resolutions having the weight of Ordinances shall be voted on by Roll Call and the "ayes" and "nays" entered upon the Journal.
 - c. When voting on the Ordinances, Resolution, and Motions by Roll Call, said roll call shall be effected on a numerical, by ward and rotating basis. The first Roll Call in each meeting for the above purposes shall start with the Member who represents the first ward. The next such Roll Call shall begin with the second ward and continue numerically and so on.
 - d. Motions and Resolutions not having the weight of Ordinances may be voted on Viva Voice.
 - e. In case of doubt concerning the weight of Resolutions, the matter may be referred to the Solicitor for decision at or before the meeting, and in doubtful cases the Resolution shall be considered as having the weight of an Ordinance, and vote shall be by Roll Call.
 - f. On request of the President or of any other Member, any votes shall be certified by Roll Call and entry of the "ayes" and "nays" on the Journal.
14. a. The first reading of all Ordinances and Resolutions bearing the weight of Ordinances (and see Rule 17), shall be for information and, unless defeated or other action taken, this presentation in the regular order of Business at a Regular Meeting or Special Meeting shall automatically be considered a First Reading.
 - b. Having been given a First Reading, presentation at the next meeting of Council, whether Regular Meeting, Special Meeting, or Adjourned Meeting unless action or special motion has otherwise have made or taken, shall be considered automatically as a Second Reading. Subsequently, presentation at a Third Meeting, whether Regular Meeting, Special Meeting or Adjourned Meeting, no other action having been taken, shall be considered as a Third Reading, at which time Enactment, Defeat, or Other Action on the matter may be taken.
 - c. In the event the rules that require three readings are suspended; and in the event that the ordinance or other items that will have the effect of an ordinance does not receive four votes, the ordinance is defeated.
15. Where the special interest or privilege of the Citizens is involved or prejudiced. Suspension of the rules will be avoided until the citizens have had the opportunity to express themselves before Council. Normal and reasonable endeavor will always be made to inform the Citizens of any action that Council is considering or contemplating.

16. The Previous Question shall be asked for in the case of Ordinances and Resolutions having the weight of Ordinances only following the Third Reading or after Dispensing with the Requirement. In all other Resolutions and Motions where the Previous Question is admissible, it may be called for prior to vote upon the action, providing a Member is not speaking or vote is not actually in progress.

Committee of the Whole

17. In forming a Committee of the Whole, the President shall leave the Chair and appoint a Chairman to preside, and the rules of proceedings shall be the same as for Council so far as is practicable.
18. When Council is in Committee of the Whole, the Ordinances shall be read and considered by sections, unless otherwise ordered, and when reported back, amendments, if any, shall be immediately acted upon by Council.
19.
 - a. The Clerk shall prepare an Agenda, containing a brief description of each item of Business in the order in which they are to be acted upon, as of 12 noon of the Friday preceding each Regular Meeting date and cause a copy of such Agenda, together with a copy of all new legislation, to be delivered to all Members of Council at least 24 hours prior to each Regular Meeting. In the case of Special Meetings, the Agenda shall be prepared and each member shall be notified at least 24 hours prior to the scheduled Special Meeting.
 - b. The Clerk shall post a copy of such Agenda on the Bulletin Board in the Lobby of the Second Floor of the Municipal Building at least Six (6) hours prior to each Regular or Special Meeting.
 - c. The City Clerk or her designate shall advise the news media or interested citizens (upon request) of all meetings of the City Council and other municipal bodies, and notice of such meetings shall be posted on the bulletin board in the lobby of the second floor of the Municipal Building in compliance with the requirements of the Sunshine Law of the State of Ohio. (amendment 1/5/76)
20. No Member shall withdraw from the Council Session without leave of Council.
21. Any Member may protest against the action of the Council and have the reasons therefore entered on the Journals of Proceedings, if couched in respectful language.
22. At Adjourned Meetings, the reading of the minutes of the previous meeting may be dispensed with, though this fact should be noted on the record by remark of the President; however, and also providing that if any two (2) Members so request or move, then, the minutes of the previous meeting must be read and approved as read or as modified by the Members. In Adjourned Meetings from Regular Session, the regular order of business will be gone through in regular order and new business may be introduced. In Adjourned Meetings from Special Sessions, only the business named or mentioned in the Special Call to Meeting may be considered.

3. All reports and recommendations or other communications of Executive Officers of the City shall be made in writing and filed with the Clerk, unless this rule be suspended.
24. a. These rules may be modified or added to by a two-thirds vote of all Members of Council.
b. These rules may be altered, repealed, or suspended by a two-thirds vote of all the Members of Council, providing such alteration, repeal, or suspension does not seriously interfere with the business of Council, prejudice the interests of the City or its Citizens, and, further, providing that such alteration, repeal, or suspension does not contrive to or provide to act in a way that is not in accordance with law, or with commonly accepted rules of order or procedure, or contrary to pertinent and competent judicial decisions.
25. Every petition for an improvement, for any action involving an expenditure of money, or for a permanent improvement to be made on the assessment plan shall be prepared in writing, in duplicate, and shall be lodged with the City Planning Commission.
26. The Clerk shall prepare and have at each meeting of Council, for the use of the President, a copy of these rules with all amendments thereto.
7. The City Clerk's Office and Council Chambers are declared as "no smoking" areas.
28. In all cases not provided for in or by these rules, the Council shall be guided, where pertinent and in the order named, by:
 - a. The Constitution of the United States of America and the Acts of Congress.
 - b. The Revised Code of the State of Ohio.
 - c. The Charter of the City of Portsmouth, Ohio.
 - d. The Ordinances, Resolutions, and Motions of the Council of the City of Portsmouth.
 - e. The General Rules of Deliberative Bodies, as laid down in "Robert's Rules of Order".

Memo

RECEIVED

NOV 27 2000

CITY CLERK'S OFFICE

TO: Jo Ann Aeh, City Clerk

CC: City Council

FROM: David W. Kuhn, City Solicitor

DATE: November 27, 2000

RE: 1st Readings of Ordinances

Responding to your November 24, 2000 memo regarding the captioned matter, Council Rule No. 14 (a) provides that whenever an ordinance or a resolution which bears the weight of an ordinance is first read during a meeting of City Council, that occasion is considered as a First Reading as that term is defined in the Council Rules. Therefore, for an ordinance to be considered as having been given a First Reading, as the result of a failed motion to suspend the rule which requires that the matter be given three readings, the ordinance or resolution must have been actually read at that meeting. If the ordinance or resolution is actually read at the meeting, a failed motion to suspend the rule requiring that an ordinance/resolution be read on three separate occasions, would constitute a First Reading.

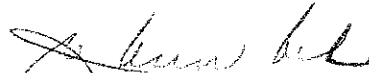
STATE OF OHIO

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COUNTY OF SCIOTO

I, the undersigned, City Clerk of the City of Portsmouth, Ohio, in whose custody the records of the City of Portsmouth, Ohio, are kept, as provided by law, do hereby certify that the foregoing is a true and correct copy of the **RULES FOR THE GOVERNMENT OF COUNCIL, PORTSMOUTH, OHIO**, as adopted on January 5, 2004 by vote of City council as reported upon the records of the City of Portsmouth, Ohio.

IN WITNESS WHEREOF, I have hereunto subscribed my name, officially and affixed the Seal of City Clerk of the City of Portsmouth the 9th day of January A.D., 2004.



Jo Ann Aeh, City Clerk
City of Portsmouth, Ohio

(Seal)