

CITY OF OBERLIN, OHIO

RESOLUTION NO. R23-03 CMS

A RESOLUTION AMENDING THE PROCEDURAL RULES RELATING TO THE MEETINGS OF OBERLIN CITY COUNCIL AS AN EMERGENCY MEASURE

WHEREAS, Oberlin City Council recognizes the contribution members of the public make to the decision-making process during Council meetings; and,

WHEREAS, Council has established certain guidelines and procedural rules, (“Rules”), relating to the conduct of the meetings of Oberlin City Council; and,

WHEREAS, Council desires to revise and amend certain sections of its Rules to clarify requirements for public participation and for remote access to and appearance at its meetings.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That the Procedural Rules Relating to the Meetings of the Oberlin City Council be and are hereby amended as is set forth in **Exhibit A**:

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to facilitate the orderly conduct of the meetings of the Oberlin City Council and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest period allowed by law.

PASSED: 1st Reading: April 3, 2023

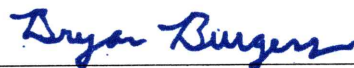
2nd Reading: April 17, 2023

3rd Reading: May 1, 2023

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 05/02/2023

EFFECTIVE DATE: 05/31/2023

Resolution No. R23-03 CMS

EXHIBIT A

PROCEDURAL RULES RELATING TO OBERLIN CITY COUNCIL

Article I: Purpose

The purpose of these rules is to provide procedures for the Oberlin City Council that are clear, concise, and appropriate to Oberlin.

Article II: Duration

Once adopted by a duly passed Resolution of the Oberlin City Council, these rules are of a continuing nature and shall remain in effect unless altered, amended, rescinded or supplemented pursuant to the procedures set forth in Article III hereinafter. However, these rules may be temporarily suspended for the duration of any one (1) meeting of City Council by a five-sevenths (5/7) vote of the members of Council approved at that meeting.

Article III: Procedure to Amend

Any proposal to alter, amend, supplement or rescind these rules shall be submitted in writing at a regular or special meeting of the City Council. The proposal will then be placed on the calendar for the next regular meeting of the Council under the order of "New Business" in the form of a Resolution.

Article IV: Robert's Rules of Order

In regard to matters that are not covered by these rules, or where these rules do not appear to give clear guidance, the latest edition of Robert's Rules of Order shall govern.

Article V: Place of Meetings

Unless otherwise provided by advance notice, Council shall arrange for its regular public meetings to occur at the Council Chambers of the Municipality. Council shall meet at such times as may be prescribed by the Charter, its rules and applicable ordinances.

Article VI: Procedure at First Meeting Following Election

1. The duly elected members of Council shall be sworn into office by the Oberlin Municipal Court Judge, the Law Director, or otherwise in accordance with law.
2. The President shall be elected as the first order of business on the first City Council meeting in January following a municipal election. Until that time, the Clerk of Council shall serve as the President Pro Tempore.
 - a. The President Pro Tem shall ask for nominations for Council President.
 - b. After nominations are closed, the President Pro Tem shall call for a voice vote. Four votes shall be required to elect the President.
 - c. If the first vote results in no nominee receiving four votes, the nominee with the least number of votes shall be stricken from the ballot and a new vote shall be taken.
 - d. If nominees tie for the least votes, a coin toss shall determine which nominee shall be stricken from the subsequent ballot. The side of the coin that emerges face up from the toss shall determine the nominee who is to be stricken. "Heads" shall be ascribed to the nominee who is the subject of the first vote that results in the tie.
 - e. At the conclusion of the election, the newly-elected President shall, from that point on, preside over the meeting.
 - f. The newly-elected President shall then conduct the election of the Vice-President, employing the same procedure as followed during the election of the President.

Article VII: Responsibilities of the President of Council

The primary responsibility of the President is to facilitate the decision-making process, relying on an adopted set of rules. Those rules recognize the right of the majority ultimately to rule, the right of the minority to be heard, and the right of the individual to participate in the decision-making process. To that end, the President shall:

1. Convene all meetings, call the members to order, and ascertain whether a quorum exists.

2. Cancel meetings of Council where it is apparent that there will be a lack of a quorum, inclement weather, emergency or other good cause.
3. Announce the business before the Council ~~in the correct order~~, pursuant to the Order of Business.
4. Assign the floor and recognize members to speak.
5. Enforce all rules, including rules of debate, and maintain order and decorum.
6. Maintain his/her impartiality.
7. Attempt to alternate between pro and con when conducting the debate.
8. Close discussion when all sides have been represented.
9. Keep at hand the bylaws, rules of order, standing rules, and other documents to facilitate the transaction of business (such as a roster of all committees and their members).
10. Authenticate by his/her signature any documents relevant to the Council.
11. Represent the Council at various meetings and report to the Council the content of those meetings.
12. State and put to vote all motions in order.
13. Initiate general consent when appropriate.
14. Vote on all matters before Council.
15. Refrain from allowing himself/herself or others to dominate the discussion or to direct the outcome of issues before the Council.
16. Set the agenda for the Council meeting with the participation of the City Manager and the Vice-President of Council and in consultation with other Council appointees.

17. Adjourn the meeting.
18. Perform all other duties that the President of Council is required to do pursuant to the Charter, Ordinances, and Resolutions of the City of Oberlin.

Article VIII: Order of Business for City Council Meetings

The order of business for the meetings of Oberlin City Council shall be as follows:

1. Council Business:
 - a. Call meeting to order and roll call.
 - b. Approval of previous Council Minutes.
 - c. Motions for approval.
 - d. Proclamations.
 - e. Announcements that are of interest to the general public
2. Concerns that are not on the Agenda (from Council members or other members of the public). Remarks of members of the public shall be limited to three minutes.
3. Old Business (continuing Ordinances and Resolutions).
4. New Business:
 - a. New Ordinances.
 - b. New Resolutions.
 - c. Other.
5. Council Communications:
 - a. Referrals - allows for discussion or debate of items that Council would like city administration to pursue
 - b. Advocacy
 - c. Correspondence
 - d. Liaison reports from commission meetings
6. City Manager's Report.

7. Opportunity for other Appointees to report.
8. Additional public participation.
9. Adjournment.

Article IX: Rules and Guidelines Applicable to City Council Meeting
Discussion and Voting

1. Council members must be recognized by the President and direct their comments to the President.
2. Council members must refrain from speaking to an issue more than once until each member has been given a chance to speak.
3. Council members present are required to vote in ayes or no (yea or nay) in the order called by the Clerk of Council unless precluded by reason of conflict of interest. In such a case, the member must state verbally or in writing to the President the reason for not voting. The Clerk of Council shall include this reason in the minutes of the meeting. During the discussion of the issue, the member shall recuse himself/herself from the meeting. Only as a result of a bonafide conflict of interest relating to a matter is a member allowed to not register a vote on an issue. Abstentions are specifically not recognized.
4. Pursuant to the Charter of the City of Oberlin, a vote of four (4) out of seven (7) members shall be required for passage of a Motion, Ordinance, Proclamation, or Resolution. In special cases to be determined by Council, or as required by the City Charter, state law, or City Code, a five/sevenths (5/7) vote of the members of Council may be required.
5. In the event that Council intends that an ordinance or resolution is to go into immediate effect, the motion elevating such ordinance or resolution to emergency shall contain the reason for its elevation.

Article X: Placing items on Council Agenda

1. A member of Council may contact the President of Council to request and discuss the inclusion of a matter on a future Council agenda which may be considered in accordance with Section VII(16) of these rules.

A Member of Council may request the inclusion of a matter on a future Council meeting agenda as a referral pursuant to Section VII(a) of these Rules.

Article XI: Rules and Guidelines for Public Participation

1. Members of the Public must be physically present to participate in a City Council Meeting.
2. Members of the public may speak at three (3) times during a City Council Meeting:
 - a. Under Item 2 in the order of business of the meeting - "Concerns not on the agenda..."
 - b. After Council members have all had a chance to address an Ordinance, Resolution, or issue.
 - c. Under Item 8 in the order of business of the meeting - "Additional public participation".
3. Each speaker from the public shall first be recognized by the President.
4. Each speaker from the public shall approach the microphone and state his or her name and address
5. Members of the public must address their comments to the President.
6. Limit comments to subject under discussion (if speaking on an agenda item).
7. Members of the public must each limit his/her comments to a maximum of three (3) minutes.
8. Members of the public must refrain from speaking a second time until all other members of the public desiring to speak have spoken.

9. The presiding officer shall be responsible for ensuring order and decorum are maintained. Behavior or actions that are unlawful, unreasonably loud, or disruptive shall be cause for removal from the Council meetings.

Article XII: Electronic Participation & Notice

1. Meetings of City Council that are open to the public shall be electronically broadcast and recorded to allow for its proceedings to be heard and viewed remotely.
2. Remote participation by members of City Council shall be permitted subject to Ordinance adopted pursuant to Section III(F) of the Oberlin City Charter.
3. Remote participation by staff or invitee(s) may be permitted with the prior approval of the presiding officer with notice of such approval to the Clerk of Council.
4. Unless impracticable, not less than seventy-two (72) hours in advance of a meeting, the Clerk of Council Shall provide each member and any other attendee who is authorized to participate in a meeting by remote access with the start time of the meeting and any access codes or other information necessary to participate by remote access.

Article XIII: Leadership Succession

In the absence of both the President and Vice-President of Council at a meeting, a President Pro Tem shall be designated by a majority vote of those members present for the meeting to act for the duration of that meeting

Article XIV: Issues of Absence

Members of Council are expected to attend all meetings of Council subject to removal pursuant to Section III C. of the City Charter.

Article XV: Boards and Commissions

Council is empowered to create City boards and commissions, in addition to those established by the City Charter. Council may make appointments to City boards and

commissions by a majority vote. and otherwise in accordance with the procedures set forth in the City of Oberlin Board and Commission Handbook, City Charter or Ordinance Adopted by Council

Article XVI: Role of Council Liaisons

The role of the Council Liaison to a Commission, Board or Committee is to serve as an informational bridge between Council and that group. The Council member may participate in discussions, but he or she should make no attempt to control the discussion or subsequent votes. The Council member does not vote at the Commission, Board, or Committee meetings.

Any Council liaison who is unable to attend a scheduled commission meeting will contact the presiding officer 72 hours prior to the meeting or, in the event of illness or other emergency, prior to the commencement of the meeting.

Article XVII: Executive Session - Attendance and Confidentiality

The electronic participation in an executive session by a member of Council or an invitee is expressly permitted.

Discussions had or information obtained in an executive session are confidential. Unless required by law, no member of Council shall make public or otherwise disclose such confidential discussions or information. Invitees to an executive session shall be advised of the necessity for confidentiality. Council may censure a member who violates this Rule, or if warranted, cause the removal of such member from office in accordance with Section III (C) of the Oberlin City Charter.