



City of Sidney

CITY OF SIDNEY

RULES OF THE CITY COUNCIL

FEBRUARY 2023

Amended by Resolution 3-82 on 1/4/82

Amended by Resolution 10-82 on 4/19/82

Amended by Resolution 75-91 on 8/12/91

Amended by Resolution 38-99 on 6/14/99

Amended by Resolution 67-06 on 8/28/06

Amended by Ordinance A-2735 on 8/27/12

Amended by Ordinance A-2811 on 02/09/15

Amended by Ordinance A-2855 on 04/11/16

Amended by Ordinance A-3085 on 04/25/2022

Amended by Ordinance A-3122 on 02/27/2023

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A. REGULAR AND SPECIAL MEETINGS

1. REGULAR MEETINGS

Regular meetings of the City Council are held on the second and fourth Mondays of each month at 5:30 P.M. Eastern Time, in the City Council Chambers in the Municipal Building. When the second or fourth Monday falls on a holiday, the regular meeting shall be held on the following Tuesday or such other day as the Council may determine.

2. SPECIAL MEETINGS

A special meeting of the City Council shall be called at the request of the Mayor or any four members. Except in the case of emergency, notice of special meetings shall be served on each Council member personally or left at his usual place of residence at least 24 hours in advance and to the news media that have requested notification, except in the event of an emergency.

Except in the case of a special meeting called in an emergency, the Clerk shall, no later than 24 hours before the time of a special meeting, post a statement of the time, place, and purpose of such special meeting.

3. EMERGENCY MEETINGS

In the event of an emergency, the Council, or its designee, shall make every reasonable effort to notify the news media that have requested notification of the time, place, and purpose of the meeting.

The minutes and the notification of any such meeting shall state the general nature of the emergency requiring immediate official action.

Council may designate another site or sites at which to conduct its meetings during periods of disaster or other exigent circumstances. (Ord A-2734)

4. BUSINESS AT SPECIAL MEETINGS

Notice of a Special Meeting shall state the specific purpose of the Special Meeting then known to the Clerk. No other business shall be transacted at a Special Meeting.

5. WORKSHOP MEETINGS

City Council may meet in workshop sessions for the purpose of in depth review of issues and a discussion of upcoming business. Workshop sessions are normally held on the first Monday of each month at 5:30 P.M., if scheduled by the Mayor.

While workshop meetings are open to the public, they are intended to be working meetings between Council and staff or invited experts, technicians, etc. Input from the public will generally not be received by Council

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unless specifically authorized by Council.

6. MINUTES OF MEETINGS

A journal of the proceedings of each meeting will be kept by the City Clerk and shall be signed by the presiding officer and Clerk of the meeting and shall be open to public inspection. Proposed draft minutes of a meeting will be available for public inspection within ten business days after such meeting. Approved minutes will be available for inspection not later than three business days after the meeting at which the minutes were approved. The minutes need only reflect the general subject matter of discussions in executive sessions as authorized in section F of these rules. The minutes shall not be read at the meeting unless requested by a majority of the members present. The Clerk will make copies available upon request.

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B. CONDUCT OF MEETINGS

1. MEETINGS TO BE PUBLIC

All Regular Meetings of City Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as Council may prescribe.

Special Meetings, Workshop Meetings and Emergency Meetings of City Council are public meetings subject to such rules and regulations as Council may prescribe, including rules and regulations regarding executive sessions, as more fully set forth in Section F, below.

2. QUORUM

Four members of the Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn the meeting to a later time or date.

3. PRESIDING OFFICER

The Mayor shall preside at all meetings of the City Council. In the absence or disability of the Mayor, the Vice-Mayor shall be the presiding officer. In the absence or disability of both, the Senior Councilmember present, as far as time in office, shall be named the Acting Mayor and preside over the meeting. Should two Councilmembers have the same time in office, they will decide amongst themselves and note on the record who the Presiding Officer shall be for that meeting.

4. CONDUCT AT MEETINGS

All attendees at Council meetings shall conduct themselves in an orderly fashion. Attendees shall not make unreasonable noises, offensively coarse utterances or displays, communicate unwarranted and grossly abusive language to others, insult, taunt or challenge others in such a manner that is likely to provoke a violent response, threaten harm, or conduct themselves in a violent or turbulent manner, or do anything which obstructs or interferes with the orderly conduct of the meeting.

Any police officer designated by the presiding officer of the meeting shall serve as Sergeant-at-Arms of the Council and shall enforce the provisions of these Rules.

5. SEATING ARRANGEMENT

The Mayor shall determine the seating arrangement in the Council Chamber.

6. ATTENDANCE AT COUNCIL MEETINGS

Members of the City Council are expected to attend all meetings of the Council unless excused by a majority of the remaining members of the Council for good and sufficient reason. Good and sufficient reasons

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include:

- A. Council member is ill;
- B. Sickness or death in Council member's family;
- C. Council member is absent from the City;
- D. Council member's job requirements demand immediate attention;
- E. Council member is on special leave from employment.

Members of the Council shall not be absent from more than two meetings of the Council in any calendar year without having been excused. Council members who anticipate being absent from a meeting are expected to inform the presiding officer or the Clerk in advance of the meeting, stating the reasons therefore.

7. STAFF PRESENTATIONS

The City Manager and/or other staff members shall make a summary presentation on each item on the agenda following the reading of the full title of the item by the City Clerk. The Mayor or acting Presiding Officer shall ask members of Council and members of the audience if they have any questions before Council acts on the matter. City staff shall attempt to answer the questions that may be raised.

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C. LEGISLATION

1. ORDINANCES

Every proposed ordinance shall be filed in writing with the City Clerk. The City Council may discuss a proposed ordinance at the time it is introduced and changes to the proposed ordinance may be agreed upon by the Council at such meeting without invalidating the introduction of the ordinance at that time.

Not less than two weeks must elapse between the introduction and passage of an ordinance, however this rule may be suspended by the affirmative roll call vote of five members of the Council.

2. COPIES OF ORDINANCES AND RESOLUTIONS

The City Clerk will make available copies of ordinances or resolutions under consideration by the Council for public inspection.

3. READING OF LEGISLATION

The reading of the caption or short title of an ordinance or resolution shall constitute a reading of the legislation. Ordinances and resolutions will not be read in their entirety unless requested by a majority of the Council members present.

4. PROCLAMATIONS

Proclamations may be issued by the Mayor to announce or acknowledge reasonable and worthwhile events. Material for proclamations should be submitted to the City Clerk's Office by 12:00 Noon on the Thursday preceding the regular Council meeting.

5. CLERICAL ADJUSTMENTS

The City Clerk shall have the authority to make non-substantive changes to legislation (e.g., typographical errors) following passage by City Council with the consent of the Mayor.

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D. VOTING AND DEBATE

1. GENERAL

The affirmative vote of four members of the Council shall be necessary for the passage of any ordinance. However, a majority of a quorum may transact all other business.

An emergency ordinance, which takes effect upon passage, must be adopted by the affirmative vote of five Council members. Such emergency ordinance shall set forth the specific facts necessitating the emergency legislation. If any emergency ordinance fails to receive five affirmative votes, such measure shall cease to be before the Council as an emergency measure and shall have the standing that a measure would have had not been read as an emergency measure. The affirmative vote of five Council members is necessary to adopt a zoning ordinance which the City Planning Commission has recommended against approval.

The vote upon all ordinances, resolutions, and other business shall be by roll call.

2. AMENDMENT

Ordinances and Resolutions may be amended after the legislation is introduced. To amend an Ordinance or Resolution, it shall not be necessary to set forth the full detail of the Ordinance or Resolution, as amended. It shall be sufficient to identify with the section, subsection, or paragraph being amended and to set forth the general statement of the amendment. The proposed amendment must be seconded by another member of Council. A majority vote is required to amend the Ordinance or Resolution.

3. ROLL CALL VOTE

In all roll call votes, the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote.

During roll call votes, Council members shall respond with “yes” or “no” and it shall not be in order for any member to explain his vote.

4. RESULTS OF VOTING

In all cases where a vote is taken, the presiding officer shall announce the result.

5. ABSTENTION

Subject to the rules set forth hereinafter regarding abstention, each member who is present shall vote on each question when his/her name is called.

Council members may abstain due to a conflict of interest. Council members shall disclose the conflict of interest as a reason for abstention.

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Council members are encouraged to contact the City Manager and/or Law Director to discuss any potential ethics concerns or issues.

6. CONDUCT OF DISCUSSION AND DEBATE

During Council discussion and debate, no member shall speak until recognized for the purpose by the presiding officer. After such recognition, the member shall confine discussion to the question at hand.

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E. CITIZEN PARTICIPATION

1. GENERAL

During the discussion on each item on the agenda, the Mayor or acting Presiding Officer shall ask members of the audience whether they have any questions or comments about the agenda item. This inquiry shall be posed after the staff presentation and Council questions or statements on the matter. The content and time for the statement may be regulated in accordance with the rules of the City Council. At each council meeting, the agenda shall provide an opportunity for citizens to address the Council on any item of interest, Subject to the rules of the City Council.

2. LENGTH OF PRESENTATION

The presiding officer may impose a time limit on presentations before the City Council.

3. PERSONS ADDRESSING THE COUNCIL

Persons addressing the City Council shall state their name, home address and, if applicable, their affiliation.

4. RESERVED TIME PARTICIPATION

Any persons or group wishing to be on the Council agenda to make an oral communication to the Council may, by notifying either the City Manager or the City Clerk not later than 12:00 Noon on Thursday preceding a regular Council meeting, be granted reserved time without indicating a specific speaker.

5. PUBLIC HEARINGS

Public hearing shall be conducted in accordance with paragraphs 2 and 3 above and discussion at public hearings shall be confined to the subject of the hearing. The following order will be observed for public hearings;

- A. Open public hearing
- B. Petitioner's presentation of requested action
- C. Questions from City Council
- D. Questions or comments from the public
- E. Petitioner's summary of the request
- F. Close public hearing

See Appendix I and II for more detailed requirements.

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F. EXECUTIVE SESSIONS

1. PURPOSE

The City Council may meet in executive session for the consideration of any business authorized by [ORC 121.22](#), as amended. No action may be taken or business transacted in any executive session.

If Council proposes to hold an executive session, the motion and vote to hold that executive session shall state one or more of the approved purposes listed in [ORC 121.22](#) for which the executive session is to be held.

2. CONFIDENTIAL INFORMATION

Council members or other participants in an executive session shall not disclose, or use for personal profit, any information designated as confidential or gathered as the result of an executive session. Violation of this rule can involve removal pursuant to Section J, below.

3. RECORDING PROHIBITED

Executive sessions of the City Council shall not be recorded through the use of a tape recorder or any other device.

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G. AGENDA

1. PREPARATION

The City Manager shall prepare an agenda for each regular or special meeting of the City Council. The deadline for submitting items for a regular Council agenda is 12:00 Noon on the Thursday preceding a regular meeting.

2. DISTRIBUTION

Agendas and related background material will be submitted to City Council members at least 48 hours before the scheduled beginning of a regular meeting at least 24 hours before the beginning of a special meeting, except in the event of an emergency.

3. AGENDA MATERIAL

Written material concerning agenda items, in lieu of, or as supplement to, oral presentations are encouraged and, if possible, should be submitted prior to the Council meeting for circulation with agendas.

4. ORDER

As a general practice all meetings of the City Council shall begin with a nondenominational prayer and the pledge of allegiance to the flag of the United States. The balance of the agenda shall be ordered by the City Manager to promote efficiency in the handling of business items.

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H. RECORDING OF COUNCIL MEETINGS

1. MEETINGS MAY BE RECORDED

Any regular or special meeting or portion thereof, excluding executive sessions, of the City Council may be recorded through the use of a video or audio tape recorder or other electronic device. Any official recordings made by the City Clerk will be under the control and supervision of the City Clerk.

2. RETENTION

Recordings from City Council meetings will be retained by the Clerk for a period of six months from the date of the meeting.

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I. MISCELLANEOUS

1. RULES OF PARLIAMENTARY PROCEDURE

The presiding officer shall provide for the orderly transaction of business at meetings of the City Council. Robert's Rules of Order will be used as a guide provided they are not in conflict with these rules or the ordinances of the City of Sidney. The presiding officer will interpret and apply the rules of practice and the presiding officer's interpretation and application shall be final and conclusive.

2. AMENDMENTS TO RULES

The rules of the City Council may be altered or amended by the vote of five members of the Council.

3. SUSPENSION OF RULES

The rules of the City Council may be suspended for a specified portion of a meeting by a majority of the members present.

4. AUTHORITY FOR RULES

Authority for the adoption of these rules of procedure is derived from section 2-13 of the City Charter, section 121.22 of the Ohio Revised Code, Chapter 102 of the Ohio Revised Code.

5. COMMITTEES

There shall be no standing committees of the City Council. Social committees may be appointed from time to time by the Mayor.

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J. REMOVAL OF COUNCIL MEMBER

Council may expel or remove any member for gross misconduct, persistent failure to abide by the Rules of Council, failing to possess the qualifications established by section 2-5 of the Charter, disclosure of confidential information or Executive Session information, violation of the Rules of financial conflict of interest, violation of the influence peddling rules, lack of attendance, for the conviction while in office of a felony or other crime of moral turpitude, or for medical disability adversely affecting the operation of the City Government.

The removal procedure shall be initiated by filing written charges with the City Clerk. Said charges shall be specific in nature and shall be signed by at least two members of City Council.

Upon the filing of said charges, the Clerk shall cause a copy of said charges to be served upon the accused by a member of the Sidney Police Department and shall provide one copy to each member of the Council.

Not less than ten (10) days nor more than thirty (30) days after the accused is served with a copy of the charges, Council shall hold a public hearing on said charges.

At said public hearing, the Law Director shall represent the Council member filing the petition and shall present evidence in support of the charges. At said hearing, the accused, or his counsel, shall be given an opportunity to be heard, present evidence, or examine any witnesses appearing in support of the charge.

The Clerk shall cause a record to be made of the proceedings at such public hearing.

Council, pursuant to Section 705.21 of the Ohio Revised Code, shall compel the attendance of witnesses and the production of books, papers, and other evidence requested by either party.

After said hearing, if Council determines by the affirmative vote of five (5) of its members that the accused is guilty of said charges or any of them, then said accused member shall be removed and his seat on Council deemed vacant.

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K. STANDARDS OF CONDUCT FOR COUNCILMEMBERS

The standards contained in this section are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. Councilmembers are expected to conduct themselves with the utmost professional integrity and objectivity. The service of every elected official of the city shall be based on conduct that reasonably conforms to the guidelines in these rules.

1. GENERAL STANDARDS

Elected officials should conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules.

Elected officials should familiarize themselves with policies and procedures applicable to their conduct and the conduct of all employees under their supervision.

Elected and appointed officials shall take the Ohio Ethics Seminar within six (6) months of their election or appointment for each term in office.

2. UNLAWFUL DIRECTIVES

Councilmembers should not knowingly direct action or inaction that, if carried out, would result in a violation of any law or city policy. Councilmembers should not make new commands that conflict with any previous command without making reasonable clarification that the new command is intended to countermand the earlier command.

Elected officials shall refer to the city's Executive Order Policy on *Contact with Councilmembers* for guidance on communication with city staff members.

3. ETHICS

Councilmembers should avoid engaging in the following conduct:

- a. Using one's status as an elected official of the city in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- b. The wrongful or unlawful exercise of authority for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- c. Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or seeking to do business with, the city, or contrary to the rules of this city and/or laws of the state.

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- d. Offer or acceptance of a bribe or gratuity.
- e. Misappropriation or misuse of public funds, property, personnel, or services.
- f. Any other failure to abide by the standards of ethical conduct.

4. DISCRIMINATION, OPPRESSION OR FAVORITISM

Councilmembers should not discriminate against, oppress, or provide favoritism to any person based on a protected classification.

5. UNAUTHORIZED ACCESS, DISCLOSURE OR USE

Councilmembers should avoid:

- a. Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this city.
- b. The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this city for personal or financial gain.
- c. Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- d. Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- e. Using city resources for campaign or other political purposes.

6. CONFLICTS OF INTEREST

A conflict of interest is any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

Councilmembers shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Councilmembers should avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Councilmembers should also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

A conflict of interest shall be deemed to exist, thus preventing a member of Council from voting on, or participating in substantive discussions related to, any of the following:

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- A. Any public contract in which the member, a member of his/her family, or any of the member's business associates has an interest, financial, or otherwise.
- B. Any question or matter which involves the member's personal or private rights or involving the personal or private rights of his or her family members or business associates; or,
- C. Any question or matter concerning the member's own conduct.

An affected member of Council shall disclose the existence of any such conflict of interest to the Clerk prior to the conduct of a meeting at which a vote on, or discussion related to, the subject matter involving the conflict of interest may be conducted. Thereafter, the affected member shall not participate in substantive discussions related to, and shall abstain from voting on, the subject matter involving the conflict of interest.

In addition to the foregoing, Council members are encouraged to contact the City Manager and/or Law Director to discuss any potential ethics concerns or issues.

7. ETHICAL COMPLIANCE DOCUMENTATION

Councilmembers should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct, including, but not limited to the annual Ohio Ethics Financial Disclosure reports, are timely completed and submitted to the appropriate authorities.

8. OUTSIDE EMPLOYMENT

Councilmembers should avoid maintaining any outside employment or accepting any appointment that creates an actual or perceived conflict of interest or that inhibits their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed.

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APPENDIX I

PROCEDURES FOR PUBLIC HEARINGS

(HEARINGS ON REZONING OR OTHER MATTERS REQUESTED BY PETITIONERS)

1. Presiding Officer: announces subject of public hearing as stated in the Notice of Hearing
2. Presiding Officer: opens the public hearing and notes time
3. Petitioner's presentation of requested action: opportunity for petitioner to present his request and reasons for it
4. Staff Background Report: opportunity staff member to present any background information not covered by the petitioner or other relevant information
5. Questions from City Council members
6. Presiding Officer: before inviting persons to speak, remind all those present that anyone wishing to speak will have an opportunity to do so; however, they are requested to (a) rise, (b) state their name and address, (c) address the chair only, (d) confine their comments to the subject of the public hearing
7. Comments from the public concerning the issue
8. Opportunity for petitioner to respond to questions raised or comments made and to make any summary of this request if desired
9. Presiding Officer: closes the public hearing and notes time

NOTE: It is suggested that the Presiding Officer will not attempt to categorize the public participants by asking those in favor to speak first and those not in favor to speak next. Rather, it is suggested that the request be just for comments on the purpose of the hearing whether they are for, against, or indifferent.

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APPENDIX II

PROCEDURES FOR PUBLIC HEARINGS

(HEARINGS ON CODE AMENDMENTS RECOMMENDED BY STAFF OR PLANNING COMMISSION)

1. Presiding Officer: announces subject of public hearing as stated in the Notice of Hearing
2. Presiding Officer: opens the public hearing and notes the time
3. Staff Background Report: appropriate staff member background information on the subject of the hearing and reports the recommendation of the staff and/or Planning Commission
4. Questions from City Council members
5. Presiding Officer: before inviting persons to speak, remind all those present that anyone wishing to speak will have an opportunity to do so; however, they are requested to (a) rise, (b) state their name and address, (c) address the Chair only, (d) confine their comments to the subject of the public hearing
6. Comments from the public concerning the issue
7. Presiding Officer: announces that he is about to close the public hearing unless there are any other comments from the public
8. Presiding Officer: closes the public hearing and notes the time

NOTE: It is suggested that the Presiding Officer will not attempt to categorize the public participants by asking those in favor to speak first and those not in favor to speak next. Rather, it is suggested that the request be just for comments on the purpose of the hearing whether they are for, against, or indifferent.