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## **AGENDA**

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# **Committee of the Whole**

**6:00 PM January 23, 2023**

**Council Members:**

**Omar Tarazi**

**Cynthia Vermillion**

**Les Carrier**

**Tina Cottone**

**Peggy Hale**

**Pete Marsh**

**Andy Teater**

**President**

**Vice President**

**Michelle Crandall, City Manager**

**Diane (Dee) Werbrich, Clerk of Council**

**City Hall, Council Chambers • 3800 Municipal Way, Hilliard, OH 43026**

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- I. Call to Order**
- II. Roll Call**
- III. Approval of Minutes**
  - A. January 11, 2023, Committee of the Whole
- IV. Business**
  - A. Comprehensive Council Rule Review
- V. Items for Discussion**
- VI. City Manager Updates**
- VII. Adjournment**



## CITY COUNCIL

### January 11, 2023 Committee of the Whole Minutes

#### CALL TO ORDER

The meeting was called to order by President Omar Tarazi at 6:00 PM.

#### ROLL CALL

Attendee Name:	Title:	Status:
Omar Tarazi	President	Present
Cynthia Vermillion	Vice President	Present
Les Carrier	Councilman	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Pete Marsh	Councilman	Present
Andy Teater	Councilman	Present

**Staff Members Present:** City Manager Michelle Crandall, Law Director Phil Hartmann, Community Relations Director David Ball, Chief People Person/Human Resource Director Colleen Lemmon, Police Chief Mike Woods, Recreation and Parks Director Ed Merritt, Communications Administrator Anna Subler and Clerk of Council Diane Werbrich

**Others Present:** Brandon Barnett and Grace Arneson, POLCO (Virtually)

#### APPROVAL OF MINUTES

President Tarazi asked if there were any changes or corrections to the December 12, 2022, Committee of the Whole meeting minutes. Hearing none, the minutes were approved as submitted.

<b>STATUS:</b>	Accepted
<b>AYES:</b>	Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater

#### BUSINESS

##### A. POLCO/NCS SURVEY RESULTS

\*\*\*Due to technical issues, the audio from the virtual POLCO presentation and responses to Council questions is unavailable.

Mr. Barnett reviewed the POLCO/NCS Survey Results (**See Attached**)

Council questions:

Vice President Vermillion asked if the 18% response received was considered good, average or poor. Inaudible. Mr. Barnett replied that is within the margin of error (partial response from handwritten notes).

Vice President Vermillion stated the report shows approximately 57% of the responses not weighted were from people 55+ which, to her, seemed heavy in that category and asked how they account for that. Inaudible.

Vice President Vermillion asked if the comparison communities used were similar in size to Hilliard and how those communities are chosen. Inaudible. Mr. Barnett replied the communities are similar in size and chosen from the National Benchmark Database (partial response from handwritten notes). Ms. Vermillion stated she was surprised that Hilliard ranked similar to other cities in the safety category. She



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noted because she felt the City ranked high in that category at 99% feeling safe during the day and cannot imagine that is a similar feeling in most other cities around the country. Inaudible.

Vice President Vermillion thanked Mr. Barnett and asked if the survey is available for residents to review. Mr. Ball replied his Department will make the entire survey available and will be releasing the information to the public but wanted Council to see it first before presenting it to the public. He reported that in the coming weeks the entire survey will be made available on the City's website and they will be using selected data in their communications efforts for the next couple of years to support directions Council takes and staff takes on items, recommendations etc.

Ms. Cottone asked for an explanation of the four quadrants in the report. Inaudible. Ms. Cottone stated there were multiple questions about economic impact and felt that was not a local concern but a national concern. She asked if other surveys they have done showed similar concern. Inaudible.

Ms. Cottone stated there were multiple questions regarding water and asked if those referred to drinking water, sewer water, or bodies of water. Inaudible.

Ms. Cottone pointed out that one of the photos showed two seniors sitting on a bench and she would like to suggest that seniors are not always just sitting and they might want to consider changing that. Mr. Barnett thanked Ms. Cottone for that suggestion. (response from handwritten notes)

President Tarazi asked what category the City scored lower in than all the other cities. Inaudible. Ms. Crandall commented that some of the most interesting data in the packet is the National Benchmark Tables (page 27) in the POLCO packet. She noted the example of the vibrancy of downtown commercial areas, since the City scored much higher, shows the percentage that were positive, which was 83 percent and then it ranks it. Ms. Crandall reported 280 communities asked that question or similar and the City ranked 25<sup>th</sup> and that information can be seen for every question and will provide an idea, even if the City came out similar, of where the City ranked compared to all of the cities that responded. Mr. Ball reported the City does have access to the system to do other surveys and questions to the community. He mentioned the same system is being used at no cost for the Aging-in-Place Committee's survey that went out at the beginning of the week and responses are already starting to come in.

Vice President Vermillion asked what was being done with the 91 responses that were submitted on the website. Mr. Ball replied those responses can be seen at the back end of the report and the reason they are not typically included with the main numbers is because those are self-selected individuals who decided to take that survey because they saw the request on social media or e-newsletter. Since they are self-selected if they are included with the randomly generated individuals, it begins to erode the validity of the actual data because it is not a truly random pool of people at that point. He reported they do review that and take that into consideration as well, but they do try to keep the data separate. Ms. Vermillion stated she wanted to make sure that it is looked at and taken into account. Mr. Ball replied they do that and it is included in the report. He added staff has been reviewing that as well with the qualification that it is a little less valid because it would probably skew to a younger demographic because they are more likely to be on social media to respond there.

Mr. Carrier asked what is being done with the results. Ms. Crandall replied they have been reviewing them internally and once the survey is done again, the City will have a good benchmark against ourselves and hopefully a lot of the numbers will edge up. She stated staff is excited about the overwhelmingly positive responses received and we will look closer to see if there are areas where they specifically want to improve. She added she wanted to get feedback from Council to see if there is an area that they think staff should be highlighting. Ms. Crandall reported that it is interesting on the Balancing Quality and Importance chart that community design is an area that needs to be really looked at and with the Hilliard by Design Comprehensive Plan coming forward and after that is adopted by Council, then staff can start the zoning text and is where it will get into quality community design and continuing to improve as the City develops and redevelops areas of the City and you will see those number edge up too.



Mr. Ball explained that it is important to note the data did not show any glaring areas of concern or an area that was viewed as something that needed to be looked at immediately because the community's perception of that is that we are failing at our jobs. The fact the City is viewed as similar in most categories or higher in almost all the other categories the City is not similar to, is a very positive thing. For example, it does not show that people have concerns about the Police Department, as can be the case in other communities. It does not show that overall people are feeling that their streets are not maintained or the parks are not safe or that we are really heading in the right direction. He added the report can be used to make sure the community feels the City is doing a good job. Mr. Ball explained that sometimes we lose perspective of how the community as a whole feels about the job the City is doing because of the feedback that is received off places like social media, which is not necessarily where you want to build public policy on or base your opinion of what the community thinks. He added this is a much more scientific approach to what the community really thinks and is a much more valid tool to use for that than social media.

Ms. Hale asked what is the standard deviation where the City ranked similarly. Inaudible. Ms. Hale then asked if every year the previous year's results get erased and then start again. Inaudible. Ms. Hale asked if the City does this survey again will these results be taken out of the system and the new results used for the benchmark. Inaudible

President Tarazi asked what the noise level is when doing these community surveys versus how much of a difference is needed to say the City improved versus the noise of the data. Inaudible.

Mr. Marsh asked if there are plans to use the positive aspects of this survey towards promoting the City whether that is Destination Hilliard type stuff or for economic development attraction, etc. Mr. Ball agreed and stated the data would be used in their communication efforts for the next couple of years until the next survey is done. He reiterated that elements of this will appear in their communication efforts. Ms. Crandall added some of the higher numbers would start going out to the community in the next few days.

Ms. Hale asked if the public could be asked about how they feel about increasing their water bill at this time as it was proposed. Ms. Crandall replied they can assume what the answer would be on any increases from the public. Ms. Hale said if it is explained to the residents why the need for the increase and ask them if they would be willing to accept this to accomplish certain projects. Mr. Ball replied that the Talk2US platform could be used for something like that, but it would be a little less statistically valid.

President Tarazi suggested an additional survey question could be if the public would support affordable housing if the only way to achieve that was to go vertical. Mr. Carrier inaudible (microphone off). Mr. Ball replied it could be done and is the same sort of question of what they would like to invest dollar wise into sending a postcard to a randomly generated pool of residents. He noted the 200 plus random pool of residents Mr. Barnett mentioned who are in the system right now could be emailed but that is considered a small group of people, which will result in a small pool of responses.

**ITEMS FOR DISCUSSION - None**

Mr. Carrier, seconded by Mr. Teater, moved to adjourn the meeting by Voice Vote.

<b>MOVER:</b>	Les Carrier
<b>SECONDER:</b>	Andy Teater
<b>AYES:</b>	Tarazi, Vermillion, Carrier, Cottone, Hale, Marsh, Teater

**ADJOURNMENT – 6:45 PM**

Omar Tarazi, President  
City Council

Diane Hicks  
Council Assistant



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City Council

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3.1

Approved: \_\_\_\_\_

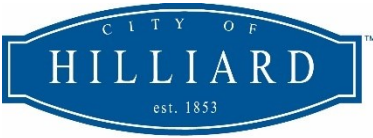
Minutes Acceptance: Minutes of Jan 11, 2023 6:00 PM (Approval of Minutes)

## Comprehensive Council Rule Review

### INCLUDED:

1. Current Rules
2. Updated Legislative Flow - Approved by Council 3/2022
3. Proposed rewrite - including Legislative Flow as Section 4

The proposed rewrite is just a starting point for Council discussion and direction.



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CITY  
COUNCIL

CURRENT

## Operating Rules

Adopted by motion February 22, 2021  
(Amended by Voice Vote November 22, 2021)



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## **HILLIARD CITY COUNCIL OPERATING RULES**

In accordance with Section 2.11 of the Hilliard City Charter (hereinafter referred to as “Charter”), the following rules are adopted by this Council as a guide to its orderly operation. These rules shall continue in effect until repealed or amended by a majority vote of Members at a regularly scheduled meeting of Council.

### **SECTION 1. DEFINITIONS**

- 1.01 **Charter.** The Hilliard City Charter, Ohio effective January 1, 2020, and its amendments, if any.
- 1.02 **Member(s).** A member or members of Council.
- 1.03 **Council President.** The presiding officer of a Council meeting covered herein who may be the President, Acting President, or Temporary Presiding Officer under the Charter.
- 1.04 **Clerk.** The Clerk of Council appointed by Council pursuant to Section 2.13 of the Charter.
- 1.05 **Meeting.** Any regular meeting or special meeting of Council.
- 1.06 **Quorum.** A majority of the members of Council.

### **SECTION 2. MEETINGS**

- 2.01 **Regular Meetings.** Council Regular meetings shall be held in Council Chambers at the Municipal Building beginning at 7:00 p.m. on the second Monday of the month and on the fourth Monday of the month. During a Council meeting, Members may vote to change the place, date and/or hour or cancel any future meeting as determined by a majority of its Members. The Council President may cancel a Council meeting in the event of a real and present emergency affecting City government or in the event of a natural disaster, severe weather conditions, national or state emergency. Notice of cancellation shall be the same as notification required for special meetings. The Clerk shall ensure that any cancellation, alternate date, or alternate location is published on the City’s website or other generally accepted medium, as designated by Council.
- 2.02 **Meeting Agendas.** The Council President and City Manager shall confer regularly regarding the agenda for Council meetings, after which the Council President shall determine the agenda. Upon concurrence that a meeting may become unduly lengthy due to the content and/or number of items on an agenda, the Council President may divide the agenda and defer items to the following regular meeting or call a special meeting.

- 2.03** Special Meetings. Council may hold special meetings as necessary. Special meetings shall be called by the Clerk upon written request of three Members or upon written request of the Council President. Any such request for the calling of a special meeting shall state the subject(s) to be considered thereat, but Council may consider other subjects if necessary.
- 2.04** Notice of Special Meetings. Unless called at a regular meeting of Council, such call being duly noted in the minutes thereof, 24 hours' notice in writing of such special meeting shall be given to each Member, by personal service, by delivery of said notice to the Members' usual place of residence, or via email addressed to the Members' City of Hilliard email address. Members waive such notice by their attendance at the special meeting.
- 2.05** Open Meeting Law Compliance/Executive Session. In addition to any notice procedure established by the operating rules of this Council, the requirements of Section 2.10 of the Charter shall be followed. Council shall consider the following before entering into an executive session:
- A. Council is permitted to meet in executive session only to discuss the topics as permitted in Section 2.10 of the Charter.
  - B. No formal action of any kind shall be taken in executive session. The matter(s) shall only be discussed, with all formal actions taken in the open meeting.
  - C. Executive Session must always begin and end in an open meeting of Council. If Council desires to enter into an executive session, a motion must be made and seconded. The motion must specifically state the reason for entering into an executive session and cite the specific Charter provision(s) that permits Council to discuss the desired matter(s) in executive session. At least 5 Members, present at the meeting, must vote in favor of entering into an executive session by way of a roll call vote. The law director, or a designee acting as legal representative to the City and Council, must be in attendance. Any other person may be permitted into an executive session by invitation of the Council President.
  - D. No Member in the executive session shall discuss a topic that is not permitted to be discussed in that session. The Law Director or any Member in the room during that executive session shall be under the duty to inform any person speaking off-topic that they must stop speaking on unrelated matters and only discuss the matter(s) for which executive session was called for and approved.
  - E. In order to maintain the integrity of the information discussed, and to maintain attorney/client privilege, Members shall refrain from publicly discussing information that was discussed in executive session unless and until the matter is brought back before Council for action in the open meeting.

F. Council shall return to the open meeting by a motion to reconvene, which motion requires a second and a voice vote in favor of reconvening. If no further action is to be considered, the Council President shall adjourn the open meeting.

**2.06** Copies of Agenda/ Pending Legislation. At each Council meeting, the Clerk shall have copies of the meeting agenda and all pending legislation being considered by Council at that meeting available for the public. Exhibits attached to legislation, which are on file under separate cover at the Clerk's office due to their size or material, need not be attached to copies of legislation made available to the public, but shall be made available for public inspection by the Clerk. The Clerk shall have prepared a sufficient number of agendas, complete with legislation, for each representative of the press who may pick them up from the Clerk at any time on the day of the Council meeting.

### **SECTION 3. THE OFFICERS POWERS AND DUTIES**

**3.01** Election of Officers. The Council President and Vice President shall be elected as provided in Charter Section 2.09.

**3.02** Permanent Vacancy in Presidency. In the event that the office of President is permanently vacated for any reason, then the person occupying the position of Vice Council President shall immediately assume the position and duties of the Council President. The new President shall serve in that position until the next organizational meeting of Council as required by Section 2.09 of the Charter. The new President, at the next regularly scheduled Council meeting after the assumption of the Presidency, shall hold an election from among the Members to elect a new Vice President. At the request of the majority of Members present, an election for Vice President may be deferred once to the next regularly scheduled Council meeting. The Clerk shall give all Members at least seven calendar days written notice of the date and place of the election, as set forth in Section 2.03 above. The new Vice President shall serve in that position until the next organizational meeting of Council as required by Section 2.09 of the Charter.

**3.03** Permanent Vacancy of Both Council President and Vice-President. In the event that both the position of Council President and Vice President of Council are permanently vacated for any reason, Council shall, at its next regularly scheduled meeting, hold an election from among its Members to elect a new Council President and Vice President. If the majority of Members present so desire, the election shall be continued to the next regularly scheduled Council meeting. The Clerk shall give all Members at least seven days written notice of the date and place of the election, as set forth in Section 2.03 above.

**3.04** Roll Call/ Quorum. Prior to conducting any business, the President shall cause the roll to be called by the Clerk to determine the presence of a quorum. The results of such call shall be noted in the minutes of that meeting. In the absence of a quorum at the time appointed for the meeting, the Members present may, by majority vote of the Members present, take recess and cause the Clerk to procure the attendance of absent Members or may adjourn.

- 3.05** Temporary Presiding Officer. In the case of the temporary absence of the Council President and Vice President, the Clerk shall call the Council to order at the time aforesaid and shall proceed to call the roll to determine the presence of a quorum. If a quorum is found to be present, the Clerk shall immediately call for the selection, by majority vote of those present, of a temporary presiding officer for the meeting who shall then preside until the appearance of the Council President or Vice President, or adjournment.
- 3.06** Points of Order/Appeal From Decision of Council President. The Council President shall preserve decorum and decide all questions of order, subject to appeal to Council. If any Member transgresses from the Council Rules, the Council President shall, and any Member may, call that Member to order; in the latter instant, the Council President shall render a decision as to the point of order. Any decision of the Council President as to point of order may be appealed to the Members present by simply stating, "I appeal the decision of the Council President." The Council President shall then immediately place before the Members present the question: "Shall the decision of the Council President stand as the decision of Council?" The Council President shall be entitled to a vote. The Council President shall be sustained unless overruled by a majority vote of the Members voting.
- 3.07** Voting. All questions shall be stated by the Council President and put to the vote of the Members present as follows:
- A. Roll Call Vote. The Council President shall declare the vote after the Clerk has announced the number of votes cast for each side.
  - B. Voice Votes. The Council President shall declare the voice vote referred to the Clerk. If in doubt about a voice vote, the Council President may direct, or any Member may call for, a roll call vote.
  - C. Random Order. The Clerk shall take all roll call votes in a random order.

#### **SECTION 4. Procedure for Filling Council Vacancy**

- 4.01** Filling Council Vacancy.  
When a vacancy on Council exists, the Council by a majority vote of the Members voting shall establish a timeline to fill the vacancy by choosing a date by which applicants are required to submit resumes/letters of interest ("resumes"); and a date to convene a Committee of the Whole meeting for the purpose of interviewing qualified candidate(s).

The Clerk shall place a notice in a newspaper of general circulation and/or on the City website calling for resumes. The notice shall include the minimum qualifications as established by Section 2.02 of the Charter. The notice shall include the deadline for submitting resumes pursuant to the date established by Council.

After the deadline for submitting resumes has passed, the Council President and the Clerk will review the resume(s) for the purpose of ensuring that the candidate(s) meet the minimum qualifications, as established in the Charter. The

Clerk shall distribute copies of the resume(s) of the qualified candidate(s) to all Members.

The Clerk shall notify all qualified candidate(s) of the interview date established by Council, and notice the date in a newspaper of general circulation and/or on the City website as a “Special Meeting of Council,” if necessary.

The Council President shall convene a Committee of the Whole meeting on the date established for the purpose of interviewing all qualified candidate(s).

At the conclusion of the Committee of the Whole meeting, the Council President may set a date for a second Committee of the Whole meeting for purpose of holding a second round of interviews, if such a second round of interviews is deemed necessary by a majority vote of the Members present at that meeting.

If a majority of Members present at the Committee of the Whole meeting vote to not have a second round of interviews, then the names of all qualified candidates shall be considered by City Council by way of Motion at its next regularly scheduled meeting and the Clerk shall include a Motion to “Appoint a new Member” and follow the notice provisions for legislation for the next scheduled regular or special City Council meeting.

If a second round of interviews is approved by a majority vote of the members president, the Council President shall convene the second Committee of the Whole meeting on the date established for the purpose of interviewing the qualified candidate(s). After the second round of interviews, at the next regularly scheduled or special meeting of Council, any Member may make a motion to appoint one of the qualified candidates who advanced to the second round of interviews to fill the vacant seat.

In any event, selection of a qualified candidate to fill the unexpired term of a vacancy must be by a roll call vote by the majority of the remaining Members.

## **SECTION 5. RECORD OF COUNCIL PROCEEDINGS**

- 5.01** Written Record to be Kept. The Clerk shall maintain a written record of all proceedings of Council which shall be a public record and maintained in accordance with City Council’s RC-2 Schedule of Records Retention and Disposition.
- 5.02** Audio Recording of Proceedings. The Clerk shall make an audio record of all proceedings of Council. Said audio recordings are to remain in the possession and control of the Clerk at all times. Said recordings shall be maintained by the Clerk in accordance with City Council’s RC-2 Schedule of Records Retention and Disposition.

## SECTION 6. MEMBER'S DUTIES AND PRIVILEGES

- 6.01** Addressing the Presiding Officer (the "Council President"). When about to speak to a question or make a motion, a Member shall address the Council President as "Mr. or Madame President" who shall in turn recognize the Member entitled to the floor. Members addressing Council shall confine themselves to the question under debate and avoid personality conflicts.
- 6.02** Voting. Every Member present when a question is put to vote shall vote on the same except that if a Member desires to abstain for a reason that is required under the Constitution of the United States or Ohio, State law, City Ordinance or by Charter requirement, or for other good cause. A Member who desires to abstain from voting shall leave the Council Chamber to refrain from participating in discussions and from communicating (verbally or nonverbally) on the question or issue upon which the Member intends to abstain. The Council President shall refer questions of legal conflict to the law director for advice. There shall be no debate upon the question of abstention.
- 6.03** Division of a Question. On demand of any Member, a question under consideration which covers two or more points shall be divided where the question permits such division.
- 6.04** Demand for Roll Call After Discussion. Any Member may demand a roll call vote upon any question before Council at any time before the Council President announces the decision on said question, then in such event, the decision of Council by roll call vote shall stand. As an example, if a Member of the public requests to speak beyond the two minute limitation, and before the Council President rules on the request, a Member may demand a roll call vote of Council as to whether the citizen may be permitted to speak beyond the two-minute limitation. The vote by roll call shall stand as the official response to the request.
- 6.05** Excusal From Attendance. No Member shall be excused from attendance at a meeting of Council except by permission from the Council President prior to such meeting. Members shall also inform the Clerk prior to such meeting who shall inform the Council President of such excusal request.
- 6.06** Excusal During a Meeting. No Member shall be excused from a meeting while Council is in session except upon permission of the Council President.
- 6.07** Decorum in Council Chambers. The Council President shall maintain decorum in Council Chambers during council session. Persons other than Members and city officials shall not be permitted upon the floor of Council or to address Council or any Member except by introduction by the Council President or by a Member or at the appropriate point on the agenda.
- 6.08** Conduct of Meetings. All Members are expected to observe the following rules of personal conduct during all Council meetings, Committee of the Whole meetings and ad hoc Committee meetings:
- A. Be on time for all meetings unless unavoidably detained; and
  - B. Abstain from the use of alcoholic beverages prior to a meeting; and

- C. Dress appropriately for all meetings; and
- D. Observe these rules when addressing the floor of the Council President; and
- E. Refrain from the use of profanity at all times; and
- F. Refrain from taking the floor without being recognized by the Council President (i.e. interrupting and/or speaking over other Members): and
- G. Conduct oneself in a professional manner at all times, even during times of disagreement or discord.

## **SECTION 7. ORDER OF BUSINESS**

- 7.01** Agenda of Meeting. The order of business at regular meetings of Council shall be as follows:
- I. Roll call to determine quorum.
  - II. Invocation and pledge of allegiance to flag.
  - III. Approval of minutes of preceding regular and/or special meetings.
  - IV. Reports from commission and board representatives.
  - V. Recognition of special guests.
  - VI. Changes to the agenda.
  - VII. Consent agenda.
  - VIII. Public Comments (Items not on the Agenda).
  - IX. Business of the Council.
    - A. Ordinances
      - 1. Second reading and public hearings.
      - 2. First reading.
    - B. Resolutions.
  - X. President's communication.
  - XI. Staff Reports.
  - XII. City Manager Updates.
  - XIII. Items for Council discussion
  - XIV. Adjournment.
- 7.02** Change in Agenda. After Suspension of Council Rules pursuant to Section 16.02 of these Rules, upon motion and second by any Member, the order of business may be altered, items not scheduled for the agenda may be added to the agenda, or items scheduled for the agenda may be deleted from the agenda by a majority voice vote of Members present.
- 7.03** Unfinished Business. Following roll call in consideration of the minutes of the preceding meeting, the business of regular meetings shall commence at the point where the order of business of the preceding meeting was interrupted by adjournment unless the order of business is altered as provide for in 7.02 above.
- 7.04** Members of the Public Speaking Before Council. Members of the public shall be permitted to address Council. The following rules shall apply:
- A. Speakers' slips must be filled out completely by a citizen including name, address, organization affiliation (if any), and the subject matter that the



citizen desires to speak about. The citizen shall provide the Clerk with any material or information to be distributed to Members prior to the Council meeting. Information so provided shall be filed by the Clerk in the Council records.

- B. Each speaker before Council shall be limited to three-minutes. The Council President may advise speakers that only new information may be presented to Council and that if the speaker provides duplicative information
- C. Speakers' subject matter shall not contain obscenity, commercial advertising, defamation, or slander. Any such conduct may be a violation of the disorderly conduct or disturbing a lawful meeting provisions of Chapter 509 of the City's Codified Ordinances and these Council Rules.

## **SECTION 8. COUNCIL REPRESENTATIVES AND COMMITTEE OF THE WHOLE**

- 8.01** Appointment and Duties of Council Representatives. The Council President shall appoint a Member as representative to commissions and boards, as deemed necessary by the Council President.

Council representatives' function shall be to facilitate the transfer of information between Council, commissions, and boards. The Council Representative should attend all meetings of commission or board. Unless otherwise provided, the Council Representative is not a member of the commission or board nor does the Council Representative vote on matters before the board or commission.

- 8.02** Committee of the Whole Meetings. Council shall meet as a Committee of the Whole as may be found necessary to consider appointments pursuant to Sections 4 and 13 and to discuss topics of interest, required legislation prior to its introduction at a Regular Council Meeting, potential legislation, or any other matter. A Committee of the Whole meeting may be called by the President of Council or upon request of the City Manager. The Clerk shall provide notice to Council of any Committee of the Whole meeting in the same manner as provided in Section 2.03, Notice of Special Meetings, and shall provide notice to the press. The Council President shall be the Presiding Officer of the Committee of the Whole.
- 8.03** Ad Hoc Committees. The Council President may appoint ad hoc Committees of no more than three Members to make recommendations to Council on specific matters that may come before Council.

## **SECTION 9. LEGISLATIVE FLOW**

- 9.01** Preparation of Proposed Legislation. The majority of Council and the City Manager shall prepare or secure the preparation of all proposed legislation in accordance with this Section. A Member may propose legislation, but it will only be assigned to Council committee for consideration if approved by a majority of Council members present.

- 9.02** Preparation of Agenda. The Clerk at the direction of the Council President and City Manager shall prepare an agenda for each regular meeting of Council. Such agenda, together with legislation, exhibits and reports (“the packet”), shall be delivered to Members by the Clerk by the close of business on the **Thursday** preceding any regularly scheduled Council meeting. Delivery of the packet may be done via cloud-based software, shared folder system, email (addressed to Members’ City of Hilliard email address), or by personal service to Members’ usual place of residence if electronic means of delivery are unavailable. Personal service delivery may be done by the Clerk or any city employee.
- 9.03** Preparation of Committee of the Whole Agenda. The Clerk at the direction of the Council President and City Manager shall prepare an agenda for each Committee of the Whole meeting.
- 9.04** Committee of the Whole Consideration of Potential Legislation. At a Committee of the Whole meeting, following a discussion regarding potential legislation, Council may motion to have legislation prepared by Staff and placed on the next regular Council meeting agenda. A majority vote of the members present is necessary to have the legislation prepared and placed on the agenda.

## **SECTION 10. ORDINANCES**

- 10.01** Consideration of Ordinances. Ordinances may be considered consistent with Section 3.03 of the Charter.
- 10.02** Council First Reading. Consistent with Article III of the Charter, after its introduction, a proposed ordinance shall be given a first reading by title only. The Administration may present or report on the proposed ordinance after its introduction. Council may discuss the Ordinance and/or receive public comment during the meeting at which it is introduced and receives its first reading. Nothing herein, however, shall prevent any Member, with the permission of the Council President, from requesting information of any person regarding the pending ordinance.
- 10.03** Council Second Reading/Public Hearing. Consistent with Article III of the Charter, after the second reading of an ordinance, the Council President will allow for Council discussion, and allow persons present to be heard regarding the adoption of the ordinance by addressing Council. The Council President at any time during the discussion of an ordinance may limit the discussion, including, but not limited to, limiting the number of speakers on each issue or the amount of time each speaker is allotted.
- Discussion of a specific ordinance at the second reading shall end when the Council President determines that there is no additional discussion or new information to be presented. After all questions and comments by Council and the Administration, the Council President shall direct the Clerk to call the roll and Council shall vote on the ordinance.
- 10.04** Emergency Ordinances. Ordinances may be passed by emergency consistent with Section 3.05 of the Charter.

- 10.05** Public Comment. Notwithstanding the foregoing, at the discretion of the Council President and before Council is asked to vote on the ordinance, subject to such rules as respective Council President may announce at any time, may open the floor for additional public comments not already heard on the ordinance.

### **SECTION 11. RESOLUTIONS**

- 11.01** Consideration of Resolutions. Consistent with Section 3.10 of the Charter, Resolutions shall be placed before Council for consideration upon a motion and second to sponsor and adopt the legislation by any Members. Then the Council President shall inquire of Council if there are any questions or comments by Members and the Administration. Following all questions and comments by Council and the Administration, Council President shall direct the Clerk to call the roll and Council shall vote on the resolution.
- 11.02** Reading of Resolutions. Resolutions shall be read by title only, except that a resolution shall be read in its entirety at the discretion of the Council President or upon the approval of a majority of Members present.
- 11.03** Public Comment. Notwithstanding the foregoing, at the discretion of the Council President and before Council is asked to vote on the resolution, subject to such rules as Council President may announce at any time, may open the floor for additional public comments not already heard on the resolution. However, public comment on a resolution is not required.

### **SECTION 12. CONSENT AGENDA**

- 12.01** Consent Agenda, Generally. The consent agenda may contain routine legislation which is not controversial and does not need further discussion. The consent agenda shall consist of legislation which is subject to a vote at the particular Council meeting and is placed on the consent agenda by the Council President or City Manager. Items on the consent agenda are considered to be routine and non-controversial. All items on the consent agenda shall be consolidated and approved by a single vote. There will be no separate discussion on the consent agenda. Prior to the approval of the consent agenda, if any Member or any member of the public desires discussion that item will be removed from the consent agenda and will be considered separately. The Clerk shall record passage of the consent agenda and the vote thereon, the same as if each considered separately and voted upon.

### **SECTION 13. COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 13.01** Council Appointments to Boards and Commissions. As defined in Article IX of the Charter, Council may, by ordinance, establish and define the membership, procedures and duties of City Boards and Commissions.
- 13.02** Appointments to and filling Council Vacancies for the Board of Zoning Appeals (BZA), the Personnel Review Board (PRB), and the Planning and Zoning Commission (P&Z). Appointments shall be as follows:
- A. A date by which the appointment must be made will be established.

- B. An interview timeline will be established by Council:
1. A date by which the applicant(s) is required to submit resumes/letters of interest will be established and
  2. If necessary, select a meeting of Council for the purpose of reviewing the resume(s) and/or interviewing the candidate(s).

The Clerk of Council shall place a notice for a vacancy on the City website calling for resumes. The notice shall include minimum qualifications, a general overview/description of the board/commission, the time commitment involved and the deadline for submitting resumes pursuant to Section 13.02(B)(1), above.

After the deadline for submitting resumes has passed, the Clerk of Council will confirm the candidate(s) meets the minimum qualifications. Copies of the resume(s) of the qualified candidate(s) will be provided to all Members of Council prior to the meeting where the resume(s) will be discussed.

If Council determines an interview(s) is necessary, the Clerk of Council shall notify the qualified candidate(s) of the interview date and time, pursuant to Section 13.02(B)(2), above.

At the conclusion of the meeting where the resume(s) was discussed and/or candidate(s) interviewed, Council, by a majority vote of the members present, may choose a second round of interviews. If Council determines a second round of interviews is necessary, the Council President may instruct Members of Council to rank the candidates prior to the second interview. The Clerk of Council shall notify the candidate(s) of the date and time of that interview as determined by Council.

### **13.03 Appointment/Reappointment to Other Boards and Commissions**

Advisory boards and commissions vacancies may or may not be advertised. The Council representative will contact the member whose term is expiring and ask if they are interested in reappointed. If the member is interested in reappointed, Council will discuss the candidate with input from the Council representative and then decide whether to accept the reappointment or to advertise for the vacancy. If Council decides to advertise, see Section 13.02 above. Appointments and reappointments shall be made by resolution.

If a board/commission member, whose term is expiring, chooses not to be reappointed or resigns, the Council represented shall be notified and the procedures for such vacancy will be followed as stated in 13.02.

### **13.04 Removal of Council Appointed Boards/Commissions Members**

If a Council appointed board/commission member is not fulfilling their commitment and at the recommendation of the Council or staff representative to the board/commission, may be removed by a majority vote of the Members of Council present unless otherwise stated in the Charter. All decisions of Council are final.

## SECTION 14. MOTIONS

- 14.01** Motions, Generally. During discussion of an ordinance, resolution, or any other matter properly before Council for consideration, the following motions may be used for the purposes stated herein. However, Council is not limited to motions only listed in this Section.
- A. Motion to Table. A motion to table may be made by any Member and requires a second and approval by a voice vote of the majority of the Members present. The purpose of this motion is to enable Council to lay aside the pending question in such a way that its consideration may be resumed at the will of Council at a later date. The effect of the adoption of this motion is to place on the table the pending question and everything relating to it. Further discussion is not in order until the matter is removed from the table by motion and a second of a Member. If removed from the table, the ordinance, resolution, or any other matter will be heard at the next regularly scheduled Council meeting.
  - B. Motion to Postpone to a Date Certain. A motion to postpone to a date certain may be made by any Member. The purpose of this motion is to postpone consideration of the matter and establish a date certain when the same will be considered. On the date certain, the postponed legislation or issue will automatically appear on Council's agenda in the order stated in the original motion to postpone to a date certain.
  - C. Motion to Amend. A motion to amend may be made by any Member. The purpose of this motion is to insert or strike words or paragraphs, complete blanks or make corrections providing the same are germane to the question under consideration. The effect of this motion, if approved by a majority voice vote of Members present, is that the question being considered (generally an ordinance or resolution) is changed.
  - D. Motion to Substitute the Amended Version. A motion to substitute the amended version may be made by any Member. The purpose of this motion is to make material changes to a resolution or ordinance. The effect of this motion, if approved, is that the question being considered (generally an ordinance or resolution) is changed.
  - E. Motion to Reconsider. A motion to reconsider may be made by any Member. A motion to reconsider legislation previously acted upon by Council may be made by any Member no later than thirty (30) days from the date it was previously acted upon by City Council. In the case of a defeated proposal, the motion to reconsider must be made by one of the Members who voted against the legislation initially and must be made no later than the next regularly scheduled meeting of Council. The vote shall be by a majority voice vote of Members present to pass.
  - F. Motion to Adjourn. Any Member may make, and Council may consider, a motion to adjourn providing the same is in order. A motion to adjourn shall **not** be considered when:
    1. Repeated without intervening business or discussion.

2. Made while another Member is speaking.
3. A vote is being taken.

The Council President may also adjourn a meeting by unanimous consent by voice vote of Council as follows: "If there are no objections, the meeting will now adjourn."

- G. Motion to Recess. Subject to the same rules regarding a motion to adjourn, as stated above, the Council may recess for a period of time. The purpose of this motion is to allow Council breaks as deemed needed during a Council meeting. A motion to recess requires a second and approval by the majority voice vote of the Members present.

## **SECTION 15. MISCELLANEOUS RULES**

- 15.01** Procedure in Absence of a Rule. In absence of a rule to govern a procedure, reference shall be made to the approved practice in Robert's Rules of Order, Newly Revised. Nothing herein, however, shall be interpreted as limiting or affecting the Council President's power to control a meeting.
- 15.02** Suspension of Council Rules. These rules shall control the business of Council at all meetings unless suspended by a majority vote of Members present at a Council meeting. The failure to suspend the rules contained herein shall not nullify any action by Council.

**APPROVED: 3/28/2022**

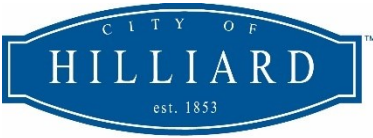
## **SECTION X. LEGISLATIVE FLOW**

**x.xx** Agendas. The Council President and City Manager shall confer regularly regarding the agenda for all meetings of Council. The Council President shall determine the final agendas. If it is determined that a meeting may become unduly lengthy due to the content and/or number of items on an agenda, the Council President has the authority to divide the agenda and defer items to the next Regular meeting or call a Special meeting.

**x.xx** Member Requested Agenda Items: Upon written request (email) to the Clerk seven days prior to a scheduled meeting date, any Member, with support of another member, may request items be added to a Committee of the Whole agenda for discussion, information and/or possible action. Such written requests should include a single, clearly stated subject, the reason for the request, any documentation they wish to provide and a proposed meeting date. Once a request is received, the Clerk will forward the request to the Council President and the requested item will be placed on the agenda as a Business Item at the meeting date requested at which time, the Member will verbally explain the request. There will not be a staff report/recommendation when the item first appears on the Committee of the Whole agenda. With a motion, a second and a majority vote of Members present shall take one of the following actions, if necessary: 1) refer the topic to the next Committee of the Whole for further discussion, at which time and if requested, a staff report, additional information and recommendation may be prepared, 2) request legislation be prepared by the Law Department for Council consideration at the next Regular meeting or 3) decide not to pursue the Member initiated item.

This requirement may not be waived, and any request received after this deadline, will be automatically delayed. If a Committee of the Whole is not scheduled on the Member's proposed date, see Rule x.xx below.

**x.xx** Member Discussion/Legislation from the Floor: During the "Council Discussion" portion and without amending the agenda, a Member may propose items for discussion or, with the support of another member, propose legislation. Pursuant to Charter Section 3.02 proposed legislation shall be submitted to the Law Director for approval to form, introduced in writing by a Member and shall contain a title and one subject, which shall be clearly set forth in the title. The Member will verbally explain the item for discussion or proposed legislation after which the remaining members will have the opportunity to ask questions. There will not be a staff report/recommendation on these items unless directed by a majority of Council. The Member proposed legislation shall be moved to the next Regular meeting for first reading (ordinance) or consideration (resolution), which will allow the proposed legislation to be inputted into the agenda system, appropriately numbered and given proper public notification.



Real People. Real Possibilities.

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**PROPOSED**

## **Operating Rules**

Adopted by motion February 22, 2021  
(Amended by Voice Vote November 22, 2021)



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**\*\* The Index will be updated and corrected after Council Approval**

In accordance with Charter Section 2.11 (hereinafter referred to as the “Charter”), the following rules are adopted by this Council as a guide to its orderly operation. These rules shall continue in effect until repealed or amended by a majority vote of Members at a regularly scheduled meeting of Council.

### **SECTION 1 - DEFINITIONS**

- 1.01 Charter:** The Hilliard City Charter, Ohio effective January 1, 2020, and its amendments, if any.
- 1.02 Clerk:** The Clerk of Council appointed by Council pursuant to Charter Section 2.13.
- 1.03 Council President:** The presiding officer of all meetings of Council, serves as the ceremonial head of the City. The Council President is a voting member but does not have the power of veto.
- 1.04 Member(s):** An elected official of the City Council, which consists of seven (7) members.
- 1.05 Meeting:** Any meeting of Council to include, but not limited to: Regular, Committee of the Whole, Organizational or Special meetings of Council. All meetings are open to the public with the exception of Executive Session.
- 1.06 Ordinance:** establishes permanent rules of conduct or of government.
- 1.07 Presiding Officer:** Oversees the orderly conduct, maintains order and decorum of all meetings of Council. If the President is absent, the Vice President serves as the presiding officer. If both the President and Vice President are absent, a Member will be appointed among the remaining members to temporarily assume these duties.
- 1.08 Resolution:** expresses the policy or opinion of Council; deals with a specific matter; is temporary in nature and does not establish permanent or general legislation.
- 1.09 Quorum:** A majority of the members of Council (4 members).

### **SECTION 2 - MEETINGS**

- 2.01 Regular Meeting:** Meetings of the entire Council to conduct the business of Council. Regular meetings shall be held at 7:00 p.m. on the second and fourth Monday of the month and shall be held not less frequently than once each month.
- 2.02 Committee of the Whole:** Meetings of the entire Council and are scheduled on an as needed basis. These meetings may be necessary to discuss topics of interest, items requested by a Council member, potential legislation or any other

matter. A Committee of the Whole meeting may be called by the President of Council or upon request of the City Manager.

- 2.03 Organizational:** A meeting held each year prior to the regularly scheduled meeting in January. At this meeting Council elects a President and Vice President from among its own members. Following an election year, newly elected members shall take the Oath of Office.
- 2.04 Special Meeting:** Council may hold special meetings as necessary. Special meetings may also be called by written request of three Members or written request of the Council President. Any such request shall state the subject(s) to be considered, but Council may consider other subjects if necessary. Unless scheduled at a Regular meeting, a minimum of 24 hours' notice shall be given to each Council member via their City email address, posted on the City's website and proper notification given to the public and media.
- 2.05 Changes or Cancellation of Meetings:** During a Council meeting, Council, by a majority vote of its Members may change the place, date and/or time or cancel any future meetings. In addition, the Council President may cancel a Council meeting in the event of a real and present emergency affecting City government or in the event of a natural disaster, severe weather conditions, national or state emergency. The Clerk shall ensure that any cancellation, alternate date, or alternate location is published on the City's website or other generally accepted medium, as designated by Council.
- 2.06 Meeting Notification:** Proper meeting notification shall include the time, place of all meetings and shall be given to the public via the City's website at a minimum of 72 hours in advance unless otherwise required.
- 2.07 Roll Call/ Quorum:** Prior to conducting any business, the President shall cause the roll to be called by the Clerk to determine the presence of a quorum. If a lack of a quorum exists at the published meeting time, the Members present may cause the Clerk to procure the attendance of the absent Members. If a lack of a quorum still exists, the meeting cannot be held.

### **SECTION 3 – EXECUTIVE SESSION**

- 3.01 Open Meeting Law Compliance/Executive Session:** In addition to any notice procedure established by these operating rules, the requirements of Charter Section 2.10 shall be followed. In addition, the following applies:
- A. Council is permitted to meet in Executive Session only to discuss the specific topics listed in Charter Section 2.10. [https://library.municode.com/oh/hilliard/codes/code\\_of\\_ordinances?nodeId=CHHIOH\\_ARTIITHCO\\_2.10EXSE](https://library.municode.com/oh/hilliard/codes/code_of_ordinances?nodeId=CHHIOH_ARTIITHCO_2.10EXSE)
- B. An Executive Session must always begin and end in an open meeting of Council. With a motion and a second, at least five (5) members present must vote by roll call to hold an Executive Session. The motion must state the reason(s) for the Executive Session and cite the specific Charter provision(s).

- C. The Law Director, or a designee acting as legal representative to the City and Council, must be in attendance. Others may be permitted into an executive session by invitation/approval of the Council President.
- D. The Law Director or any Member shall inform any person speaking off-topic that unrelated matters shall not be discussed. The only topics permitted to be discussed are the matter(s) for which the Executive Session was called and approved for.
- E. To maintain the integrity of the information discussed during Executive Session and attorney/client privilege, Members and anyone present during the Executive Session shall refrain discussing (privately or publicly) the information covered in said Executive Session or the matter is brought before Council in an open meeting.
- F. Council shall not take formal action of any kind in Executive Session. All formal actions must be taken in an open meeting. Formal Action of any kind is invalid unless adopted in an open meeting.
- G. To end an Executive Session, Council shall reconvene the open meeting by Voice Vote with a motion and a second. If no action is to be considered, taken or required in open session, the Council President shall adjourn the open meeting by Voice Vote with a motion and second.

#### **SECTION 4 – AGENDAS/AGENDA ITEMS**

- 4.01 Agendas:** The Council President and City Manager shall confer regularly regarding the agenda for all meetings of Council. The Council President shall determine the final agendas. If it is determined that a meeting may become unduly lengthy due to the content and/or number of items on an agenda, the Council President has the authority to divide the agenda and defer items to the next Regular meeting or call a Special meeting.
- 4.02 Member Requested Agenda Items:** Upon written request (email) to the Clerk seven days prior to a scheduled meeting date, any Member, with support of another member, may request items be added to a Committee of the Whole agenda for discussion, information and/or possible action. Such written requests should include a single, clearly stated subject, the reason for the request, any documentation they wish to provide and a proposed meeting date. Once a request is received, the Clerk will forward the request to the Council President and the requested item will be placed on the agenda as a Business Item at the meeting date requested at which time, the Member will verbally explain the request. There will not be a staff report/recommendation when the item first appears on the Committee of the Whole agenda. With a motion, a second and a majority vote of Members present shall take one of the following actions, if necessary: 1) refer the topic to the next Committee of the Whole for further discussion, at which time and if requested, a staff report, additional information and recommendation may be prepared, 2) request legislation be prepared by the Law Department for Council consideration at the next Regular meeting or 3) decide not to pursue the Member initiated item.

This requirement may not be waived, and any request received after this deadline, will be automatically delayed. If a Committee of the Whole is not scheduled on the Member's proposed date, see Rule 4.03 below.

- 4.03 Member Discussion/Legislation from the Floor:** During the "Council Discussion" portion and without amending the agenda, a member may propose items for discussion or, with the support of another member, propose legislation. Pursuant to Charter Section 3.02 proposed legislation shall be submitted to the Law Director for approval to form, introduced in writing by a Member and shall contain a title and one subject, which shall be clearly set forth in the title. The Member will verbally explain the item for discussion or proposed legislation after which the remaining members will have the opportunity to ask questions. There will not be a staff report/recommendation on these items unless directed by a majority of Council. The Member proposed legislation shall be moved to the next Regular meeting for first reading (ordinance) or consideration (resolution), which will allow the proposed legislation to be inputted into the agenda system, appropriately numbered and given proper public notification.
- 4.03 Preparation of Agenda:** The Clerk shall prepare agendas for all meetings of Council. Such agendas shall include all information submitted for the meeting, to include but not limited to, legislation, exhibits and reports ("the packet"), and shall be delivered to Members by the Clerk by the close of business on the **Thursday** preceding any regularly scheduled Council meeting. Delivery of the packet may be done via cloud-based software, shared folder system, email (addressed to Members' City of Hilliard email address), or by personal service to Members' usual place of residence if electronic means of delivery are unavailable. Personal service delivery may be done by the Clerk or any city employee.
- 4.04 Copies of Agendas:** Copies of meeting agendas and all legislation being considered by Council shall be made available to the public at the meeting. Legislation exhibits need not be attached but made available to the public for inspection in the Clerk's office.

## **SECTION 5 - ORDER OF BUSINESS**

- 5.01 Agenda of the Regular meeting:** The order of business at regular meetings of Council shall be as follows:
- I. Roll call
  - II. Invocation and Pledge of Allegiance to Flag
  - III. Approval of Minutes
  - IV. Reports from Commission and Board representatives
  - V. Recognition of Special Guests
  - VI. Changes to the Agenda
  - VII. Consent Agenda
  - VIII. Public Comments (Items not on the Agenda)
  - IX. Business of the Council
    - A. Ordinances
      1. Second Reading and Public Hearings
      2. First Reading
    - B. Resolutions
  - X. President's Communication

- XI. Staff Reports
- XII. City Manager Updates
- XIII. Items for Council discussion
- XIV. Adjournment

- 5.02 Change in Agenda:** Upon a motion and second by any Member, the order of business on an agenda may be amended. Items not on the agenda may be added, or items on the agenda may be deleted by a majority voice vote of Members present.
- 5.03 Unfinished Business:** Following roll call in consideration of the minutes of the preceding meeting, the business of regular meetings shall commence at the point where the order of business of the preceding meeting was interrupted by adjournment unless the order of business is altered as provided for in 5.02 above.
- 5.04 Consent Agenda:** The consent agenda may contain routine legislation which is not controversial and does not need further discussion. The consent agenda shall consist of legislation which is subject to a vote and is placed on the consent agenda by the Council President or City Manager. All items on the consent agenda shall be consolidated and approved by a single voice vote of the Members present. Prior to the approval of the consent agenda, if any Member or any member of the public requests a discussion, that item will be removed from the consent agenda and considered separately at the appropriate place on the agenda. The Clerk shall record passage of the consent agenda and the vote thereon, the same as if each is considered separately and voted upon.

## **SECTION 6 - LEGISLATION**

- 6.01** Legislative action taken by Council shall be by ordinance or resolution. Ordinances establish permanent rules of conduct or of government. Resolutions express the policy or opinion of Council and deal with a specific matter and are temporary in nature and do not establish permanent or general legislation.
- 6.02** All legislation is read in title only, unless requested to be read in its entirety. All legislation is recorded in a book kept for this purpose and shall be authenticated by the signature of the Presiding Officer, Law Director and Clerk of Council.

### **ORDINANCES**

- 6.04 Consideration of Ordinances:** Ordinances may be considered consistent with Charter Section 3.03.  
[https://library.municode.com/oh/hilliard/codes/code\\_of\\_ordinances?nodId=CHHI-OH-ARTIIORRE-3.03COOR](https://library.municode.com/oh/hilliard/codes/code_of_ordinances?nodId=CHHI-OH-ARTIIORRE-3.03COOR)
- 6.05 First Reading:** Consistent with Charter Article III, after its introduction, a proposed ordinance shall be given a first reading by title only. The Administration may present or report on the proposed ordinance and Council may discuss the ordinance after its introduction. Nothing herein, however, shall prevent any Member, with the permission of the Council President, from requesting information of any person regarding the pending ordinance.

- 6.06 Second Reading/Public Hearing:** Consistent with Article III of the Charter, after the second reading/public hearing of an ordinance, the Council President will allow for Council discussion and allow the public to be heard (3 minutes) regarding the adoption of the ordinance. The Council President at any time during the discussion may limit the discussion, including, but not limited to, limiting the number of speakers on each issue or the amount of time each speaker is allotted.

Discussion of a specific ordinance at the second reading/public hearing shall end when there is no additional discussion, questions/comments by Council or Administration or new information to be presented. The Council President shall, at that point, direct the Clerk to call the roll and Council shall vote on the ordinance. Upon passage the ordinance will become effective at the earliest date allowable by law.

- 6.07 Emergency Ordinances:** Any ordinance which must be passed without delay, public notice or public hearing to meet a real and present emergency in the operations of the City government, or necessary for the immediate preservation of the public peace, health, safety or general welfare as determined. Council shall, in a separate section thereof, adopt by an affirmative vote of not less than five (5) Members, with not more than one (1) dissent, declare that such emergency exists, giving the reasons, therefore. Emergency ordinances take effect immediately upon passage. (Reference Charter Section 2.05).

## RESOLUTIONS

- 6.08 Consideration of Resolutions:** Consistent with Charter Section 3.10. With a motion and a second, a majority vote of Members present is required to pass Resolutions before Council for consideration. Following all reports, questions and comments from Council and Administration, the Council President shall direct the Clerk to call the roll and Council shall vote on the resolution. Resolutions become effective immediately upon passage.
- 6.09 Reading of Resolutions:** Resolutions shall be read by title only but may be read in its entirety at the discretion of the Council President or upon the approval of a majority of Members present.

## SECTION 7 - VOTING

- 7.01 Voting:** Every Member present when a vote is called shall vote on the same unless a member chooses to abstain. All questions shall be stated by the Council President and put to the vote of the Members present as follows:
- A. **Roll Call Vote:** After a motion and a second, the Clerk shall call the individual names of the Members present at which time they must cast a vote for or against the question. The number of votes cast for each side and whether the motion passed or failed will be announced by the Council President or the Clerk.
  - B. **Voice Vote:** After a motion and a second, a voice vote may be taken which is by members verbally agreeing or disagreeing to the question. If the voice vote result is in doubt, the Council President or any Member may call for a roll call vote.

- C. **Abstention:** A Member may choose to abstain from voting for a reason that is required under the Constitution of the United States or Ohio, State law, City Ordinance or by Charter requirement, or for other good cause. A Member who wishes to abstain from voting must announce their desire to abstain prior to discussion on the matter and shall leave the Council Chamber to refrain from participating or communicating (verbally or nonverbally) in such discussions on the question or issue. The Council President shall refer questions of legal conflict to the Law Director for advice. There shall be no debate upon the question of abstention.
- D. **Unanimous Consent:** Used to expedite the consideration of uncontroversial motion such as the approval of minutes.
- E. **Demand for Roll Call After Discussion:** Any Member may call for a roll call vote upon any question before Council at any time before the Council President announces the decision on said question. In such event, the decision of that roll call vote shall stand.
- F. **Random Order:** The Clerk shall take all roll call votes in random order.

### **SECTION 8 - MOTIONS**

- 8.01** During discussion of an ordinance, resolution, or any other matter before Council, the following motions may be used for the purposes stated herein. All motions require a second and a majority vote of the Members present unless otherwise specified. However, Council is not limited to the motions only listed in this Section.
- A. **Motion to Table:** Allows Council to lay on the table the pending issue, matter or legislation and everything related to it in such a way that its consideration may be resumed at the will of Council at the next Regular meeting. At the next Regular meeting, with a motion, second and a majority vote of the Members present may remove the item from the table at which point the item will be heard. If the item is not removed from the table, it must be renewed through the regular agenda-setting process.
  - B. **Motion to Postpone:** Allows Council to postpone consideration of an issue, matter or legislation until a later date. The postponed matter will automatically appear on a future Council agenda.
  - C. **Motion to Amend:** Allows Council to insert or strike words or paragraphs, complete blanks or make corrections providing the same are germane to the question under consideration. The effect of this motion, if approved by a majority voice vote of Members present, is that the question being considered (generally an ordinance or resolution) is changed.
  - D. **Motion to Substitute the Amended Version:** Allows Council to make material changes to a resolution or ordinance. The effect of this motion, if approved, is that the question being considered (generally an ordinance or resolution) is changed.
  - E. **Motion to Reconsider:** Allows Council to reconsider legislation previously acted upon by Council and may be made by any Member no later than



thirty (30) days from the date it was previously acted upon by Council. In the case of a defeated proposal, the motion to reconsider must be made by one of the Members who voted against the legislation initially and must be made no later than the next Regularly meeting of Council. The vote shall be by a majority voice vote of Members present to pass.

- F. **Motion to Recess:** Council may recess for a period of time and allows Council to take a break as deemed needed during a Council meeting. A motion to recess requires a second and approval by the majority voice vote of the Members present.
- G. **Motion to Adjourn:** At the appropriate time, the Council President will call for a motion and a second to adjourn a meeting by voice vote. A motion to adjourn shall **not** be considered when:
  1. Repeated without intervening business or discussion.
  2. Made while another Member is speaking.
  3. A vote is being taken.

## SECTION 9 – PUBLIC PARTICIPATION

- 9.01 Public Participation:** The President will recognize members of the public requesting to address Council on matters not on the agenda or legislation on the agenda, including first reading of ordinances, but not listed as a Public Hearing. Each person will have three (3) minutes under the “Public Comments (Items Not on the Agenda)”.

The President will recognize members of the public requesting to be heard at a Second Reading/Public Hearing of an ordinance. Each person will have three (3) minutes after the reading of the legislation title for which the Public Hearing is being held.

Additional time may be allowed by permission of the Council President or roll call vote of the Members present. The decision of that roll call vote shall stand.

Members of the public shall:

- A. Provide their name, address, organization affiliation (if any) either on a written sign in sheet or before they begin to address Council to allow for accuracy in the meeting minutes and the subject matter that they wish to address.
- B. Provide the Clerk with any material or information to be distributed to Council prior to the meeting. Information provided shall be filed by the Clerk in the Council packet for that meeting and kept in accordance with the approved Council RC-2.
- C. Refrain from using obscene language, commercial advertising, defamation or slander. Any such conduct may be a violation of the disorderly conduct or disturbing a lawful meeting provision of Chapter 509 of the City’s Codified Ordinances and these Council Rules.

- C. Members of the public cannot direct staff to provide information. This direction is only given by a majority vote of Council.

### **SECTION 10 - RECORD OF PROCEEDINGS**

- 10.01 Minutes:** The minutes shall be an accurate record of actions, discussions, motions and votes of all meetings of Council and shall not be a verbatim transcript. They are considered permanent records of the City.
- 10.02 Recording of Proceedings:** An audio/video record of all proceedings of Council shall be created, if available. If for some reason an audio/video record cannot or is not made, it does not nullify the proceedings. Meeting recordings shall be maintained in accordance with Council's RC-2 Schedule of Records Retention and Disposition.

### **SECTION 11 - PRESIDENT/VICE PRESIDENT**

- 11.01 Permanent Vacancy of the Council President:** If, for any reason, the office of President is permanently vacated, the Vice President shall immediately assume the position and duties of Council President and shall serve in that position until the next organizational meeting. At the next regularly scheduled Council meeting after the assumption of the Presidency, a new Vice President shall be elected among the remaining Members. The majority of the Members present, may defer said election of a new Vice President only once to the next regularly scheduled Council meeting. The newly elected Vice President shall serve in that position until the next organizational meeting of Council.
- 11.02 Permanent Vacancy of Council President and Vice-President:** If, for any reason, the position of Council President and Vice President are permanently vacated, Council shall, at its next regularly scheduled meeting, immediately elect a new President and Vice President from among the remaining members. At the request of the majority of the Members present, this election may be deferred to the next regularly scheduled Council meeting. The newly elected President and Vice President shall serve in these positions until the next organizational meeting of Council.

### **SECTION 12 - PROCEDURE FOR FILLING A COUNCIL VACANCY**

- 12.01** Any vacancy on Council shall be filled within forty-five (45) days by the selection of an individual who meets the qualifications provided in Charter Section 2.02 and 2.03 by a majority vote of the remaining members. In the event the remaining Members fail to fill any vacancy on Council within forty-five (45) days, the President of Council shall fill any such vacancy by the appointment of an individual meeting the qualifications within ten (10) days,(Reference Charter Section 2.05) [https://library.municode.com/oh/hilliard/codes/code\\_of\\_ordinances?nodelf=CCHI-OH-ARTIITHCO-2.05VAHOFI](https://library.municode.com/oh/hilliard/codes/code_of_ordinances?nodelf=CCHI-OH-ARTIITHCO-2.05VAHOFI)
- 12.02** When a vacancy on Council exists, the Council, by a majority vote of the Members present, shall establish a timeline to fill the vacancy by choosing a date by which applicants are required to submit resumes/letters of interest; and a date to convene a Special or Committee of the Whole meeting for the purpose of discussing the

qualified candidate(s), interviewing the candidates or establishing a later date and time for interviews.

The Clerk shall then place a notice on the City website calling for resumes. The notice shall include the minimum qualifications as established by Charter Section 2.02. and the deadline for submitting resumes pursuant to the date established by Council.

After the deadline for submitting resumes has passed, the Council President and Clerk will review the resume(s) to ensure the candidate(s) meet the minimum qualifications. The Clerk shall distribute copies of the resume(s) of the qualified candidate(s) to all Members prior to the meeting at which Council determined the candidate(s) will be discussed and/or interviewed.

The Clerk shall notify all qualified candidate(s) of the interview date established by Council and provide proper public notice (see Section 2.06).

At the conclusion of the established meeting, the Council President or a majority vote of the Members present, may decide a second round of interviews is necessary at which time a date and time for the purpose of holding said interviews will be determined.

If the majority of Members present determine a second round of interviews is not necessary, with a motion, second and a majority vote of the remaining members present Council shall appoint one of the qualified candidate(s) to fill the vacant seat at the next Regular meeting.

After the second round of interviews, with a motion, second and a majority vote of the remaining members present Council shall appoint one of the qualified candidate(s) who advanced to the second round of interviews to fill the vacant seat at the next Regular meeting.

The qualified candidate appointed to fill the unexpired term shall serve for the remainder of the unexpired term.

### **SECTION 13 - COUNCIL REPRESENTATIVES TO VARIOUS COUNCIL COMMITTEES/BOARDS**

- 13.01 Appointment and Duties:** The Council President shall appoint Members as representatives to various Council boards and commissions, as deemed necessary.

Council representatives shall facilitate the transfer of information between Council and the commissions/boards and should attend all meetings of the board/commission to which they were appointed. Unless otherwise provided, the Council Representative is not a member of the commission/board nor has a vote on matters of the board/commission.

- 13.02 Ad Hoc Committees:** The Council President may appoint ad hoc Committees of no more than three Members to make recommendations to Council on specific matters.

## **SECTION 14 - MEMBER'S DUTIES AND PRIVILEGES**

- 14.01 Excusal From Attendance:** No Member shall be excused from attendance at a meeting or a meeting in session except by permission from the Council President prior to such meeting. Members shall inform the Clerk prior to the meeting who shall inform the Council President of such excusal request.
- 14.02 Addressing the Presiding Officer:** When a Member wishes to speak to a question or make a motion, a Member shall address the presiding officer as "Mr. or Madame President or Vice President" who shall in turn recognize the Member entitled to the floor. Members shall confine themselves to the question under debate and avoid personality conflicts.
- 14.03 Decorum in Council Chambers:** The Council President shall maintain and preserve decorum in Council Chambers during all Council sessions. Persons other than Members and City officials shall not be permitted to address Council or any Member except by introduction by the Council President or at the appropriate point on the agenda.
- 14.04 Points of Order/Appeal Decision of Council:** The Council President shall decide all questions of order, subject to appeal to Council. If any Member transgresses from the Council Rules, the Council President shall, or any Member may, call that Member to order; in the latter instant, the Council President shall render a decision as to the point of order. Any decision of the Council President as to the point of order may be appealed to the Members present by simply stating, "I appeal the decision of the Council President." The Council President shall then immediately ask the members present: "Shall the decision of the Council President stand as the decision of Council?" The Council President's decision shall be sustained unless overruled by a majority vote of the Members present. The Council President shall be entitled to vote.
- 14.05 Division of a Question:** Any Member may request a question under consideration which covers two or more points be divided where the question permits such division.
- 14.06 Personal Conduct During Meetings:**
- A. Be on time for all meetings unless unavoidably detained.
  - B. Conduct oneself in a professional manner, even during times of disagreement or discord.
  - C. Dress appropriately.
  - D. Abstain from the use of alcoholic beverages prior to a meeting.
  - E. Refrain from taking the floor without being recognized by the Council President (i.e. interrupting and/or speaking over other Members).
  - F. Refrain from the use of profanity.
  - G. Observe these rules.

## **SECTION 15 - COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS**

**15.01 Council Appointments to Boards and Commissions:** As defined in Charter Article IX, Council may, by ordinance, establish and define the membership, procedures and duties of City Boards and Commissions.

**15.02 Appointments to and filling Council Vacancies for the Board of Zoning Appeals (BZA), the Personnel Review Board (PRB), and the Planning and Zoning Commission (P&Z):**

Appointments shall be as follows:

- A. A date by which the appointment must be made will be established.
- B. An interview timeline will be established by Council:
  1. A date by which the applicant(s) is required to submit resumes/letters of interest will be established and
  2. If necessary, select a meeting of Council for the purpose of reviewing the resume(s) and/or interviewing the candidate(s).

The Clerk of Council shall place a notice for a vacancy on the City website calling for resumes. The notice shall include minimum qualifications, a general overview/description of the board/commission, the time commitment involved and the deadline for submitting resumes.

After the deadline for submitting resumes has passed, the Clerk will confirm the candidate(s) meets the minimum qualifications. Copies of the resume(s) of the qualified candidate(s) will be provided to all Members of Council prior to the meeting where the resume(s) will be discussed.

If Council determines an interview(s) is necessary, the Clerk shall notify the qualified candidate(s) of the interview date and time, pursuant to Section 13.02(B)(2), above.

At the conclusion of the meeting where the resume(s) was discussed and/or candidate(s) interviewed, Council, by a majority vote of the members present, may select a candidate or choose a second round of interviews. If Council determines a second round of interviews is necessary, the Council President may instruct Members of Council to rank the candidates prior to the second interview. The Clerk shall notify the candidate(s) of the date and time of that interview as determined by Council.

**15.03 Appointment/Reappointment to Other Boards and Commissions:**

Advisory boards and commissions only, vacancies may or may not be advertised. The Council representative will contact the member whose term is expiring and ask if they are interested in reappointment. If the member is interested in being reappointed, Council will discuss the candidate with input from the Council representative and then decide whether to accept the reappointment or to advertise for the vacancy. If Council decides to advertise, see Section 13.02 above. Appointments and reappointments shall be made by resolution.

If a board/commission member, whose term is expiring, chooses not to be reappointed or resigns, the Council represented shall be notified and the procedures for such vacancy will be followed as stated in 13.02.

**15.04 Removal of Council Appointed Board/Commission Members:**

If a Council appointed board/commission member is not fulfilling their commitment or doing an acceptable job and at the recommendation of the Council or staff representative to the board/commission, may be removed by a majority vote of the Members of Council present unless otherwise stated in the Charter. All decisions of Council are final.

**16 - MISCELLANEOUS**

**16.01 Acceptance of Gifts:** No City officer, official, or employee shall solicit, loan or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the City officer, official or employee with respect to that person's duties. (Ref. ORC 102.03)

**16.02 Conflicts of Interest, Ethics and Campaign Financing:** The laws of the State of Ohio governing conflicts of interest, criminal misbehavior, ethics, financial disclosure by municipal officials and employees, campaign financing, and election practices shall apply.

**16.03 Use of City Equipment and Property:** Council members may be assigned City equipment or property and must abide by all rules and policies adopted for use of such equipment and property.

**16.04 Procedure in Absence of a Rule:** In absence of a rule to govern a procedure, reference shall be made to Robert's Rules of Order, Newly Revised. Nothing herein, however, shall be interpreted as limiting or affecting the Council President's power to control a meeting or Council in general.

**16.05 Suspension of Council Rules:** These rules shall control the business of Council at all meetings unless suspended by a majority vote of Members present. The failure to suspend the rules contained herein shall not nullify any action by Council.

**16.06** Council may exercise its powers only when Council is in session. Members of Council and the Council itself are not bound by any statement or action taken by individual members, City officials or employees unless in accord with Council action.

**16.07** Council or its individual members shall only interact with City employees, including Directors, who are subject to the direction and supervision of the City Manager solely through the City Manager or at their discretion.