

Rules of Council
(as revised to October 3, 2006)

THE CHAIR
Powers and Duties

1. At the first meeting in January following a regular municipal election, the Council shall elect one of its members President who shall serve as President at the pleasure of Council. The President of Council shall preside at meetings of the Council and perform such duties as presiding officer as may be imposed by the Council. In the absence of the President of Council, the President Pro Tem shall serve as President. The President Pro Tem shall be rotated each calendar month in alphabetical order as the Councilmember presenting the Council Agenda and shall be first on first call following the President of Council.

The President of Council, or if absent, the President Pro Tem, shall take the Chair at the hour appointed for Council to meet, and shall immediately call the members to order. The Roll shall then be called, and the Clerk shall enter in the minutes of each meeting the names of the members present thereat. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote, take a recess or recesses, and cause the Clerk to procure the attendance of absent members.

2. In case of the absence of the President of Council and President Pro Tem, the Clerk shall call the Council to order, and the roll having been called and a quorum found to be present, Council shall proceed to elect by a majority vote, a member to chair the meeting until the appearance of the President of Council or President Pro Tem.

3. The Chair shall preserve decorum and decide all questions of order, subject to appeal to Council. In case of an appeal being taken the question shall be: "Shall the decision of the Chair stand as the decision of Council?" If any member transgress the rules of Council, the Chair shall, or any member may, call the member to order, in which case the Chair shall render a decision as to the point of order. The Chair shall be sustained unless overruled by a majority vote of all members of Council.

4. All questions are to be stated and put by the Chair. All votes upon the final passage of ordinances and resolutions shall be by roll call vote. Votes on all other motions may be by roll call or voice vote. Any Councilmember may demand a roll call upon any question to be voted upon by the Council and when such demand is made the Clerk shall call the roll.

5. Either the President of Council, President Pro Tem, or Chair of the meeting may call any other member to take the chair, such substitution not to continue beyond adjournment. By "the Chair" as applied to the person presiding, is meant either President of Council, President Pro Tem, or Chair of the meeting.

MEMBERS Duties and Privileges

6. Location of seats in the Council Chamber shall be determined by City Council seniority, followed by alphabetical order, if necessary. Every member, when about to speak on a question or make a motion, shall address the chair who shall pronounce the name of the member entitled to the floor. The speaker shall confine all remarks to the question, and shall avoid personalities.

7. No member shall be allowed to speak more than once upon any one subject until every member choosing to speak shall have spoken.

8. Every member present when a question is put shall vote either "yes", "no" or abstain. A member abstaining at a regularly scheduled Council Meeting shall do so only in the event of a conflict of interest. A member abstaining at a Committee Meeting may do so for any reason.

9. The roll call for meetings of Council and any Committee consisting of all the members of Council shall be rotated each calendar month commencing with the Councilmember presenting the calendar and follow in alphabetical order thereafter.

10. Any member may demand the division of a question under consideration when its sense will admit thereof.

11. Any member may demand a call of the roll upon the yes's and no's upon any question before the Council at any time before the decision is announced by the Chair. It shall not be in order for members to explain their vote during the call of the roll.

12. No member of the City Council shall leave the Council chamber while in regular session without notifying the presiding officer or the Clerk.

13. Any member of Council who intends to be absent from a Council or Committee meeting shall notify the Clerk prior to said meeting.

MEETINGS OF COUNCIL

14. Except as otherwise provided in Section 32 of the Charter, effective September 10, 1996, Council shall meet bi-weekly on Tuesday at 4:00 P.M. in the Council Chambers. Council, may by motion, dispense with any regular meeting or change the day and hour of holding any regular meeting. Whenever Tuesday shall be a holiday, the regular meeting, unless otherwise provided for by motion, shall be held on the following Wednesday at 4:00 P.M. At each meeting the Journal of the preceding meeting shall be read unless the reading shall be dispensed with and shall be approved by a two-thirds vote of the members present.

ORDER OF BUSINESS

15. Council shall transact business in the following order:

(a) Roll call to determine the presence of a quorum.

(b) Matters being presented by the Mayor.

(c) Honorary Resolutions presented by the Council.

(d) Second reading of ordinances and resolutions.

(e) Ordinances and resolutions being presented by the President of Council and Members of Council. Effective January 29, 2002, all such ordinances and resolutions shall be filed with the Clerk not later than 4:00 P.M. on the Thursday preceding the regular meeting day, and it shall be the duty of the Clerk to include the same in the calendar of the said meeting day,

in their order upon the call, and all such matters not filed with the Clerk, and introduced upon the call shall not be read or referred, but shall lie over until the next meeting, to be placed on the calendar and taken upon the regular call of the members, unless leave for immediate consideration be granted by a two-thirds vote.

(f) Effective January 29, 2002, reports and communications from Directors, Commissioners, other city officers and city boards, having been previously filed with the Clerk not later than 4:00 P.M. on the Thursday preceding the regular meeting day.

(g) Reports of standing committees.

(h) Reports of special committees.

(i) Call of the members in order that each may present petitions, communications, etc., said call to be limited to five minutes per member. The President of Council shall be given first priority followed by the members of Council in alphabetical order. The member of Council first on first call following the President of Council shall present the Council Calendar.

16. The Council upon motion and majority vote, may resolve itself into the Committee of the Whole. The President of Council shall serve as Chair of the Committee of the Whole. The Rules of Council shall govern the Committee of the Whole except that no limit is placed on the time or frequency of speaking and that the previous question cannot be moved.

17. Special orders may be taken up at any time after petitions and communications and the offering of original motions, orders, resolutions and ordinances, and special orders for a particular day shall hold good for succeeding days until disposed of.

18. Petitions and communications having been presented, and original motions, orders, resolutions and ordinances having been offered, the business of all meetings shall commence at the point where the order of business at the preceding meeting was interrupted by the adjournment; except that at meetings called for the purposes specially named, the purpose named in the call shall have precedence.

COMMITTEES

19. The standing committees of Council shall be:

Community & Neighborhood Development Committee

Economic Development Committee

Environment, Utilities & Public Service Committee

Finance & Budget Committee

Health & Community Relations Committee

Human Resources Committee

Information Services Committee

Intergovernmental Relations Committee

Law & Criminal Justice Committee

Public Safety Committee

Youth, Parks & Recreation Committee

Zoning & Planning Committee

The members and alternates of the Committees shall be appointed by the President of Council, subject to Council confirmation, and each member of Council shall serve on at least three (3) committees. The President of Council shall name members of the Committee to be Chair and Vice Chair.

All questions shall be decided by a majority vote. A quorum and majority vote of the standing committees of Council shall be a majority of the members that make up that committee.

In the absence of a member of a standing committee of Council, the Clerk shall notify the alternate(s) on a rotating basis.

All matters acted on by the Committee shall be reported by the Committee to the Council. The Chair of the Committee shall report any measure, together with any amendments thereto, acted on by the Committee to the Council within three weeks of the action by the Committee.

The standing committees of Council shall meet at the call of the Chair of the Committee.

The regular Zoning and Planning Committee shall be on a Wednesday, at least 30 days following the Plan Commission hearing.

The Rules of Council shall govern the Committees, except that no limit is placed on the time or frequency of speaking and that the previous question cannot be moved.

20. When a matter is referred to a committee, the meeting or meetings of said committee shall be considered a public hearing and all testimony both pro and con shall be presented in the committee hearings. All comments by the public shall be made at committee meetings and shall be restricted thereto.

21. The reports of the committees shall be in writing, shall be agreed to in committee assembled, and the documents referred shall be returned with the report. Upon motion, and by a majority vote, Council may relieve the Committee of further consideration of any question, and order it placed on the calendar.

22. The Clerk of Council or an assistant shall act as secretary to the committees, and keep a record of the attendance and business transacted at their meetings.

23. At the request of a member of Council any legislation or other matter pending before Council shall be referred to a Council committee.

24. A motion to refer to a standing committee shall take precedence over a similar motion for a special committee.

25. When any legislation referred to a Council Committee remains in Committee for one year from the date of referral, it shall be considered tabled, unless in the 30 days prior to the one year anniversary a Member or Members of Council files written notice with the Clerk expressing their desire to keep the legislation active.

MISCELLANEOUS

26. When a motion is made, it shall be stated by the Chair before debate. Any member may demand that it be reduced to writing. A motion shall not be withdrawn by the mover without the consent of the Council.

27. When a question is before Council, no motion shall be entertained except: first, to adjourn; second, to lay on the table; third, for the previous question, fourth, to postpone to a time certain; fifth, to refer; sixth, to amend, seventh, to postpone indefinitely. These motions shall have precedence in the above order. A call of Council to ascertain the number present may be ordered at any time.

28. A motion to adjourn shall always be in order, except upon immediate repetition or in interruption of a member speaking, or when the previous question has been ordered or a vote is being taken. A motion to adjourn is not debatable, except as to time.

29. A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may not be resumed except upon motion of a member voting with the majority and the consent of two-thirds of the members present.

30. The previous question shall be in the form "shall the debate now close?", and until decided shall preclude further debate, and all amendments and motions. If the previous question is demanded on an amendment, it shall apply only to the amendment. If the motion for the previous question is carried, the question shall be put without further debate.

31. All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely be carried, the principal question shall be declared lost. A motion to reconsider, once lost, shall not be renewed.

32. A motion to suspend the statutory ruling requiring two readings on separate days shall be debatable, and upon such motion the main question shall be open to debate.

33. A motion to amend is susceptible of but one amendment thereof. An amendment once rejected may not be moved again in the same form.

34. To make any subject a special order shall require the consent of a majority of the members present.

35. Any rule, except when otherwise provided by statute or charter, may be suspended by the vote of a majority of the members of Council without debate.

36. A motion to reconsider a subject that may have been acted upon favorably must be made before adjournment of that session of Council. A motion to reconsider any other subject may be made at any time within ten days after the original decision of Council upon the same. A motion to reconsider may be made by any member who voted with the prevailing side, and having been made, shall not again be entertained. A majority of all Councilmembers may reconsider a vote.

37. In the absence of a rule to govern any possible point, reference shall be had to the approved practice in parliamentary bodies.

38. No person except members of Council, city officers, and reporters for the daily press shall be permitted upon the floor of the chamber (except upon introduction by a member of Council). If a person other than a city official desires to speak to a member while Council is in session and the member is willing that the person do so, the member shall leave his seat and retire to the back of the room or elsewhere while conversing with such person.

39. Smoking in Council Chambers during Council sessions is prohibited.

40. The Clerk and other employees and officers of Council shall be under the control and direction of the Chair during sessions of Council.

41. Notices of all special meetings of Council shall be served upon members personally or at their place of residence, not less than 24 hours before such meetings. Notices to the public of all Council meetings, regular and special, shall be in accordance with the Open Public Meeting Laws of the State of Ohio.

42. Petitioners who make application to Council for the grant of a franchise, or the change of name of street, alley or place, or for permission to erect a banner or sign, or for an encroachment upon City property, or for a curb cut, or for a street light relocation, or for the extension of a sewer or water line, or for any similar type of privilege, shall deposit with the Clerk of Council the sum of \$25.00 to pay the cost of preparation and publication of legislation,

instruments of conveyance, certification and all public notices in relation thereto. Petitions for vacating streets, avenues, ways, places, alleys and the like shall be accompanied by a fee of Twenty-five dollars (\$25.00). In addition to the legislative costs for vacation, the owners of benefited property must pay as part of the expenses involved, the larger of the following two amounts per square foot vacated: (1) the amount of five cents per square foot vacated, or (2) the amount per square foot vacated which is equal to the average tax value per square foot of the land only which immediately abuts the vacated portion upon both sides; together with the cost of restoring or moving, paving, curbing, sidewalks, grading and the like. Until these charges are paid, Council shall not enact legislation to vacate.

The Board of Education of the Toledo School District is hereby exempt from payment of the charge based on area as set forth herein on any application for vacation, but such application shall be processed only upon payment of the filing fee and the fulfilling of all other obligations required herein.

The Central Permit Center shall not accept a petition to change the zoning of the same lot or parcel of ground, whether in the same or different ownership, more often than once a year.

42A. All deferments on zoning matters must be to a date certain.

42B. One deferment until the next scheduled Zoning & Planning Committee meeting may be granted to either the proponents, their attorney or agent, or to the opponents, their attorney or agent for time in which to prepare the case. It is not intended to grant one such deferment for the proponents and one such deferment for the opponents.

42C. Any further deferments may be granted, but only for good cause shown and only upon a majority vote of Council or the Zoning and Planning Committee as the case may be.

42D. Rule 42B and 42C shall not apply to deferments requested jointly by the Plan Commission and proponents.

42E. Hearings on matters previously deferred may be advanced to a date certain upon twenty (20) days written notice to the parties required to be notified in Section 1111.01 Toledo Municipal Code.

42F. Requests to withdraw must be submitted in writing and will go before the Zoning and Planning Committee for consideration on their individual merits.

42G. In planned development cases where the Plan Commission's recommendation is to disapprove, but an approval by the Council is felt to be in order, the case shall be referred back to the Plan Commission to allow the Plan Commission time to restudy said plan and formulate conditions of approval to insure that the development will occur as desired by Council.

43. All emergency measures shall require two readings as prescribed by the Charter, but as set forth therein, the two readings may be had at one meeting if the charter rule is suspended. The final clause or section of all emergency legislation shall set forth the emergency and the reason therefor. A roll call shall first be taken on the inclusion of an emergency clause and then a second roll call on the legislation as a whole. In order to pass as an emergency measure, a two-thirds affirmative vote of all members of Council is necessary on the first roll call. If the emergency clause fails of a two-thirds vote, a roll call shall be taken on the legislation without the emergency clause, and in such case a majority vote shall be sufficient to pass it. This rule, insofar as it is based on charter requirements, shall not be suspended.

44. When the term "majority" is used herein, unless otherwise expressly indicated, it shall be held to mean a majority of all members of Council.

45. All officers and employees to be appointed, chosen or elected by Council, shall be so appointed, chosen or elected by a majority of all members of Council.

46. These rules shall not be altered, amended or rescinded, except by a majority vote of all members of Council. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business. This requirement shall only be waived by unanimous consent, record vote of all members of Council.

47. When an emergency in fact exists and by reason thereof it is necessary to adopt legislation as an emergency measure, each member of Council shall be furnished with a full copy of such proposed legislation.

48. A member of Council must report each source of gift or gifts totaling during a calendar year from the same source \$25.01 and \$75.00 received for use or benefit. The report must be made to the Clerk of Council within 30 days of receipt. This report is subject to the same exemptions identified for "Gifts" as listed on the Ohio Ethics Commission Financial Disclosure Statement.