

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0007

Sponsored by: Miller, Greenspan, Conwell, Jones, Rogers, Brady, Germana, Connally, Simon, Schron and Gallagher

A Motion of Council presented in the form of a resolution to adopt permanent rules for the Cuyahoga County Council.

WHEREAS, the Cuyahoga County Charter provides in Article 2, Section 10, Subsection 2 that the Cuyahoga County Council shall adopt its own rules; and

WHEREAS, on January 3, 2011, the Cuyahoga County Council adopted interim rules that are set to expire on March 22, 2011; and

WHEREAS, on March 22, 2011, the Cuyahoga County Council amended Rule 16D of the interim rules to change the expiration date to April 26, 2011.

WHEREAS, the interim Rules of Council provide that permanent rules shall be adopted by a Motion of Council receiving the affirmative vote of at least seven (7) members of County Council; and

WHEREAS, the Council's purpose and intent in adopting these rules is to develop operating procedures for the Council that are clear and understandable, promote fair and orderly conduct of the Council's business, facilitate openness and public participation, provide for easy access to public records, and encourage ethical conduct;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Rules of Cuyahoga County Council. The Rules of Cuyahoga County Council are hereby adopted as follows:

Cuyahoga County Council Rules



Cuyahoga County Council
Rules, Charter Review, Ethics and Council Operations Committee
Dave Greenspan, Chair
Dale Miller, Vice Chair
C. Ellen Connally
Sunny Simon
Dan Brady

April 26, 2011

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Article I. Rules of the Cuyahoga County Council

Proposed to be adopted as the Permanent Rules of Cuyahoga County Council

Article II. Council Rules Adopted

The following "Rules of the Cuyahoga County Council" are hereby adopted for the fair, orderly, open, and ethical conduct of business by the County Council. These rules shall be posted on the County's website and shall be available as a public record.

Article III. Definitions

Section 1. "Adopted" or "adoption" means approval of legislation by Council after three (3) or more readings or after dispensing with the requirement of three (3) readings.

Section 2. "Adjourned session" means a meeting that has concluded, but prior to the conclusion of the meeting the time and date for another meeting to continue the business of the meeting has been set.

Section 3. "Agenda" means a list of all ordinances, resolutions, motions, and reports to be considered by Council at a regular or special meeting that is prepared by the Clerk of Council in written form prior to the meeting, or a similar list of matters to be considered at a Council committee meeting.

Section 4. "Charter" means the Charter of Cuyahoga County, adopted by the electors of Cuyahoga County at the general election on November 3, 2009, as amended.

Section 5. "Clerk" means the Clerk of Council.

Section 6. "County" means Cuyahoga County.

Section 7. "Enacted" or "enactment" means, with respect to legislation, adoption by Council and approval by the Executive within ten (10) days after presentation by the Clerk; or adoption by Council and the expiration of ten (10) days without approval or veto by the Executive; or approval by the vote of at least eight (8) Members of Council upon reconsideration after disapproval by the Executive as provided by the Charter.

Section 8. "Executive" means the County Executive of Cuyahoga County as provided in Article 2 of the Charter.

Section 9. "Executive Session" means a meeting of Council or a Committee of Council not open to the public held according to ORC Section 121.22, as amended.

Section 10. "Record of Council" means the permanent record, maintained by the Clerk, of the agenda, minutes, reports, legislation adopted, and motions approved by the County Council and its committees.

Section 11. "Legislation" means any ordinance or resolution, including a Motion of Council or Ceremonial Resolution, submitted to the Council for consideration. Legislation shall be designated as an "ordinance" if it is of a general and permanent nature and as a "resolution" if it is of a temporary nature or does not prescribe any permanent rules of conduct and/or expression of legislative intent.

Section 12. "Matters" mean all legislation, parliamentary motions, agenda items, and requests to address Council.

Section 13. "Meeting" means any prearranged discussion of public business by a majority of the Members of Council or by a majority of the Members of any Council committee.

Section 14. "Member" means a Member of the County Council, as provided in Article 3 of the Charter, unless the context clearly indicates otherwise.

Section 15. "Motion of Council" means a form of resolution which proposes action by the Council that is not of a general nature and is not subject to veto by the Executive.

Section 16. "Organizational Meeting" means the Regular Council Meeting which occurs on the first business day of each year that immediately follows the year during which elections are held for the office of Member of County Council.

Section 17. "Parliamentary Motion" means a proposal made in a meeting of Council or a Committee of Council in accordance with the Rules of Council to expedite or control deliberations and the transaction of business.

Section 18. "Presiding officer" means the President for a meeting of Council and the Chairperson for a committee.

Section 19. "Regular Council Meeting" means a prearranged meeting of the County Council scheduled pursuant to a Motion of Council approved to set or amend the Council calendar for each year.

Section 20. "Special Council Meeting" means a meeting of Council that is neither a Regular Council Meeting, nor the resumption of a Regular or Special Council Meeting that had been adjourned to another time or day and time.

Article IV. Rules

Rule 1. Members of Council

Rule 1A: Member Conduct

Members shall at all times conduct themselves with courtesy and respect for their fellow officeholders, the Executive and members of the administration, county employees, and the public, and shall discharge their duties in accordance with the high public trust placed in them.

Rule 1B: Members to Provide Contact Information

Upon taking office, each Member shall provide the clerk contact information including business and residential address, office, facsimile, home and cellular telephone number(s) and email address(es). Based on the information provided, the Member shall designate primary contact information to which notices shall be sent.

Rule 1C: Council Vacancy

If a vacancy occurs in the position of any Member and it becomes the responsibility of Council to fill that vacancy according to Article 3, Section 5 or 6 of the Charter, the Council shall fill the vacancy by adoption of a Motion of Council within the 30-day time limit set by the Charter.

Rule 1D: Proclamations and Letters of Commendation and Condolence

The President may, on the request of any Member, sign proclamations or letters of commendation or condolence on behalf of the Council. Such proclamations or letters shall include the signatures of the President and the sponsoring Member(s).

Rule 2. Officers of Council

Rule 2A: Organizational Meeting

On the first business day of each year following a general election for Members of Council, the Council shall conduct an Organizational Meeting, at which it shall elect one of its Members as President and one other Member as Vice-President, in accordance with Article 3, Section 10 Subsection 1 of the Charter, to serve until their successors are chosen at the next organizational meeting of Council.

Rule 2B: Clerk's Role at Organizational Meeting

The Clerk shall preside over the Organizational Meeting until the President is chosen, after which the President shall preside over the remainder of the Organizational Meeting.

Rule 2C: Process for Election of Council Leadership

The President and Vice President shall be elected at the Organizational Meeting as follows:

- (1) Any Member may nominate themselves or another Member, and a second shall not be required.
- (2) After all nominations for President have been made, the Clerk shall call the roll, and each Member shall vote for one candidate.
- (3) A Member must receive at least six (6) votes for election. If no Member receives six (6) votes and one candidate receives the fewest number of votes, the candidate receiving the fewest number of votes shall be eliminated and the voting process shall be repeated. If two or more candidates are tied for the least number of votes, then no candidates shall be eliminated, and the voting process shall be repeated. If no candidate receives six (6) votes in the second round, the process described above shall be repeated until a candidate is elected.
- (4) After the election of the President, the Vice President shall be elected in the same manner.

Rule 2D: Duties of President of Council

The President shall preside at all meetings of Council and shall perform all duties as specified in the Charter, the Codified Ordinances of Cuyahoga County, these Council Rules, or by Motion of Council. The President may appoint any Member to preside at any meeting of Council, but such appointment shall not extend beyond the duration of that meeting.

Rule 2E: Duties of Vice-President of Council

The Vice-President shall preside in the absence or disability of the President at all meetings of Council, shall perform all the duties of the President during such absence or disability, and shall perform all other duties as set forth in the Charter, the Codified Ordinances of Cuyahoga County, these Council rules, or by Motion of Council.

Rule 2F: Absence or Disability of President and Vice-President

In the absence or disability of both the President and Vice-President, the Member with the most seniority shall serve as President Pro-Tem and perform all the duties of the President during such absence or disability. If no one Member has the most seniority, the Clerk shall conduct an election for President Pro-Tem, with all Members being eligible, using the procedure set forth in Rule 2C, except that a majority of those voting shall be sufficient for election.

Rule 2G: Council Officer Vacancy

If a vacancy occurs in the office of President, the Vice-President shall become President. Not later than the second regular meeting after the vacancy occurs, the

President shall conduct an election for Vice- President, following the procedure set forth in Rule 2C. The same election procedures shall be followed if a vacancy occurs in the office of Vice-President.

Rule 2H: Council Officers Entitled to Vote

The President and Vice-President shall be entitled to vote on all matters.

Rule 3. Council Personnel

Rule 3A: Clerk of Council

The Council shall appoint and set the salary and compensation for a Clerk of Council, who shall have the following duties:

- (1) Attend meetings of Council, determine quorums, record the proceedings and the votes of each Member, and keep the minutes of the proceedings;
- (2) Provide notices as required by the Charter, general law, and these Council Rules;
- (3) Accept, record, and compile proposed legislation for inclusion in the agenda of Council;
- (4) Deliver all adopted legislation to the Executive;
- (5) Deliver proposed legislation to the Committee Chairs;
- (6) Accept and provide to the President requests to address Council;
- (7) Publish all legislation as required by these Council Rules;
- (8) Publish the Record of Council;
- (9) Conduct the election of the President of Council;
- (10) Attend Council Committee meetings in person or by designee, determine quorums, record the proceedings and the votes of each member, keep the minutes of the proceedings, and accept and provide the Chairperson requests to address the Committee;
- (11) Any other duties that the Council determines are necessary for the performance of its duties.

Rule 3B: Other Council Personnel

- (1) The Council shall, by appropriate legislation, determine the job titles, classifications, compensation and duties of full or part-time staff as are needed to properly perform the duties of Council as set forth in the Charter; and in so doing,

Council shall reference the classification and salary administration system as established by ordinance and administered by the Human Resources Commission.

(2) The Council shall, by appropriate legislation, determine the compensation and duties of other personnel, such as contractors or professional experts or other consultants on a retainer or contract basis, as are needed to properly perform the duties of Council as set forth in the Charter.

Rule 4. Quorum of Council

Rule 4A: Quorum Defined

A quorum of Council shall consist of six (6) Members, which shall constitute the number of Members required to transact any business that does not require a larger number of Members, as specified in the Charter and/or these Council Rules.

Rule 4B: Clerk to Determine Quorum

The Clerk shall determine the presence of a quorum by roll call at the beginning of each Council meeting, shall announce that a quorum is present, and shall keep a record of Members present.

Rule 4C: Absence of Quorum

A Member may at any time raise a point of order and request the President to determine whether a quorum is present. The President shall then direct the Clerk to call the roll of Members. If a quorum is not present, the Council may not conduct any business until a quorum is restored, except to adjourn, fix a date and time to which to adjourn, or take any other action permitted in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

Rule 5. Meetings of Council

Rule 5A: Schedule of Regular Council Meetings

At each Organizational Meeting, the Council, by a Motion of Council, shall establish a schedule of the dates, times, and locations of all Regular Council meetings for the following two years.

Rule 5B: Regular Place and Times for Council Meetings

All meetings of Council shall take place at the County Council Chambers on the first floor of the Justice Center at 1200 Ontario Avenue, Cleveland, Ohio, 44113, unless otherwise specified. Regular Council Meetings shall take place on the 2nd and 4th Tuesday of each month at 6:00 PM, unless otherwise specified in the annual schedule established by the Council.

Rule 5C: Procedure and Notice for Change of Council Meeting Schedule

(1) The Council may, by Motion of Council, change the date, time, or place of any Regular Council Meeting or cancel any Regular Council Meeting; however, the Council shall provide at least three (3) days notice in rescheduling any Regular Council Meeting. In an emergency, the President may cancel and/or reschedule a Regular Council Meeting. Notice of any rescheduled Regular Meeting of Council shall be promptly given to all Members, posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

(2) When any changes are made to the Council's annual schedule, the Clerk shall promptly update the biennial schedule on the County's website. The Clerk shall also provide a copy of the current biennial schedule of Council meetings to any member of the public upon request.

Rule 5D: Notice Required for Adjourned Meeting of Council

The Council may adjourn any meeting to a time and place certain. Notice shall be given to any Members not in attendance at the meeting so adjourned, not later than the third business day prior to the meeting of the adjourned session or as soon as practicable if such adjournment is for a time less than four (4) days. Notice of the adjourned session shall at the same time also be posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

Rule 5E: Special Council Meetings

A Special Council Meeting may be called by the President upon notification to the Clerk or by any five (5) Members, upon delivery to the Clerk of a written request, specifying the date, time, location, and purpose of such meeting, along with the titles of any legislation to be discussed. At a Special Council Meeting called by five (5) Members, only matters specified in the request may be considered. All Special Council Meetings shall follow all rules regarding open meetings and public notice that apply to Regular Council Meetings.

Rule 5F: Notice Required for Special Council Meeting

Notice of the date, time, location, and agenda for any Special Council Meeting shall be given to all Members not later than twenty-four (24) hours prior to the time of such meeting and shall at the same time be posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

Rule 5G: Digital Record of Council Meetings Required

All meetings of Council shall be audiotaped and/or videotaped, and these recordings shall be preserved by the Clerk as public records.

Rule 5H: Absence of Members

Members are expected to attend all Regular Council Meetings. Not later than the second Regular Council Meeting following a meeting at which a Member is absent, the Council may vote to excuse that member's absence. Absences may be excused by parliamentary motion. The Clerk shall record the presence or absence of each Member at each Council Meeting, and shall record which absences are excused. As provided in Article 12, Section 3 of the Charter, any Member who is absent from three consecutive Regular Council Meetings, without being excused by Council, shall forfeit his/her office in the Council.

Rule 5I: Council Meeting Agenda

The Clerk, with the approval of the President shall prepare the agenda for each Council meeting. The agenda shall include proclamations, ordinances, resolutions, Motions of Council, messages from the Executive, committee reports, and other business to be considered, arranged in order as provided for in Rule 6A.

Rule 5J: Publication of Agenda for Council Meetings

Not later than the close of business on the second business day prior to any Council meeting, the Clerk shall post the agenda for the meeting and supporting information from the packets of information prepared for Council on the County's website and include the same information in the Record of Council, and the Clerk shall post the agenda at the Clerk's office.

Rule 5K: Council Member Packets

Not later than the close of business on the second business day prior to any meeting of Council, the Clerk shall provide each Member with a packet providing background information on the matters expecting to come before Council at the next meeting and containing the draft minutes of the previous meeting. The packets may be provided in an electronic format.

Rule 5L: Deadline for Submission of Items for Council Agenda

All items requested to be placed on the agenda for introduction at any Regular Council Meeting shall be submitted to the Clerk in the final form that they will be submitted to Council no later than the close of business on the fifth (5th) business day prior to the Regular Council Meeting. Exceptions to this deadline may be made with the approval of the President and the Clerk.

Rule 6. Order of Business

Rule 6A: Order of Business

The business of Council shall be conducted in the following order:

- (1) Call meeting to order
- (2) Roll Call

- (3) The Pledge of Allegiance to the flag of the United States of America
- (4) Silent meditation
- (5) Public comment relating to today's agenda
- (6) Approval of minutes
- (7) Messages from the Executive
- (8) Consideration of Ceremonial Resolutions
- (9) Consideration of Motions of Council
- (10) First reading of legislation by title
- (11) Consideration of motions for first reading adoption under suspension of rules
- (12) Committee reports and second reading of legislation by title
- (13) Consideration of motions for second reading adoption under suspension of rules
- (14) Consideration of legislation being read by title for the third time or more
- (15) Miscellaneous committee reports
- (16) Miscellaneous business
- (17) Public comment not relating to today's agenda
- (18) Adjournment of meeting

Rule 6B: Council Authority to Determine Agenda

The Council may, by adoption of a parliamentary motion, change the order of business or add items to or delete items from the order of business at any meeting of Council. Rule 6A shall not apply to an Organizational Meeting of Council, at which the Council shall adopt its own order of business and agenda by parliamentary motion.

Rule 7. Actions of Council

Rule 7A: Types of Council Action

The Council may take action only through ordinances, resolutions, Ceremonial Resolutions, Motions of Council, and parliamentary motions.

Rule 7B: Ordinances

- (1) An ordinance shall provide for matters of a general and permanent nature.
- (2) The heading of an ordinance shall be as follows:

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

Ordinance No. _____

Sponsored by _____

- (3) Each ordinance shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the ordinance. Legislation amending existing law shall also be noted as such in the title.
- (4) The Clerk shall assign a number to each ordinance, which shall indicate the year of introduction, and the number of the ordinance within that year.
- (5) The ordinance shall state the sponsor and any cosponsors. Two or more Members may jointly sponsor an ordinance.
- (6) The enacting clause shall read , "Be it enacted by the County Council of Cuyahoga County, Ohio:"

Rule 7C: Resolutions

- (1) A resolution proposes legislative action that does not involve permanent changes in law.
- (2) The heading for a resolution shall be as follows:

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

Resolution No. _____

Sponsored by: _____

- (3) Each resolution shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the resolution.
- (4) The Clerk shall assign a number to each resolution, which shall indicate the year of introduction and the number of the resolution within that year.
- (5) The resolution shall state the sponsor and any cosponsors. Two or more Members may jointly sponsor a resolution.
- (6) The resolution shall contain statements of support, followed by a resolution clause that reads, "Be it resolved by the County Council of Cuyahoga County, Ohio, that..."

Rule 7D: Ceremonial Resolutions

(1) Ceremonial resolutions are acknowledgements, generally of congratulation or condolence, to recognize a noteworthy event or person.

(2) Ceremonial resolutions shall be adopted in the same manner as other resolutions.

Rule 7E: Motions of Council

(1) Any non-legislative power of the County Council or actions not subject to Executive veto, other than Ceremonial Resolutions, may be exercised by adoption of a resolution in the form of a Motion of Council. These powers include, but are not limited to:

(A) Organization and administration of the Council.

(B) Confirmation or rejection of appointments proposed by the Executive.

(C) Actions necessary to exercise Council's oversight authority, pursuant to Article 3, Section 9, Subsection 10 and Article 3, Section 12 of the Charter.

(D) Actions expressing the sentiment of Council on a public issue.

(2) All approved Motions of Council shall be in written form, provide the full text of the motion, indicate the name(s) of the Member(s) who made the motion and the date of approval by Council, and shall be signed by the President and Clerk.

(3) A Motion of Council shall be adopted in the same way as other resolutions.

(4) The Clerk shall assign a number to all Motions of Council, and they shall be posted on the County's website and shall be kept in the Record of Council.

Rule 7F: Parliamentary Motions

Actions of a procedural nature, including to excuse the absence of a member, may be approved by passage of the appropriate parliamentary motion.

Rule 7G: Sponsorship

At any point prior to final passage of legislation in Council, any Member may add or withdraw his/her name as a sponsor by notifying the Clerk.

Rule 8. Decorum

Rule 8A: Visual Demonstrations Prohibited

No posters, placards, banners or signs shall be carried into Council Chambers or into any committee meeting.

Rule 8B: Respectful Presence

Any applause, outburst, or demonstration during any Council or committee meeting shall be permitted only when respectful toward all persons present and not disruptive of the proceedings at the meeting.

Rule 8C: Audible Communication Devices Prohibited

No use of any audible wireless communication device shall be permitted during Council or committee meetings.

Rule 8D: Filming, Taping, and Recording

No one may film, tape, or record any meeting of Council or a committee meeting in a way that disrupts or significantly interferes with the conduct of the meeting. Anyone who intends to film, tape, or record any meeting of Council or a committee meeting is requested to register with the Clerk prior to the meeting on a written form that will be provided for this purpose. The Clerk shall set up a process for those who intend to film, tape, or record on a regular basis to provide a single registration, which shall be effective until the next Organizational Meeting of Council.

Rule 9. Parliamentary Procedure

Rule 9A: Parliamentary Procedure Manual

The parliamentary guide for procedural issues not covered in these Council Rules shall be Robert's Rules of Order, Newly Revised.

Rule 9B: Presiding Officer to Direct Meetings

All discussion in Council and committee shall go through the presiding officer, who shall control the order of speakers and shall put motions offered by Members before the Council or committee for consideration and action.

Rule 9C: Reading of Legislation

Legislation shall be read by title only.

Rule 9D: Three Readings Required

All legislation shall be read on three (3) separate days at regular Council meetings, unless this requirement is dispensed with by the affirmative vote of seven (7) Members of Council, as provided in Article 3, Section 10, Subsection 4 of the Charter. A motion to dispense with the requirement that legislation be read on three (3) separate days shall be in order only if each Member has a readily accessible paper or electronic copy of the ordinance or resolution to which this motion applies; and this motion may not apply to more than one ordinance or resolution, except by unanimous consent.

Rule 9E: Parliamentary Motions

(1) Parliamentary motions are classified as follows: main motion, subsidiary motions, privileged motions, incidental motions, and renewal motions.

(2) Privileged motions do not relate to the pending business, but deal with matters of immediate importance, and given precedence, in the following order, starting with the highest:

(A) Adjourn to a time certain

(B) Adjourn

(C) Recess

(D) Raise a question of privilege, making a request relating to the rights of members

(E) Call for orders of the day, to ask that the Council or committee conform to the agenda

(3) Subsidiary motions aid in handling the main motion. They rank below privileged motions and are listed below in order of precedence, starting with the highest:

(A) To lay on the table, a motion to set aside business temporarily when something else of immediate urgency has arisen. This motion is not to be used simply to prevent a direct vote on a motion.

(B) Previous question, a motion to close debate and vote immediately, which requires a 2/3 vote of the Members present and voting.

(C) To limit or extend debate

(D) To postpone to a day certain

(E) To commit or refer to committee

(F) To postpone indefinitely

(G) To amend

(4) Incidental motions deal with questions of procedure which must be decided before business can proceed. The following incidental motions may take priority over a privileged or subsidiary motion, depending on how the motion relates to the main motion.

(A) Point of order

(B) Suspension of the rules

(C) To withdraw a motion

(D) To divide a question, asking that allows a motion with several parts be considered as two or more separate questions.

(5) A main motion to bring an item for consideration before the Council or any committee of Council is not in order when any other question is before the Council and yields to all privileged, incidental, and subsidiary motions.

(6) The following renewal motions bring a question back before the Council or committee:

(A) Take from the table

(B) Rescind, a motion to cancel the action taken in a previously approved motion

(C) Reconsider, a motion to bring back for further consideration a motion that had previously been voted on.

Rule 9F: Renewal of Motions

Motions that failed to be adopted may be renewed at another meeting, but may not be reintroduced at the same meeting.

Rule 9G: Motion to Reconsider

A motion to reconsider must be made by a Member who voted on the prevailing side when the question was first voted on and must be made on the same day or at the next meeting of the Council or committee at which the question was originally voted on.

Rule 9H: Time Limit for Members Speaking

Members may not speak for more than five (5) minutes at a time at a Council meeting on any one topic; but this limit may be extended at the discretion of the President.

Rule 9I: Non-debatable Motion Following Speech Prohibited

It shall not be in order to conclude a speech in the Council or in committee by making a non-debatable motion.

Rule 9J: Amendments

All amendments shall be germane to the subject that is proposed to be amended. All proposed amendments to an ordinance, resolution, or Motion of Council shall be in written form, except that the President or the chairperson of a committee may accept for consideration a verbal amendment that is clear, unambiguous, and may be

presented in a single sentence or a few words. A parliamentary motion need not be in written form.

Rule 9K: Committee Authority to Pass Amendments

If an amendment is approved in committee, it shall not need to be approved by Council; nor shall passage of an amendment change the number of readings in Council required for passage of an ordinance, resolution, or Motion of Council.

Rule 9L: Executive Appointments

Approval of appointments of the Executive shall require a Motion of Council. The prospective appointment shall be considered at one or more meetings of the appropriate committee, unless this requirement is dispensed with by a vote of at least eight (8) Members. The Council shall make decisions regarding appointments of the Executive based on the best obtainable information on how well the experience and qualifications of the applicant match the requirements of the position for which the applicant is being considered, and based on the need that appointees be reflective of all the people of Cuyahoga County.

Rule 9M: Expedited Consideration of Executive Appointments

If the Executive makes a recommendation for appointment at a time that does not closely coincide with the date of a Regular Council Meeting, the President may refer the appointment to the appropriate committee prior to its presentation at a Regular Council Meeting. The Clerk shall promptly notify all Members when such referral is made. An appointment referred in this manner may be approved at a single Regular Council Meeting following the committee hearing only by suspending Rule 7E, requiring Motions of Council to be heard at two Regular Council Meetings.

Rule 9N: Council Appointments

Appointments to Boards, Commissions, and Advisory Committees that the Charter directs be made by the Council shall be done by a Motion of Council. The President shall make recommendations to Council on Council appointments, based on work done by the appropriate committee to find candidates whose experience and qualifications best match the requirements of the positions for which they are being considered, and on consideration of the need that appointees be reflective of all the people of Cuyahoga County.

Rule 10. Voting

Rule 10A: Duty to Vote and Recusal

Every Member present shall vote on every question in Council or in committee, unless the Member has recused him/herself. A Member shall recuse him/herself from voting whenever the Member has a personal or monetary interest in any manner under consideration or when voting on the matter could for any reason constitute a violation of state or county ethics law.

Rule 10B: Proxy Voting Prohibited

Proxy voting shall not be allowed in the Council or in committee.

Rule 10C: Voting Procedure

Voting on all matters shall generally be by voice vote, except that a roll call vote may be held on any matter at the discretion of the presiding officer or upon the request of any Member or the Clerk. Voting may also be done electronically, provided that the appropriate equipment is available and that the vote of every Member is publicly displayed or announced by the Clerk. The presiding officer shall insure that the Clerk is able to record the vote of every Member on all matters. At all roll calls, the names of Members shall be called in order by the number of their district, except that the President shall vote last. At each successive Council Meeting, the Clerk shall advance the starting point in the roll call by one Member, in order to insure variation in the order in which Members vote.

Rule 10D: Change of Vote

Prior to the announcement of the vote on any question, any Member may request to change his/her vote, and such request shall be approved by the Presiding Officer, except for good cause; however, no Member shall be permitted to change his/her vote after the result of the vote has been declared.

Rule 11. Legislation

Rule 11A: Information Required in Legislation

Legislation, consisting of ordinances and resolutions, shall recite the name of the sponsor(s) and cosponsors(s), the date of all readings in Council, the date of any committee reports, the date of adoption, the date of approval or disapproval by the Executive, and the date of enactment upon reconsideration if disapproved by the Executive, as applicable.

Rule 11B: Signatures Required for Adoption of Legislation

Legislation adopted shall be authenticated by the signatures of the President, the Clerk, and, if approved, by the Executive.

Rule 11C: Clerk to Maintain Legislation

Following introduction, the Clerk shall maintain all original copies of proposed and adopted legislation in a safe and permanent manner, allow for public inspection of all proposed and adopted legislation, and provide copies upon request pursuant to the public records law.

Rule 11D: Vote Required for Adoption of Legislation

Adoption of legislation shall require the affirmative vote of at least six (6) Members of Council, except as otherwise provided by the Charter, the Codified Ordinances of Cuyahoga County, or applicable general law.

Rule 11E: Effective Date of Legislation

Legislation shall take effect at the time provided for in general law, unless a later time is specified in the legislation. The time normally required for legislation to become effective may be dispensed with and an ordinance or resolution may be designated to become effective immediately upon enactment; however such action requires that the legislation contain a statement of the necessity for such action and that the legislation receive the affirmative vote of at least eight (8) Members, as specified in Article 3, Section 10, Subsection 8 of the Charter. If an ordinance or resolution fails to receive the necessary eight (8) votes to become effective immediately, the Council may amend the legislation by removing the language stating the reason for necessity that the legislation become effective immediately upon enactment and then vote on it again.

Rule 11F: Expiration of Pending Legislation

Prior to the end of each year in which a General Election for Members of Council takes place, the Council shall consider a Motion of Council, providing that legislation introduced prior to July 1 of that year and not adopted shall expire. At least two weeks prior to the consideration of that Motion of Council, the Clerk shall provide each Member a list of legislation sponsored by that Member that is set to expire. The Council may adopt this Motion of Council so as to decide which items of legislation set to expire shall expire.

Rule 11G: Reconsideration After Executive Veto

When the Executive has disapproved an ordinance or resolution, or a part or item thereof, the Council may, not later than its second regular meeting following such disapproval, proceed to reconsider the disapproved measure. If on reconsideration, it received the affirmative vote of at least eight (8) Members of Council, it shall then take effect as if it had received the approval of the Executive, as provided in Article 3, Section 10 Subsection 7 of the Charter.

Rule 11H: Publication and Codification of Legislation

All legislation shall be published on the County's website, codified as prescribed by law and these Rules of Council, and shall be kept in a permanent file, which may be in an electronic format.

Rule 11I: Codification of Legislation

The Clerk, in consultation with the Director of Law, shall regularly compile the legislation of Cuyahoga County into a code or compilation of laws in book form by title, chapter, and section, without substantive change or alteration of purpose or intent. The codification shall be known as "The Codified Ordinances of Cuyahoga County."

Rule 11J: Authorization to Make Technical Changes

The Clerk, in consultation with the Director of Law, may make technical, non-substantive changes, only to the extent deemed necessary, to convert the original ordinances to codified form, including, but not limited to:

- (1) Creating a consistent system of capitalization.
- (2) Making chapter, section, and subdivision designations consistent.
- (3) Substituting for the term "this ordinance," if necessary, a term such as "section" or "chapter."
- (4) Substituting the proper calendar date for phrases such as "effective date of this ordinance."
- (5) Elimination from the Codified Ordinances of titles to ordinances, enacting and repealing clauses, statements of facts, preambles, effective dates, declarations of severability and reasons for ordinances to become effective immediately upon enactment.

Rule 11K: Historical Record of Codified Ordinances

The Clerk, with appropriate assistance, shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession, and repeal of the various sections of the Codified Ordinances.

Rule 11L: Maintenance of Codified Ordinances

The Clerk shall maintain the Codified Ordinances and historical records of the Codified Ordinances on the County's website and in a permanent file, which may be in an electronic format; however, some printed copies shall be prepared at least annually.

Rule 12. Committees

Rule 12A: Referral to Committee

All legislation shall first be introduced at a Council meeting, and the President shall then assign that legislation to committee for review and recommendation, unless the Council, through suspension of the rules, decides to dispense with committee review on any matter.

Rule 12B: Referral to Multiple Committees

The President may assign a matter to multiple committees, either simultaneously or sequentially.

- (1) If a matter is referred to multiple committees sequentially, it shall be heard in Council on second reading after being reviewed by all assigned committees. The

recommendations of all assigned committees shall be considered and the matter shall be reported in the form recommended by the last committee.

(2) If a matter is referred to multiple committees simultaneously, the President shall designate one of the assigned committees as the lead committee. The matter shall be heard in Council on second reading after being reviewed by all assigned committees. The recommendations on all assigned committees shall be considered and the matter shall be reported in the form recommended by the lead committee.

Rule 12C: Joint Committees

The President may assign a matter to be heard jointly by two or more standing committees. The President shall determine the Chairperson and Vice-Chairperson of the joint committee from the Chairpersons and Vice-Chairpersons of the standing committees that make up the joint committee. A quorum of the joint committee shall be a majority of all of its Members, and each Member shall have one vote on the joint committee, regardless of whether they belong to one or more of the standing committees that make up the joint committee.

Rule 12D: Subcommittees

The Chairperson of any standing committee, with the approval of the President, may appoint one or more subcommittees, comprised of Members of that standing committee, to study and make recommendations to the full committee or the Council on specific subjects within the standing committee's jurisdiction. The chairperson of each standing committee shall, with the approval of the President, appoint the Chairperson and Vice-Chairperson of each subcommittee created under that standing committee. Except for the provisions of this rule relating to the appointment of Members and officers of subcommittees, all other rules that apply to committees of Council shall also apply to subcommittees, including but not limited to rules regarding notice of meetings, keeping of minutes, advance publication of the agenda, and provision of time for public comment.

Rule 12E: Advisory Subcommittees

(1) The Chairperson of any standing committee, with the approval of the President as described more fully below, may appoint the Chairperson, Vice-Chairperson, and members of one or more advisory subcommittees, comprised of one or more Members of that standing committee and one or more members of the general public, to study and make written recommendations to the full committee on specific subjects within that standing committee's jurisdiction. Members of the public serving on advisory subcommittees shall be electors of Cuyahoga County and shall serve at the pleasure of the Chairperson. The Chairperson of each advisory subcommittee shall be a Member of Council.

(2) Prior to the appointment of any advisory subcommittee, the President of Council shall approve the purpose, duration, persons to be appointed as officers, and persons to be appointed as members of the advisory subcommittee.

(3) Except for appointment and composition as provided above, all rules that apply to Committees of Council shall also apply to advisory subcommittees, including but not limited to rules regarding notice of meetings, keeping of minutes, advance publication of the agenda, and provision of time for public comment.

Rule 12F: Temporary Appointments to Committee

If a Member is absent from any Council committee meeting, the President may appoint a replacement as Member Pro Tem, but such appointment shall not extend beyond that meeting of the committee.

Rule 12G: Standing Committees

The following standing committees are established for the council:

- (1) Health, Human Services & Aging
- (2) Public Safety
- (3) Justice Affairs
- (4) Economic Development & Planning
- (5) Finance & Budgeting
- (6) Public Works, Procurement & Contracting
- (7) Intergovernmental Relations & Collaboration
- (8) Human Resources, Appointments & Equity
- (9) Environment & Sustainability
- (10) Rules, Charter Review, Ethics & Council Operations

Rule 12H: Committee Assignments to be for Two Years

Committee assignments shall be for a term of two years, but changes in assignments may be made at other times through a Motion of Council.

Rule 12I: President to Appoint Committees

Not later than the second Regular Council Meeting in each calendar year, the President shall appoint the Chairperson, Vice-Chairperson, and Members for each standing committee. The President shall to the best extent possible, make committee assignments that reflect the interests and experience of Members.

Rule 12J: Council to Set Regular Committee Times

Not later than the third Regular Council Meeting each year, the Council shall pass a Motion of Council, setting the regular days, meeting times, and locations for the standing committee meetings. After the regular schedule of standing committees is set, the Chairperson of any standing committee may, with the approval of the President, change the regular day, time, or location of a standing committee. The Clerk shall update the list provided for in Rule 12W to reflect any changes.

Rule 12K: Special Committees

The Council may, by Motion of Council, create special or ad hoc committees in addition to the standing committees. The President shall appoint the Chairperson, Vice-Chairperson, and Members for such committees in the same way as for standing committees.

Rule 12L: Committees to Appoint Secretary

Each committee, at its first meeting and at its first meeting following each Organizational Meeting, shall elect one of its Members as Secretary, who shall perform the duties of the Clerk at any meeting in which the Clerk or his/her designee is unable to be present.

Rule 12M: Quorum and Record of Attendance at Committee Meetings

A quorum for any committee shall be a majority of its Members. The Clerk shall determine the presence of a quorum by roll call at the beginning of each committee meeting, shall announce when a quorum is present, and shall keep a record of Members present. In the absence of a quorum, a committee may take testimony, but otherwise may not taken any action, other than those actions allowed to be taken in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

Rule 12N: Notice Requirements for Committee Meetings

Except as provided in Rule 12O, all Members shall be notified of the date, time, location, and agenda for any committee meeting at least two (2) business days before the meeting, and the same information shall at the same time be listed in the Record of Council, posted on the County's website, and posted at the Clerk's Office. For any committee meeting that is scheduled for a day, time or location other than its regularly scheduled day, time, and location as provided for in Rule 12J, the same information shall be distributed to the news media that have requested this information. The agenda shall include a list by number and short title of all legislation to be considered at the meeting.

Rule 12O: Emergency Committee Meeting

An Emergency Committee Meeting may be conducted with shorter notice than that required in Rule 12N, provided that at least twenty-four (24) hours before the meeting, all the notice requirements of Rule 12N are completed and same notice is distributed to the news media that have requested this information. At an Emergency Committee Meeting, only matters on the agenda for the meeting may be considered.

Rule 12P: Vote Required for Committee Recommendations

A majority of all Members of a committee shall be required to approve a recommendation regarding an ordinance, resolution, or Motion of Council; but all other actions may be taken with the approval of the required majority or supermajority of those present for the motion in question, providing that a quorum is present.

Rule 12Q: Committee Reports

For each committee meeting at which legislation is heard, the minutes shall include a separate section providing a status report listing all legislation heard by number and short title and stating the action taken by the committee on each item. Whenever legislation is amended in committee or a substitute version is accepted, whether or not the legislation is reported out of committee, a copy of the latest version shall be attached to the minutes, included in the Record of Council, and included in a posting of pending legislation on the County's website.

Rule 12R: Clerk or Designee to Staff Committees

The Clerk shall determine the presence of a quorum, keep minutes, and record votes at each committee meeting, but may appoint another member of Council's staff to perform these duties for any committee meeting. Minutes shall be kept at each committee meeting and shall be promptly included in the Record of Council and posted on the County's website, but in no case later than seven (7) days after the conclusion of the meeting.

Rule 12S: Committee of the Whole

The full Council may operate as a Committee of the Whole, with the President and Vice President of Council serving as the President and Vice President of the committee, respectively. The President may refer any matters to the Committee of the Whole in the same way that matters are referred to other committees.

Rule 12T: Discharge from Committee

Any matter pending before any committee or committees of Council may be discharged from committee and placed on 2nd reading upon presentation to the Clerk of a discharge petition signed by not less than six (6) Members of Council. The Clerk shall immediately notify all members when a valid discharge petition is presented. The matter discharged shall be placed on 2nd reading at the next Council meeting following presentation of the discharge petition if that Council meeting occurs at least three (3) business days following presentation of the discharge petition; otherwise, the matter discharged shall be placed on 2nd reading at the second meeting of Council following presentation.

Rule 12U: Participation of Members at Committee Meetings

Any Member may be seated at the committee table and participate in all discussions, whether or not that Member has been appointed to that committee; however, a

Member who has not been appointed to a committee may not offer motions or vote at that committee.

Rule 12V: Notice Provisions for Adjourned Committee Meeting

A committee may adjourn to a time and place certain, but shall follow the notice provisions of Rule 5D in giving notice of the time and place to which the meeting is adjourned. Notice shall be given to all Members, whether or not they have been assigned to the committee.

Rule 12W: List of Committees

The Clerk shall maintain and post on the County's website a list of all standing, joint, ad hoc, or special committees and all subcommittees and advisory subcommittees currently existing within the Council, the officers and members of each, and the regular day, time, and location of meeting of each, if established.

Rule 13. Work Sessions

Rule 13A: Work Sessions

At the discretion of the presiding officer, the Council or any Committee of Council may hold a Work Session to work on matters through a more informal process.

Rule 13B: Work Sessions Considered Committee Meetings

Except as provided in Rule 14C, work sessions shall be considered committee meetings in all other respects. All other rules that apply to Council committees shall also apply to Work Sessions, including but not limited to the requirements for open meetings, advance notice of the meeting, advance publication of the agenda, keeping of minutes, and provision of time for public comment.

Rule 13C: Informal Process Permitted at Work Sessions

All Work Sessions shall be conducted under the leadership of the presiding officer, but the presiding officer may suspend the usual rules regarding the control of discussion and debate to allow for informal discussion among Members or between Members and the public and informal processes for drafting potential language for inclusion in ordinances, resolutions, and Motions of Council.

Rule 13D: No Formal Action Permitted at Work Sessions

No formal action regarding any legislation or a Motion of Council may be taken at a Work Session. The results of Work sessions shall be put into formal action at a meeting of Council or regular committee meeting, subsequent to conclusion of the Work Session.

Rule 14. Open Records, Executive Session, Specific Notice

Rule 14A: Open Meetings

All meetings of Council or any Council committee shall be open to public and conducted only after prior public notice as required in Article 12, Section 5 of the Charter, Section 121.22 of the Ohio Revised Code, and these Council Rules.

Rule 14B: Availability of Public Records

All records of the Council that relate to public business shall be available to the public as public records as required in Article 12, Section 6 of the Charter, general law, the Codified Ordinances of Cuyahoga County, and these Council Rules.

Rule 14C: Executive Session

Notwithstanding Rule 14A, the Council or any Council committee may conduct an Executive Session under the provisions of Ohio Revised Code Section 121.22, as amended. The motion to adjourn to an Executive Session shall be specific as to the matters to be discussed during the Executive Session and shall require the affirmative vote a majority of Members present. An Executive Session may be conducted only if the intent to conduct an Executive Session is stated in the published agenda for the meeting at which the Executive Session is to be conducted. Minutes shall be kept at all Executive Sessions and shall be included within the minutes of the meeting at which the Executive session was conducted. The minutes of an Executive Session shall include the location of the meeting, the date and time that the meeting started and concluded, a list of Members present, the names and titles of other persons present, and general subject matter(s) discussed.

Rule 14D: Advance Notice of Meetings Concerning Specific Topics

Any person may visit, telephone or contact by electronic mail the office of the Clerk during that office's regular office hours to determine, based on information available at that office, the time, place, and location of regular meetings; the time, place, location, and purpose of any then known special meetings; and whether the available agenda of any such future meeting states that any specific type of public business, identified by the person, is to be discussed at such meeting. In addition, any person may request, through the Clerk's office, to obtain reasonable advance notice of all meetings at which any specific type of business is to be discussed. Any person making this request may choose to receive such notifications either by electronic mail or regular U.S. mail. The Council may set a reasonable annual fee to receive this information by regular U.S. mail, but there shall be no fee to receive this information by electronic mail.

Rule 14E: Notice Available to News Media

The Clerk shall provide to any news medium organization, upon request, information including the date, time, location, and agenda of any Special Council Meeting, Regular Council Meeting adjourned to a time and place certain, Special Committee Meeting, Emergency Committee Meeting, or a committee meeting adjourned to a

time and place certain. The Clerk shall establish a procedure that complies with Section 121.22 of the Ohio Revised Code for news media to apply to receive this information on an ongoing basis.

Rule 14F: Requirements for Emergency Meeting

No Council Meeting or Committee Meeting may be held with less than twenty-four (24) hours notice unless (1) the meeting is called to deal with an emergency requiring immediate official action, (2) the appropriate rules are suspended as provided for in these Rules of Council, and (3) the public notice and other requirements of Section 121.22 of the Ohio Revised Code regarding such meetings are complied with.

Rule 15. Records of Meetings of Council and Committees

Rule 15A: Minutes of Council Meetings

The Clerk shall keep minutes of all Council meetings, which shall include the time, date, and location of all meetings; roll call of Members present; actions taken; and the vote of each Member on all questions.

Rule 15B: Minutes to be Provided to Council Members

Not later than the close of business on the second day prior to each meeting of Council, the Clerk shall provide each Member a copy of the minutes of the previous meeting, and shall provide copies of the final version of the minutes to each Member if the minutes are amended. Copies of the minutes may be provided in electronic format. The minutes shall include a written summary of actions taken at the meeting. The minutes shall also include a digital record of each Council meeting, but the digital record is not required to be included in the copies of minutes sent to Members.

Rule 15C: Record of Council

The Clerk shall keep a Record of Council, which shall be posted on the County's website and kept in a permanent file, which may be in an electronic format. The Record shall include all minutes and shall include a list of all legislation, including the number, title, sponsor, date of first reading, committee assignment, date of second reading, date of third reading, or date of dispensing with the requirement for three readings, and date of the adoption or failure to adopt. The Record of Council shall also include the agenda for all Council meetings and the agenda and minutes for all committee meetings.

Rule 16. Continuity, Amendment and Suspension of Rules

Rule 16A: Continuity of Rules

These Rules of Council shall remain in effect until amended or repealed and shall not need to be re-enacted at each Organizational Meeting of Council.

Rule 16B: Amendment of Rules

Any provision in these Council rules may be amended by adoption of a Motion of Council, approved by at least seven (7) Members of Council.

Rule 16C: Suspension of Rules

Unless otherwise specified in the Charter, the Codified Ordinances of Cuyahoga County, or these Council Rules, any rule may be suspended by a vote of 2/3 of the Members present and voting, provided that a quorum is present.

Rule 17. Requests to Address Council

Rule 17A: Public Comment at Committee Meetings

The Council encourages the public to direct any address or presentation to the applicable Committee of Council. Requests to address a committee shall be made in writing to the Chairperson of the committee, prior to addressing the committee on a form to be provided for this purpose. The request shall include the name of the requesting party and the topic(s) on which the requesting party wishes to speak.

Rule 17B: Public Comment Available at All Committee Meetings

The Chairperson shall honor all requests to address committee received before the start of a committee meeting and shall honor requests received during a committee meeting whenever it is practical to do so. The Chairperson may impose a reasonable time limit per presentation, and such time limit may be extended at the discretion of the Chairperson.

Rule 17C: Public Comment at Council Meetings

The Council shall provide time at the beginning of each Council meeting for public comment regarding items on the agenda for that meeting, and shall provide time at the end of each Council meeting for public comment that relates to County business but does not relate to the agenda for that meeting. Requests to address Council shall be made in writing to the Clerk prior to the meeting on a form to be provided for this purpose. Requests submitted to the Clerk not later than 12 Noon on the day of the meeting shall be given priority in the order of presentation. After being recognized by the President, the presenter shall state his/her name and address and may speak for not more than three (3) minutes, unless such time is extended at the discretion of the President.

SECTION 2. Effective Date. Provided that this motion receives the affirmative vote of at least eight (8) of the members elected to Council, it shall take effect immediately upon adoption by Council. It is hereby determined to be necessary that this motion become immediately effective in order that the County Council continue to have operating rules in place without interruption, and so that the usual and daily operations of county government may continue to function.

SECTION 3. It is found and determined that all formal actions of the Council and Council committees relating to the adoption of this motion occurred in open meetings and that all deliberations of this Council and any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including those of Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Miller, seconded by Ms. Conwell, the foregoing Motion was duly approved.

Yeas: Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Connally and Rogers

Nays: None

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: February 8, 2011

Committee Assigned: Rules, Charter Review, Ethics & Council Operations

Second Reading: March 8, 2011

Amendments approved by Committee of the Whole: April 26, 2011

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April 26, 2011