

Resolution No.

**A Resolution enacting the Rules of Council from  
January 1, 2026 through December 31, 2028,**

*NOW THEREFORE BE IT RESOLVED BY THE CITY OF LORAIN, STATE  
OF OHIO:*

**SECTION I:** The following Rules are for the Government of the Council of the City of Lorain and are hereby adopted:

**MEETINGS OF COUNCIL**

**RULE 1 – Regular Meetings**

Regular meetings of the Council shall be held in the Council Chambers on the first and third Monday of each month beginning at 6:00 p.m.

(A) If the regular meeting date falls on a legal holiday, the meeting shall automatically be scheduled for the following business day at the same time, unless otherwise rescheduled by majority vote of Council.

(B) Council shall recess during the month of August unless urgent legislative business requires a meeting. In such event, a meeting may be convened upon certification by the President of Council and at least three (3) members of Council.

(C) Agendas, supporting documents, and packets shall be published on the city’s official website no later than seventy-two (72) hours before each regular meeting, except when an emergency requires later posting.

(D) Agendas and packets shall remain available in a publicly accessible online archive for not less than five (5) years.

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**RULE 2 – Special and Emergency Meetings**

(A) Authority to Call. Special meetings may be called by the Mayor, by any three (3) members of Council, or by majority vote of Council at any duly convened meeting.

(B) Notice.

(1) At least twenty-four (24) hours' written and electronic notice shall be provided to each Council member, to the Clerk of Council, and to all media outlets and individuals who have requested notice, in accordance with R.C. 121.22.

(2) In the event of an emergency requiring immediate official action, notice of the time, place, and purpose of the meeting shall be provided as soon as practicable to all Council members, the Clerk, and to media outlets and individuals who have requested notification.

(C) Limitation of Business.

(1) The notice of any special or emergency meeting shall specify the exact business to be considered.

(2) No other business shall be transacted.

(3) If Council adjourns into Executive Session, discussion shall be limited to the specific purposes stated in the meeting notice and as authorized by law.

(D) Transparency. All notices, agendas, and records of special and emergency meetings shall be posted on the city's official website as soon as practicable and retained in the public archive.

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## **RULE 3 – Public Meetings**

All meetings of the legislative authority, including regular, special, emergency, committee, work sessions, and public hearings, shall be open to the public in full compliance with the Ohio Open Meetings Act (R.C. 121.22).

(A) Public Access to Records.

(1) Agendas, minutes, and supporting documents shall be prepared and posted on the city's official website no later than seventy-two (72) hours before a scheduled meeting, except where an emergency prevents advance posting.

(2) Meeting recordings, when made, shall be retained and posted online within seven (7) days of the meeting and archived for a minimum of five (5) years, unless a longer period is required by law.

(3) All minutes, agendas, and related records shall be available for inspection without unreasonable delay at the Clerk of Council's office during normal business hours. Copies shall be provided at cost in accordance with the Public Records Act.

(B) Acknowledgment of Requests.

(1) When a public records request is received by the Clerk of Council or any Council employee, the requestor shall receive a written or electronic acknowledgment within three (3) business days.

(2) The acknowledgment shall include: (a) confirmation that the request was received; (b) the name of the official responsible for the request; and (c) an estimated timeframe for delivery of the requested records or identification of any potential legal exemptions under review.

(C) Timeliness of Delivery.

(1) Public records shall be provided as promptly as practicable and without unreasonable delay, consistent with R.C. 149.43.

(2) Requests for routine agendas, minutes, and meeting packets shall be fulfilled within five (5) business days unless extraordinary circumstances apply.

(3) Any denial of a records request, in whole or in part, shall cite the specific legal authority relied upon and shall be communicated in writing to the requestor.

(D) Accessibility and Inclusion.

Council shall ensure that meeting spaces are accessible to persons with disabilities and shall provide reasonable accommodations upon request. To promote public engagement, meetings shall also be live-streamed and archived online whenever feasible.

## **RULE 4 – Committee-of-the-Whole**

(A) The Council may, by majority vote of members present, resolve itself into a Committee-of-the-Whole during any regular, special, or emergency meeting.

(B) The President of Council, the President Pro-Tempore, or a designated presiding officer shall chair the Committee-of-the-Whole.

(C) The rules of Council shall remain in effect during Committee-of-the-Whole proceedings, except as modified by this Rule.

(D) The Committee-of-the-Whole shall be used for discussion, deliberation, or receipt of information on matters of general concern to Council, but shall not be used to avoid transparency or to conduct business outside of public view.

(E) Comments from the general public may be received at the discretion of the presiding officer, provided such comments remain within the scope of the subject matter under discussion.

(F) No final votes or legislative actions shall be taken while Council is sitting as a Committee-of-the-Whole. Any matter requiring formal action shall be reported back to the full Council for consideration in regular session.

(G) All Committee-of-the-Whole sessions shall be recorded, summarized in written minutes, and entered into the public record. Such recordings and summaries shall be posted on the city's official website and retained in the public archive consistent with the Records Retention Schedule.

## **RULE 5 – Executive Sessions**

(A) The Council may enter into Executive Session only in accordance with the Ohio Open Meetings Act, R.C. 121.22, and only upon an affirmative roll call vote of a majority of all members elected, unless a larger number is required by law.

(B) The motion to enter Executive Session shall state the specific statutory purpose or purposes for which the Executive Session is being convened. The motion and the roll call vote shall be recorded in the minutes of the meeting.

(C) No persons other than the members of Council and such officials or employees whose presence is necessary to the matter under discussion shall attend the Executive Session, unless invited by the President of Council or President Pro-Tempore.

(D) Discussion in Executive Session shall be strictly limited to the specific statutory purposes identified in the motion to convene the session.

(E) No votes, decisions, or formal actions of Council shall be taken in Executive Session. Any matter requiring legislative action shall be returned to open session for consideration.

(F) The Clerk of Council shall prepare and retain a record of the statutory basis for the Executive Session, the roll call vote authorizing entry, the names of those present, and the time the session began and ended. Such record shall be maintained as part of the official Council minutes, except that the substance of confidential discussion need not be recorded.

(G) Council members and any other individuals permitted to attend an Executive Session shall maintain confidentiality with respect to all matters lawfully discussed therein. Any disclosure of confidential information obtained in Executive Session, except as otherwise required by law, shall constitute a violation of Council Rules and may be subject to sanction.

(H) Notes, memoranda, or other writings made by members of Council or other attendees during an Executive Session that document the activities of Council shall be considered public records subject to R.C. 149.43. Such notes shall either:

(1) be turned over to the Clerk of Council for secure retention in accordance with the Records Retention Schedule; or

(2) be maintained by the member as a public record and produced upon request, subject to lawful redaction of confidential content permitted by statute.

No notes shall be destroyed except in accordance with the Records Retention Schedule adopted by the Records Commission.

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## **RULE 6 – Public Hearings**

(A) The President of Council, or the President Pro-Tempore in the President's absence, shall preside over all Public Hearings required or scheduled by the legislative authority.

(B) No Public Hearing shall be scheduled unless:

- (1) A Resolution setting forth the reasons for the hearing has been adopted; or
- (2) The hearing is required by state or federal statute; or
- (3) The hearing is formally requested in writing by the appropriate city official, department head, or board.

(C) Notice of all Public Hearings shall be provided in accordance with R.C. 121.22 and any applicable state or federal requirements. Such notice shall include the date, time, location, and subject matter of the hearing, and shall be published on the city's official website no later than ten (10) days prior to the hearing.

(D) The Clerk of Council shall maintain a record of all Public Hearings, including:

- (1) The Resolution, statute, or request authorizing the hearing;
- (2) Proof of publication or posting of public notice;
- (3) A verbatim audio or video recording of the hearing, when available; and
- (4) Written minutes summarizing the presentations, testimony, and actions taken.

(E) Public Hearings shall be open to the public and conducted in a manner that ensures orderly participation. The presiding officer shall establish procedures for testimony, including reasonable time limits, rules of decorum, and order of presentation.

(F) All testimony at a Public Hearing shall be considered part of the public record. Written statements submitted for the record shall be maintained by the Clerk and included in the official file of the hearing.

(G) The results of the Public Hearing, including any findings or recommendations, shall be reported to Council at its next regular meeting and entered into the official minutes.

## OFFICERS AND EMPLOYEES OF COUNCIL

### **RULE 7 – Presiding Officer**

(A) The President of Council shall preside over all meetings of the legislative authority. In the absence of the President, the President Pro-Tempore shall preside.

(B) The Presiding Officer's primary role is to guide the proceedings of Council in a fair, impartial, and orderly manner. The Presiding Officer shall not use the chair to influence debate, express personal opinions, or suggest how members should vote.

(C) While serving as Presiding Officer, the President shall:

- (1) Preserve order and decorum at all times;
- (2) Prevent the impugning of personalities or motives;
- (3) Confine debate to the question under discussion;
- (4) Decide all points of order, subject to appeal by any member of Council; and
- (5) Enforce the Rules of Council and ensure compliance with state law.

(D) The Presiding Officer shall recognize members of Council and members of the public at the appropriate times to ensure equal opportunity to speak and adherence to established time limits.

(E) The Presiding Officer may vote only in the following circumstances:

- (1) When a tie vote occurs; or
- (2) When required by the Charter or Ohio law.

(F) If the President of Council wishes to participate in debate or to express a personal opinion on a matter pending before Council, the President shall first relinquish the chair to the President Pro-Tempore or another member designated to preside for that portion of the meeting. The President may then participate in discussion and voting in the same manner as any other Council member.

(G) In the event of disorder or violation of Council Rules, the Presiding Officer may:

- (1) Call the violator to order;
- (2) Direct removal of an individual from the chamber for disruptive behavior, subject to applicable law; or
- (3) Refer the matter to Council for further action, including sanctions as authorized by these Rules.

(H) The Presiding Officer shall ensure that all rulings, referrals, and enforcement actions taken during a meeting are documented by the Clerk of Council in the official minutes.

### **RULE 8 – President Pro-Tempore**

(A) At the organizational meeting, Council shall nominate and elect, by motion and majority vote, a member to serve as President Pro-Tempore.

(B) The President Pro-Tempore shall preside in the absence of the President of Council and shall be bound by all duties and restrictions imposed upon the Presiding Officer under these Rules.

(C) When acting as Presiding Officer, the President Pro-Tempore shall:

- (1) Preserve order and decorum;
- (2) Ensure impartiality in the conduct of debate;
- (3) Not express personal opinions or suggest how members should vote;
- (4) Confine debate to the question under discussion;
- (5) Decide all points of order, subject to appeal; and
- (6) Enforce the Rules of Council and compliance with state law.

(D) The President Pro-Tempore may vote only in the following circumstances while presiding:

- (1) To break a tie; or
- (2) When required by the Charter or applicable law.

(E) If the President Pro-Tempore wishes to participate in debate or express a personal opinion on a matter pending before Council, the Pro-Tempore shall first relinquish the chair to another member designated to preside for that portion of the meeting.

(F) The President Pro-Tempore shall serve until the next organizational meeting unless removed or replaced by majority vote of Council.

## **RULE 9-A – Minutes Accuracy and Review**

(A) Drafting and Distribution.

The Clerk of Council shall prepare draft minutes of each meeting and distribute them to all Council members no later than five (5) business days after adjournment. Draft minutes shall also be posted to the city's official website at the same time with a clear "DRAFT" designation.

(B) Council Review.

At the next regular meeting, the minutes of the prior meeting shall appear on the agenda for review and approval.

- (1) Any Council member may propose corrections, additions, or clarifications.
- (2) If a discrepancy exists between the draft minutes and the official audio or video recording, the recording shall control.
- (3) All corrections approved by Council shall be documented in writing, attached to the original minutes, and entered into the permanent record.

(C) Content Requirements.

The minutes shall include, at minimum:

- (1) Date, time, and place of the meeting;
- (2) Names of members present and absent, including late arrivals and early departures;
- (3) Name of the presiding officer;
- (4) The text of all motions made, the name of the member making and seconding each motion, and the result of each vote;

- (5) A summary of deliberations sufficient to show the rationale for decisions;
- (6) Time of adjournment.

(D) **Final Publication.**

Approved minutes, including any corrections, shall be posted on the city's official website no later than three (3) business days after approval.

(E) **Accountability.**

Failure to comply with the requirements of this Rule, including drafting deadlines, correction procedures, or publication deadlines, shall be noted in the official record. Repeated failure by the Clerk of Council may be referred to Council for personnel action; repeated failure by Council members to conduct proper review shall be subject to sanction under Rule 40.

## **COMMITTEES OF THE COUNCIL**

### **RULE 10 – Standing Committees**

(A) The Standing Committees of Council shall be as follows:

- (1) **Buildings and Lands.** Responsible for all acquisitions, construction, maintenance, leases, or sales of buildings or lands owned by the city; building codes and enforcement; property maintenance codes; public transportation; energy conservation; railroad matters; and all matters involving the zoning code, Planning Commission, Zoning Board of Appeals, Design Review Board, and related entities.
- (2) **Federal and State Programs.** Responsible for all matters involving state and federally funded programs; business attraction and retention; economic development; community programs and services; joint economic development matters; enterprise zones; reinvestment areas; and community and regional partnerships.
- (3) **Finance.** Responsible for the city's budget, indebtedness, appropriations and transfers, taxation, financial incentives, wages and benefits of city employees, issues pertaining to the Civil Service Commission, franchises, and all matters relating to communications and technology. The Finance Committee shall also serve as the Audit Committee and assume duties relating to quarterly financial reviews and audit conferences.
- (4) **Police, Fire, and Legislative.** Responsible for matters involving the safety forces, homeland security, community preparedness, school safety, public health matters, and all legislative issues not assigned to another committee, including rules and procedures of Council.
- (5) **Parks and Recreation.** Responsible for matters relating to city parks, playgrounds, beaches, recreation facilities, the river, harbors, shores, the Port Authority, and other coastal or environmental boards.

(6) **Streets and Utilities.** Responsible for all matters involving streets, sidewalks, utilities, maintenance, improvement or repair, refuse collection, sewage disposal, drainage, water distribution, snow and leaf removal, and issues of water and air pollution.

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## **RULE 10-A – Committee Membership and Leadership**

(A) At the organizational meeting, the President of Council shall present a slate of proposed members for each Standing Committee. The slate shall be subject to amendment and approval by majority vote of Council.

(B) Each Standing Committee shall consist of five (5) members of Council, including a Chairperson and Vice-Chairperson.

(C) No member of Council shall serve on more than three (3) Standing Committees at any one time, and no member shall chair more than one (1) Standing Committee.

(D) Each Standing Committee shall, at its first meeting, elect its Chairperson and Vice-Chairperson by majority vote of its members. The elected leadership shall serve for the term of Council unless removed by majority vote of the committee.

(E) Committee membership shall be assigned in a manner that ensures a fair and balanced distribution of responsibilities. Consideration shall be given to subject matter expertise, workload, and equitable representation of all wards and political parties.

(F) Subcommittees may be appointed by a committee Chairperson, consisting of members of that committee, provided the appointment is reported to and entered into the minutes of the full Council.

(G) Each Standing Committee shall report its recommendations to Council in writing through the Clerk of Council. Committee recommendations shall not have the force of law unless and until adopted by Council in regular session.

(H) All Standing Committees shall comply with the Ohio Open Meetings Act (R.C. 121.22). Agendas and minutes shall be prepared and posted publicly in the same manner as regular Council meetings.

## **RULE 11 – Committee Meetings**

(A) Each Standing Committee shall meet as necessary to carry out its duties. A majority of members of the committee in attendance shall constitute a quorum for the transaction of business. Only members of the committee shall have voting power on motions of recommendation.

(B) At the beginning of each calendar year, the Chairperson of every Standing Committee, in consultation with its members, shall submit to the Clerk of Council a proposed schedule of regular committee meetings. The Clerk shall publish this schedule on the city's official website and maintain it in the public record.

(C) Regular committee meetings shall be scheduled with no less than seven (7) days' public notice. Agendas and supporting documents shall be submitted to the Clerk no later than five (5) business days before the meeting. The Clerk shall post the agenda and supporting documents to the city's website no later than seventy-two (72) hours before the meeting.

(D) Special or emergency committee meetings may be called by the Chairperson or by a majority of committee members. Such meetings shall require at least twenty-four (24) hours' notice to all members, the Clerk, and the media outlets or individuals who have requested notification. The notice shall state the time, place, and specific business to be considered. Emergency meetings may be convened with less than twenty-four (24) hours' notice only where immediate official action is required, and the statutory basis for the emergency shall be entered into the record.

(E) No committee may vote on or recommend action upon any matter not listed on its published agenda at least seventy-two (72) hours before the meeting, except in a true emergency declared by majority vote of the committee and entered into the record with statutory justification.

(F) Any action taken by a committee in violation of this Rule, including failure to provide notice, agenda, or minutes as required, shall be void and of no effect unless subsequently ratified by full Council in open session.

(G) All committee meetings shall be audio or video recorded in their entirety. Such recordings shall be posted on the city's official website within seven (7) days of the meeting and retained in accordance with the Records Retention Schedule.

(H) Each committee shall keep full and accurate minutes of its meetings. Draft minutes shall be distributed to committee members within seven (7) business days and presented for approval at the next meeting of the committee. Approved minutes shall be filed with the Clerk and posted on the city's website within three (3) business days of approval. If a discrepancy arises between the minutes and the official recording, the recording shall control.

(I) The Clerk of Council shall maintain a public calendar of all committee meetings, including dates, times, agendas, minutes, and recordings.

(J) Public participation shall be permitted at all committee meetings, subject to reasonable time limits and rules of decorum established by the Chairperson.

(K) Attendance of any City official, department head, or employee may be required by the Chairperson to properly dispose of the matter under consideration. In the absence of the Chairperson, the Vice-Chairperson shall preside.

## **RULE 12 – Council Agenda**

(A) The Clerk of Council shall prepare the agenda for each regular and special meeting of Council under the direction of the President of Council. The agenda shall set forth the order of business and all matters to be considered.

(B) The agenda and supporting documents shall be distributed to all members of Council and posted on the city's official website no later than seventy-two (72) hours before the meeting.

(C) No ordinance, resolution, motion, or other item of business shall be added to the agenda after publication except:

(1) By written request of the Mayor, President of Council, or a committee Chairperson, submitted no later than forty-eight (48) hours before the meeting; or

(2) By majority vote of Council at the meeting, upon a finding that the matter constitutes an emergency or requires immediate official action.

(D) All items placed on the agenda shall identify the sponsoring member, committee, or official, and shall be accompanied by supporting materials sufficient for Council and the public to understand the purpose and effect of the proposed action.

(E) The Clerk of Council shall maintain a rolling online archive of agendas and supporting documents for at least five (5) years, unless a longer period is required by law.

(F) The order of business on the agenda shall generally be as follows, subject to adjustment by the Presiding Officer for efficiency:

(1) Call to Order

(2) Roll Call

(3) Pledge of Allegiance

(4) Approval of Minutes

(5) Reports of Standing Committees

(6) Reports of Special Committees

(7) Communications and Petitions

(8) Ordinances, Resolutions, and Motions

(9) Unfinished Business

(10) New Business

(11) Public Comment

(12) Adjournment

(G) No item of business shall be acted upon unless it appears on the published agenda, except as permitted in subsection (C). Any action taken in violation of this Rule shall be void unless ratified by Council in open session at a subsequent meeting.

## **RULE 12-A – Emergency Legislation**

(A) Authority.

This Rule is adopted pursuant to the Ohio Constitution and the Ohio Revised Code, including but not limited to R.C. 731.29 and 731.30, which govern the passage and effective dates of ordinances and resolutions.

(B) Definition of Emergency.

An ordinance, resolution, or motion may be declared an emergency only where immediate official action is necessary for the **preservation of the public peace, health, safety, or financial stability of the city.**

(C) Non-Emergencies.

The following shall not constitute an emergency under this Rule:

- (1) Administrative convenience, scheduling conflicts, or failure to plan in advance;
- (2) Desire to expedite action on contracts, appropriations, or legislation where time was reasonably available for ordinary process;
- (3) Political considerations or avoidance of public comment;
- (4) Routine matters that could be addressed through normal legislative procedure.

(D) Written Justification Required.

Any measure proposed as an emergency shall include, in writing and in the body of the ordinance or resolution itself, a clear and specific statement of facts establishing the emergency, as required by R.C. 731.30. General statements or conclusory language shall not satisfy this requirement.

(E) Notice.

The written emergency justification shall be distributed to all members of Council and posted with the agenda at least seventy-two (72) hours before the meeting at which the measure will be considered, except in cases of genuine unforeseen emergencies where immediate action is necessary to protect life, property, or financial solvency.

(F) Vote Required.

The adoption of any emergency measure shall require the affirmative vote of at least two-thirds (2/3) of all members elected to Council. The roll call vote and the emergency justification shall be entered verbatim into the official minutes.

(G) Effect.

Emergency measures adopted in accordance with this Rule shall take effect immediately upon passage and approval, consistent with R.C. 731.30.

(H) Invalid Emergency Measures.

Any ordinance, resolution, or motion declared an emergency without compliance with this Rule shall be void and of no effect unless re-enacted in accordance with law.

(I) Register of Emergencies.

The Clerk of Council shall maintain a separate permanent register of all emergency measures adopted, including their written justifications, roll call votes, and dates of adoption. The register shall be posted on the city's website and available for public inspection in accordance with R.C. 149.43.

## **RULE 13 – Order of Business**

(A) The order of business for all regular meetings of Council shall be as follows:

- (1) Call to Order
- (2) Roll Call
- (3) Pledge of Allegiance
- (4) Approval of Minutes
- (5) Reports of Standing Committees
- (6) Reports of Special Committees
- (7) Communications and Petitions
- (8) Ordinances, Resolutions, and Motions
- (9) Unfinished Business
- (10) New Business
- (11) Public Comment
- (12) Adjournment

(B) Special and emergency meetings shall follow the order of business to the extent applicable, limited strictly to the matters specified in the meeting notice.

(C) Items shall be considered in the order set forth on the agenda. The order of business may be altered only by a two-thirds (2/3) vote of all members elected to Council. Any alteration and the reasons for it shall be recorded in the minutes.

(D) No ordinance, resolution, or motion may be considered unless it appears on the published agenda, except as permitted by Rule 12(C) or Rule 12-A. No substantive item of business shall be introduced under "New Business" unless properly noticed.

(E) Any measure proposed as an emergency under Rule 12-A shall be taken up only under "Ordinances, Resolutions, and Motions." The statutory basis and written justification shall be read into the record before a vote is taken, and the two-thirds (2/3) vote shall be recorded in the minutes.

(F) Public Comment shall not be removed, deferred to the end of the meeting after adjournment, or curtailed unreasonably. At least one period for Public Comment shall occur prior to final action on ordinances, resolutions, or motions.

(G) No ordinance or resolution shall be passed on the same day it is first introduced unless it qualifies as an emergency under Rule 12-A. All non-emergency measures shall require at least one full reading before a vote may be taken.

(H) The Clerk of Council shall record the order of business actually followed at each meeting in the official minutes, including any deviations and the vote authorizing them.

## **RULES GOVERNING PROCEDURE, DUTIES AND PRIVILEGES**

### **RULE 14 – Quorum**

(A) A majority of all members elected to Council shall constitute a quorum for the transaction of business. No ordinance, resolution, motion, or other action shall be valid unless adopted with a quorum present.

(B) At the opening of each meeting, a roll call shall be taken to establish the presence of a quorum. The Clerk of Council shall record the results in the minutes.

(C) If at any time during a meeting the number of members present falls below a quorum, the Presiding Officer shall immediately declare the absence of a quorum. No further business shall be conducted except to recess, adjourn, or take measures to compel attendance. The Clerk shall record the time the quorum was lost and, if restored, the time of restoration.

(D) In the event a quorum is not present within thirty (30) minutes of the scheduled start time, the Clerk shall record the names of members present and absent, and the Presiding Officer shall declare the meeting adjourned for lack of quorum.

(E) Any action taken without a quorum shall be void and of no effect unless subsequently ratified by full Council in open session with a quorum present.

(F) A smaller number than a quorum may adjourn from day to day and may, upon majority vote of those present, compel the attendance of absent members in the manner provided by law, including R.C. 733.27.

## **RULE 15 – Attendance**

(A) Duty to Attend.

Each member of Council has a duty to attend all regular, special, emergency, and committee meetings of Council unless excused for good cause. Attendance is a fundamental responsibility of office under the Charter and the Ohio Revised Code.

(B) Roll Call and Record.

The Clerk of Council shall call the roll at the opening of each meeting and record the names of members present and absent. The Clerk shall also record the time of any late arrival or early departure. Attendance records shall be published in the minutes and posted online with the public archive.

(C) Excused Absences.

(1) A member who is unable to attend a meeting shall notify the President of Council and the Clerk in advance, stating the reason.

(2) Council may, by majority vote, determine whether the absence constitutes “excused” or “unexcused” for purposes of the official record.

(3) Excused absences shall be limited to illness, injury, family emergency, military service, jury duty, or official duties elsewhere on behalf of the City.

(D) Unexcused Absences.

(1) Any absence not approved as excused shall be deemed unexcused.

(2) Three (3) or more consecutive unexcused absences, or five (5) unexcused absences in a calendar year, shall constitute neglect of duty.

(3) A member who attends fewer than seventy-five percent (75%) of all regular and special meetings in a calendar year shall be presumed to have failed in their duty of office.

(E) Walkouts and Early Departures.

(1) No member shall intentionally absent themselves from a meeting for the purpose of defeating quorum or avoiding a vote.

(2) If a member departs early without good cause and without leave of the Presiding Officer, such departure shall be recorded as an unexcused partial absence.

(3) Repeated walkouts or early departures intended to obstruct Council business shall be deemed disorderly conduct under these Rules and subject to sanction.

(F) Remote Participation.

If permitted by law, a member may attend and participate in a meeting remotely by electronic means, provided such participation allows the member to be seen, heard, and to vote in real time. Remote participation shall count toward quorum and attendance.

(G) Enforcement.

(1) The Clerk of Council shall maintain a public attendance register for each member, updated after every meeting, and posted on the city's official website.

(2) Chronic unexcused absenteeism, as defined in subsection (D), shall be referred by Council to the Law Director for legal review under R.C. 733.27 and for determination of whether the member has engaged in malfeasance, misfeasance, or nonfeasance under R.C. 733.72 and related provisions.

(3) Council may impose sanctions under Rule 40 for repeated violations, including censure, loss of committee assignments, or referral for removal proceedings as authorized by law.

## **RULE 16 – Roll Call Vote**

(A) Requirement.

All votes on ordinances, resolutions, motions involving expenditure of money, emergency measures, or any other matter required by law shall be taken by roll call of members, with each member's vote entered into the official minutes.

(B) Method.

(1) The Clerk of Council shall call the roll of members in alphabetical order, rotating the sequence of names at each subsequent meeting so no member is always called first or last.

(2) Each member shall answer clearly "yea" or "nay." No other response shall be accepted.

(3) If a member is present but fails to respond, the Clerk shall record the vote as "nay" unless the member promptly states their vote before the result is announced.

(C) Recording.

(1) The Clerk shall record each member's vote by name in the official minutes.

(2) The result of the roll call shall be announced by the Presiding Officer and entered into the record immediately.

(3) All roll call votes shall be preserved in a permanent, searchable register maintained by the Clerk and posted online within seven (7) days.

(D) Abstentions.

(1) A member may abstain only if a conflict of interest exists as defined by law or ethics rules.

(2) Any abstention shall be accompanied by a brief written statement of the nature of the conflict, submitted to the Clerk before the close of the meeting and included in the record.

(3) Abstentions without lawful conflict shall be recorded as “nay.”

(E) Tie Votes.

In the event of a tie vote, the President of Council may cast the deciding vote as permitted by the Charter and law.

(F) Change of Vote.

A member may change their vote only before the result is announced by the Presiding Officer.

Once the result is announced, no vote may be altered.

(G) Electronic Recording.

If permitted by law, roll call votes may also be displayed in real time on the Council’s electronic voting system or public display board, provided such records are incorporated into the official minutes.

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## **RULE 16-A – Voting Accountability**

(A) Duty to Vote.

Every member present shall vote on each ordinance, resolution, or motion unless excused by Council for a conflict of interest or legal disqualification. Voting is a fundamental duty of office under R.C. 731.17 and 731.18.

(B) Abstentions.

(1) A member may abstain only when a direct conflict of interest exists under law, or when prohibited by ethics or professional rules.

(2) Any abstention shall be stated aloud, reduced to writing, and filed with the Clerk before adjournment, setting forth the nature of the conflict.

(3) An abstention without lawful cause shall be recorded as a “nay” vote.

(C) Refusal to Vote.

(1) Any member who is present but refuses to respond when called shall be recorded as voting “nay.”

(2) Repeated refusal to vote without lawful cause shall constitute neglect of duty and disorderly conduct under these Rules.

(D) Frivolous or Disruptive Voting.

(1) Members shall not cast votes in a frivolous, mocking, or obstructive manner, including but

not limited to:

- (a) Habitual “no” votes on adjournment or other procedural motions intended solely to disrupt proceedings;
  - (b) Deliberate silence or delay in response when called during a roll call vote;
  - (c) Using abstentions as a tactic to obstruct action absent a lawful conflict.
- (2) Such conduct shall be deemed disorderly conduct under these Rules and subject to sanction.

(E) Sanctions.

- (1) Three (3) or more unexcused refusals to vote, or two (2) or more instances of frivolous or disruptive voting, in any calendar year shall trigger a review by Council.
- (2) Upon such review, Council may impose sanctions under Rule 40, including censure, removal from committees, or referral for removal proceedings under R.C. 733.72 for malfeasance, misfeasance, or nonfeasance in office.

(F) Recording.

The Clerk shall record all refusals to vote, abstentions, and disruptive votes in the official minutes, by member name, along with any reasons provided.

(G) Voting Record Report.

- (1) The Clerk of Council shall prepare and publish an annual Voting Record Report for each member of Council.
- (2) The report shall include, at minimum:
  - (a) The total number of roll call votes taken during the year;
  - (b) The number of “yea,” “nay,” abstentions, refusals to vote, and instances of disruptive voting for each member;
  - (c) Each member’s percentage of participation in voting.
- (3) The report shall be made publicly available on the city’s official website no later than January 31 of the following year and retained as a permanent public record.

## **RULE 17 – Debate and Decorum**

(A) Recognition.

No member may speak until recognized by the Presiding Officer. Recognition shall be granted in the order requested, except that the maker of a motion shall be entitled to speak first.

(B) Speaking Limits.

- (1) No member shall speak more than twice on the same question, nor longer than five (5) minutes at one time, without leave of Council by majority vote.
- (2) Debate shall be confined strictly to the question under consideration, consistent with Robert’s Rules of Order.

(C) Decorum of Members.

- (1) All remarks shall be addressed to the Presiding Officer and not directly to other members, staff, or the public.
- (2) No member shall question or impugn the motives of another, speak in a disrespectful or condescending manner, or engage in ridicule.

(3) Members shall avoid inflammatory language and shall not speak over or interrupt others except to raise a point of order.

(4) Members shall abide by Robert’s Rules of Order and these Rules in all debate and deliberation.

(D) Decorum of the Presiding Officer.

(1) The Presiding Officer shall enforce these Rules impartially, ensuring equal opportunity for all members to speak.

(2) The Presiding Officer shall not lecture, berate, or otherwise speak down to members or citizens, nor shall they use the chair as a bully pulpit to influence debate or public perception.

(3) The Presiding Officer may state procedural rulings but shall refrain from expressing personal opinions during debate, except when yielding the chair in order to participate as a member.

(4) Failure of the Presiding Officer to observe these duties may be challenged by any member, and the ruling of the chair may be appealed to Council under Rule 17-A.

(E) Decorum of the Public.

(1) Members of the public shall have the right to be heard during public comment as provided in these Rules and as guaranteed by R.C. 121.22.

(2) Citizens shall be treated with respect at all times.

(3) Demonstrations such as applause, shouting, booing, or disruptive conduct are prohibited.

(4) The Presiding Officer may direct the removal of any person who disrupts proceedings after a warning, provided such removal is consistent with R.C. 121.22 and constitutional protections, including *Norwell v. City of Cincinnati*, 414 U.S. 14 (1973), which protects against arrest or removal for peaceful criticism, and *Nieves v. Bartlett*, 587 U.S. 391 (2019), which limits retaliatory enforcement against speech.

(F) Sanctions for Disorder.

(1) Any member who violates this Rule may be called to order by the Presiding Officer or by any member.

(2) Upon a second violation in the same meeting, the member may be censured by majority vote of Council and denied the floor for the remainder of debate on the question.

(3) Repeated or egregious violations — including personal attacks, ridicule, or abuse of authority — may be referred to Council for sanction under Rule 40.

(G) Recording of Violations.

The Clerk shall note in the minutes any instance where a member, Presiding Officer, or member of the public is ruled out of order, removed, or sanctioned under this Rule.

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## **RULE 17-A – Appeal of Chair’s Ruling**

(A) Point of Order.

Any member of Council may raise a Point of Order if they believe the Presiding Officer has violated these Rules, Robert’s Rules of Order, or has acted inconsistently with decorum or procedure.

(B) Ruling by the Chair.

The Presiding Officer shall immediately issue a ruling on the Point of Order and shall state the exact rule, law, or rationale relied upon.

(C) Appeal.

- (1) Any member may appeal the ruling of the Presiding Officer immediately after it is made.
- (2) The appeal must be seconded by another member to proceed.

(D) Vote on Appeal.

- (1) The question shall be put to Council as: **“Shall the decision of the Presiding Officer stand as the judgment of Council?”**
- (2) The decision shall be determined by majority vote of members present and voting.
- (3) If the majority votes “No,” the ruling of the Presiding Officer is overturned and Council’s decision governs.

(E) Record.

The Clerk shall record the Point of Order, the ruling of the Presiding Officer, the appeal, the seconder, and the vote of each member in the official minutes.

(F) Repeated Improper Rulings.

If the Presiding Officer’s rulings are overturned by Council on three (3) or more occasions in a calendar year, the matter shall be referred to Council under Rule 40 for review and possible sanction.

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## **RULE 17-B – Citizen Oversight of Presiding Officer Behavior**

(A) Right to Request Review.

Any citizen attending a Council meeting may, following a Presiding Officer’s ruling or conduct they reasonably believe to be unfair, disrespectful, retaliatory, or in violation of these Rules, submit a **Request for Council Review** in writing to the Clerk of Council no later than three (3) business days after the meeting. This Rule is consistent with the public’s right to observe and participate in meetings under R.C. 121.22 and with constitutional protections of speech recognized in *Norwell v. City of Cincinnati* (1973) and *Nieves v. Bartlett* (2019).

(B) Co-Signers Required.

To be valid, a Request for Council Review must be signed by at least three (3) citizens who were present at the meeting in question. This safeguard ensures the request reflects a shared concern and not an individual grievance.

(C) Contents of Request.

The written request must include:

- (1) The date of the meeting and item or ruling in question;

- (2) A description of the Presiding Officer's conduct alleged to be improper;
- (3) The names, addresses, and signatures of the citizens submitting the request.

(D) Council's Obligation to Act.

(1) At the next regular meeting following receipt of a valid Request for Review, Council shall include on the agenda a **Citizen Oversight Review** item.

(2) A designated citizen from among the signers shall be permitted to address Council for up to five (5) minutes regarding the request.

(E) Limits on Use.

(1) No more than one (1) Citizen Oversight Review may be heard at a single meeting, unless Council votes by majority to allow additional requests.

(2) A citizen may not submit more than one (1) request per calendar quarter, and no duplicate request on the same matter may be submitted within the same calendar year.

(F) Member Vote.

(1) After citizen remarks, Council shall vote by roll call on the question: **"Was the Presiding Officer's ruling or conduct in compliance with Council Rules, R.C. 121.22, and constitutional protections of public participation?"**

(2) A majority vote of members present shall decide the question. If the vote is "No," the ruling or conduct shall be deemed improper and corrective action may be taken, including rescinding the ruling, amending the minutes, or issuing a statement of Council's finding.

(G) Record and Consequences.

(1) The request, citizen remarks, vote, and outcome shall be recorded in the minutes.

(2) Two (2) or more adverse findings against the Presiding Officer in a calendar year shall automatically trigger review by Council under Rule 40 for possible sanction.

## **RULE 19 – Resolutions and Ordinances**

(A) Introduction.

All ordinances and resolutions shall be introduced in written or printed form and shall contain a clear title and statement of purpose.

(B) Readings.

No ordinance or resolution shall be passed until it has been read on three (3) separate days, unless otherwise provided by the Ohio Revised Code or these Rules.

(C) Amendments.

Amendments shall be in writing and entered in the minutes. No ordinance or resolution shall contain more than one subject, which shall be clearly expressed in its title, in accordance with R.C. 731.19.

(D) Publication.

All ordinances and resolutions shall be published or posted as required by law, and a copy shall be made available on the City's website within seven (7) days of passage.

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## **RULE 19-A – Recording of Meetings**

### **(A) Citizen Recordings.**

Pursuant to R.C. 121.22, any member of the public attending an open meeting of Council may record the proceedings by audio or video means, so long as the recording does not disrupt the conduct of the meeting.

### **(B) Council Member Recordings.**

(1) Members of Council shall not make private recordings of Council meetings, except as part of an officially authorized recording approved by majority vote of Council.

(2) Members shall rely on the official record of minutes and recordings kept by the Clerk of Council.

### **(C) Official Record.**

(1) The Clerk of Council shall maintain the sole official minutes and, when applicable, audio or video recordings of Council proceedings.

(2) Any person wishing to review or obtain a copy of the official record may do so under R.C. 149.43 (Ohio Public Records Act).

### **(D) Enforcement.**

Any violation of this Rule by a Council member may be referred to Council under Rule 40 for sanction.

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## **RULE 19-B – Citizen Access to Council Chambers**

### **(A) Right of Access.**

Citizens shall have the right to access the Council Chambers before and after official meetings for the purpose of addressing members of Council in a peaceful and orderly manner. Such access is consistent with R.C. 121.22 and the constitutional right to petition government for redress of grievances.

### **(B) Limits of Access.**

(1) Access shall not interfere with official business, executive session, or the orderly closing of the facility.

(2) Citizens shall comply with reasonable time, place, and manner restrictions as may be posted for security or maintenance of the premises.

### **(C) Prohibited Use of Trespass.**

(1) No citizen shall be charged with trespass, removed, or otherwise penalized solely for remaining in the Council Chambers immediately before or after a meeting to address Council members, provided their conduct is peaceful and non-disruptive.

(2) Removal or prosecution for trespass may only occur where a citizen refuses to leave after official closing hours, after being given a clear notice and opportunity to depart.

**(D) Enforcement and Record.**

(1) Any removal of a citizen under this Rule shall be documented by the Clerk in the official minutes, including the reason for removal.

(2) Improper use of trespass laws against citizens exercising rights under this Rule shall constitute a violation of these Rules and may subject responsible officials to sanction under Rule 40.

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## **RULE 19-C – Public Access to the Council Floor (Revised)**

**(A) Forum and Purpose.**

The Council floor, where members are seated during meetings, is open to public interaction with elected officials **before and after meetings, consistent with constitutional forum analysis as applied by the U.S. Supreme Court** (see, e.g., *Perry Educ. Assn. v. Perry Local Educators' Assn.*, 460 U.S. 37 (1983); *Cincinnati v. Discovery Network*, 507 U.S. 410 (1993)). This Rule safeguards citizens' rights to speak and petition government.

**(B) Access Periods.**

1. Open to the public beginning **15 minutes prior** to the scheduled start of each meeting and for at least **30 minutes after adjournment**.
2. During access periods, citizens may approach Council members on the floor in an orderly manner.

**(C) Restrictions During Meetings.**

During official proceedings (including recesses), the floor is limited to Council, staff, and persons recognized by the Presiding Officer.

**(D) Conduct on the Floor.**

1. Citizens must act peacefully and respectfully.
2. Demonstrations, shouting, or disruption of official business are prohibited.
3. Security may remove a person only for **actual disruptive conduct**, consistent with **R.C. 121.22** and First Amendment limits.

**(E) Prohibition on Trespass Misuse.**

No citizen may be charged with trespass for entering or remaining on the floor **during the access periods** established by this Rule while acting lawfully and non-disruptively. After official closing hours, removal may occur only after **clear notice and opportunity to depart**.

**(F) Record.**

Any removal from the floor must be **documented in the minutes**, including the stated reason.

**(G) Savings/Construction.**

If a court construes the floor as a **limited or designated public forum** rather than a traditional one, this Rule shall be enforced in a **content-neutral** manner, allowing reasonable **time, place, and manner** regulations narrowly tailored to significant governmental interests and leaving open ample alternative channels for speech.

## **RULE 20 – Voting**

**(A) Duty to Vote.**

- (1) Every member of Council present when a question is put shall vote unless excused by Council for a conflict of interest, in accordance with R.C. 731.17 and R.C. 731.45.
- (2) A member requesting to be excused shall state on the record the specific nature of the conflict.
- (3) Upon such request, the Law Director shall issue a written or oral legal opinion as to whether a conflict of interest exists under Ohio law. The opinion shall be entered into the minutes.
- (4) The request shall then be decided by majority vote of the remaining members.
- (5) No member shall be excused from voting on the grounds of unwillingness to decide or for purposes of protest.

**(B) Method of Voting.**

- (1) All votes on ordinances, resolutions, and appropriations shall be taken by roll call and recorded by the Clerk, as required by R.C. 731.17.
- (2) For other questions, the Presiding Officer may call for a voice vote or show of hands, but any member may demand a roll call, which shall then be conducted.
- (3) No vote shall be conducted by secret ballot.

**(C) Refusal to Vote.**

- (1) A member who is present but refuses to vote without being excused shall be recorded in the minutes as **“Present—Not Voting.”**
- (2) A “Present—Not Voting” entry shall have the same effect as an abstention.
- (3) Repeated refusals to vote, if determined to be deliberate and without lawful excuse, shall constitute disorderly conduct under R.C. 731.45.

**(D) Prohibited Conduct.**

- (1) Members shall not vote in a manner intended to mock, disrupt, or undermine the dignity of Council proceedings.
- (2) The Presiding Officer shall not coerce, pressure, or otherwise attempt to influence the votes of members, except to cast a deciding vote in the case of a tie as provided by law.

**(E) Recording of Votes.**

- (1) The Clerk shall record in the minutes the name of each member and how they voted on every question, including “Yes,” “No,” “Abstain,” or “Present—Not Voting.”
- (2) The Clerk shall promptly publish all roll call votes on the City’s website no later than three
- (3) business days after the meeting.

(F) Sanctions for Continued Misconduct.

(1) Any member who, on three (3) or more occasions in a calendar year, refuses to vote without lawful excuse, falsely claims a conflict of interest, or engages in disruptive or mocking votes shall be subject to sanction under R.C. 731.45 and these Rules.

(2) Sanctions may include censure, removal from committee assignments, loss of leadership positions, or referral for expulsion from Council.

(3) The Clerk shall track instances of noncompliance and report them to Council for review under Rule 40.

## **RULE 21 – Tie Votes**

(A) General Rule.

In accordance with R.C. 33.09, the Presiding Officer shall not vote on any question except in the case of a tie.

(B) Casting the Tie-Breaking Vote.

(1) When a tie occurs, the Presiding Officer may cast a single vote to decide the question.

(2) The Presiding Officer shall state for the record: **“I am casting my vote solely to break the tie.”**

(3) The Clerk shall record in the minutes that the matter was decided by the Presiding Officer’s tie-breaking vote.

(C) Limitations.

(1) The Presiding Officer shall not attempt to create, encourage, or manipulate a tie through debate, influence, or procedural rulings.

(2) The Presiding Officer shall not cast a vote when no tie exists.

(3) Any improper vote by the Presiding Officer outside of a tie shall be declared null and void and the question shall be retaken without that vote.

(D) Sanctions for Abuse.

(1) Any instance in which the Presiding Officer improperly votes outside of a tie shall automatically be referred to Council under Rule 40 for review and possible sanction.

(2) Two (2) or more such improper votes in a calendar year shall constitute grounds for removal from the position of Presiding Officer under R.C. 731.45.

(E) Majority Requirement.

Nothing in this Rule shall be construed to alter the requirement under R.C. 731.17 that ordinances, resolutions, or appropriations must receive a majority of all members elected, unless otherwise provided by law.

## **RULE 22 – Expulsion from Meetings**

(A) Expulsion of Members.

(1) In accordance with R.C. 731.45, Council may punish or expel a member for disorderly conduct at Council meetings.

(2) Disorderly conduct shall include repeated violations of these Rules, refusal to come to order, personal attacks, mocking votes, or other behavior that disrupts proceedings.

(3) Expulsion of a member shall require a two-thirds (2/3) vote of all members elected.

(4) A member so expelled shall not be permitted to participate for the remainder of that meeting but shall retain all other rights and duties of office.

(B) Expulsion of Citizens.

(1) Members of the public may only be removed from Council meetings for conduct that actually disrupts proceedings, consistent with R.C. 121.22 and constitutional protections.

(2) Peaceful criticism, disapproval, or expression of opinion shall not constitute disruption, in accordance with *Norwell v. City of Cincinnati*, 414 U.S. 14 (1973).

(3) Citizens shall be given a verbal warning and an opportunity to correct their behavior before removal, unless the conduct poses an immediate threat to safety.

(4) Retaliatory enforcement or selective removal based on viewpoint is prohibited under *Nieves v. Bartlett*, 587 U.S. 391 (2019).

(C) Procedure for Removal.

(1) Before any expulsion, the Presiding Officer shall state on the record the conduct alleged to justify removal.

(2) The Clerk shall record in the minutes the name of the person expelled, the reason for expulsion, the warning given, and the vote of Council (if applicable).

(3) If video or audio recording of the meeting exists, the portion documenting the conduct and removal shall be preserved as part of the official record for a minimum of two (2) years, consistent with R.C. 149.43.

(4) Any removal not documented in both the minutes and, when available, the preserved recording shall be deemed improper.

(D) Sanctions for Abuse.

(1) Improper use of expulsion authority by the Presiding Officer or any member shall constitute a violation of these Rules.

(2) Any two (2) instances of improper expulsion in a calendar year shall automatically trigger review under Rule 40 for possible sanction.

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## **RULE 22-A – Grounds for Removal of Citizens (Right to Redress and Public Forum Access)**

(A) Constitutional and Statutory Right.

(1) Citizens attending Council or committee meetings are exercising their right under the **First Amendment** to petition government for redress of grievances, and their right under **R.C. 121.22** (Ohio Open Meetings Act).

(2) These rights extend to regular meetings, special meetings, and committee meetings, and include reasonable access to Council chambers and the Council floor before and after such meetings.

(B) Traditional Public Forum.

- (1) The Council chambers and Council floor are recognized as a traditional public forum before and after meetings, where citizens may approach their elected officials directly.
- (2) This right shall not be abridged except by reasonable, content-neutral time, place, and manner restrictions necessary to maintain safety and order.
- (3) Citizens may not be charged with trespass for entering the Council chambers or floor before or after meetings for the purpose of addressing members, provided their conduct is peaceful and non-disruptive.

(C) Narrow Grounds for Removal During Meetings.

A citizen may only be removed from a meeting if their conduct meets one or more of the following conditions:

- (1) **Material Disruption** — Conduct that materially interrupts or prevents Council or a committee from conducting official business.
- (2) **Threat of Violence** — A credible threat of imminent physical harm.
- (3) **Physical Interference** — Obstructing access to the chamber, floor, or exits in a manner that endangers safety or order.

(D) Protected Speech.

A citizen shall not be removed for:

- (1) Criticism of Council, committees, staff, or individual members (*Norwell v. City of Cincinnati*, 414 U.S. 14 (1973));
- (2) Speaking directly to Council or individual members rather than only to the chair (*City of Madison v. WERC*, 429 U.S. 167 (1976));
- (3) Raising matters of official conduct, even if deemed “off-topic” by the Presiding Officer;
- (4) Expressing disapproval through speech, gestures, or peaceful displays, provided they do not materially disrupt proceedings (*Nieves v. Bartlett*, 587 U.S. 391 (2019)).

(E) Warning and Procedure.

- (1) Prior to removal, the Presiding Officer must issue a clear warning identifying the specific conduct alleged to justify removal.
- (2) The citizen must be given an opportunity to comply.
- (3) The Clerk shall record the warning, conduct, and reason for removal in the minutes.
- (4) If video or audio exists, it shall be preserved for no less than two (2) years under R.C. 149.43.

(F) Enforcement by Citizens.

- (1) Any citizen who believes their rights under this Rule have been violated may submit a written objection to the Clerk within ten (10) days.
  - (2) The Clerk shall enter the objection into the record and place it on the agenda of the next regular Council meeting.
  - (3) The objection shall be read publicly and Council shall consider corrective action or sanction under Rule 40.
  - (4) Filing such objection does not limit the right to court enforcement under R.C. 121.22(I).
-

## **RULE 22-B – Committee Meetings and Public Participation**

### (A) Open Meetings.

- (1) All committees are subject to R.C. 121.22.
- (2) Notice of meetings shall be given in the same manner as Council meetings.

### (B) Right to Participate.

- (1) Citizens have the right to attend, record, and address committees.
- (2) Each committee shall provide a public comment period.
- (3) Each citizen shall be allowed **not less than three (3) minutes** to speak.

### (C) Limits on Committee Chairs.

- (1) Chairs may not restrict speech more narrowly than Rule 22-A.
- (2) Citizens may not be ruled out of order for failing to direct remarks only “to the chair.”
- (3) Removal may occur only under the narrow grounds in Rule 22-A(C).

### (D) Record of Proceedings.

- (1) The Clerk shall prepare minutes under R.C. 121.22(C).
- (2) Audio or video, if created, shall be preserved for two (2) years.

### (E) Written Submissions.

- (1) Citizens unable to attend may submit comments in writing.
- (2) All submissions must be included in the official record under R.C. 149.43.
- (3) Submissions shall be read aloud at the meeting for up to three (3) minutes each.
- (4) “Receive and File” shall not substitute for reading aloud and preservation.

### (F) Enforcement by Citizens.

- (1) Any citizen who believes their rights in a committee were violated may file a written objection with the Clerk within ten (10) days.
- (2) The Clerk shall enter it into the record and place it on the next Council agenda.
- (3) The objection shall be read publicly and considered for corrective action or sanction under Rule 40.
- (4) Filing does not waive court enforcement rights under R.C. 121.22(I).

## **RULE 23 – Public Comment at Regular and Special Council Meetings**

### (A) Right to Petition and Redress.

- (1) Citizens addressing Council are exercising their right under the **First Amendment** to petition government for redress of grievances, and their right under **R.C. 121.22** (Ohio Open Meetings Act) to attend and participate in public meetings.
- (2) Citizens also have the right under **Article I, Sections 2 and 3 of the Ohio Constitution** to **instruct their representatives** and seek redress of grievances without fear of retaliation, viewpoint discrimination, or selective enforcement.

(3) Any rule, practice, or action by Council that suppresses, chills, or penalizes citizen comment based on its content or viewpoint shall be considered a violation of both state and federal law.

(B) Public Right to Speak.

(1) Every citizen shall be entitled to address Council during the designated public comment period of any regular or special meeting.

(2) Each speaker shall be entitled to **not less than three (3) minutes** to speak. This time may not be shortened below three minutes by rule, policy, or discretion, though Council may extend time by majority vote.

(3) Citizens may not be silenced, cut short, or ruled out of order for:

(a) Criticism of Council, staff, or individual officials, even if sharp, accusatory, or unpopular (*Norwell v. City of Cincinnati*, 414 U.S. 14 (1973));

(b) Naming specific officials in their remarks;

(c) Refusing to direct remarks only to the chair (*City of Madison Joint School District v. WERC*, 429 U.S. 167 (1976));

(d) Raising matters of government conduct or policy that the Presiding Officer deems “off-topic.” All matters concerning public officials and government operations are germane.

(C) Written Submissions.

(1) Citizens unable to attend in person may submit written comments by email, letter, or other written form.

(2) All written submissions shall be entered into the official record in accordance with **R.C. 149.43 (Public Records Act)**.

(3) The Clerk shall read each written submission aloud for up to **three (3) minutes**, ensuring citizen voices are audibly included in the meeting record.

(4) The phrase “Receive and File” shall not substitute for public acknowledgment. All submissions must be read aloud and preserved with the minutes.

(D) Recording and Preservation.

(1) The Clerk shall ensure that all public comments, spoken and written, are accurately reflected in the minutes under **R.C. 121.22(C)**.

(2) If audio or video recording of the meeting exists, the portion containing public comment shall be preserved for **not less than two (2) years**, consistent with **R.C. 149.43** and records retention law.

(E) Enforcement by Council.

(1) Any restriction on citizen comment inconsistent with this Rule, any failure to acknowledge written submissions, or any removal of citizens for protected speech shall be deemed a violation of these Rules, the **Ohio Open Meetings Act**, and the **First Amendment**.

(2) Officials responsible for such violations shall be subject to sanction under Rule 40, up to and including removal from leadership positions.

(F) Enforcement by Citizens.

(1) Any citizen who believes their rights under this Rule have been violated may submit a written objection to the Clerk within ten (10) days of the violation.

(2) The Clerk shall enter the objection into the official record and place it on the agenda of the

next regular Council meeting.

(3) The objection shall be read publicly, and Council shall consider corrective action or sanction.

(4) Filing such objection shall not limit or waive a citizen's right to seek judicial enforcement under **R.C. 121.22(I)** (Open Meetings Act), **R.C. 149.43(C)** (Public Records Act), or the **First Amendment** of the U.S. Constitution.

(G) Posting of Rights.

(1) To ensure transparency, this Rule shall be:

- (a) Posted in full and visibly within Council chambers;
- (b) Printed on or appended to every published Council agenda; and
- (c) Published on the official City website alongside meeting notices.

(2) Failure to post this Rule shall not diminish its enforceability, but shall itself constitute a violation subject to sanction under Rule 40.

(H) Plain-Language Preamble to be Posted.

For posting on walls, agendas, and the City website, the following plain-language preamble shall accompany this Rule:

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## **Citizen Rights at Lorain City Council Meetings**

*(Plain-Language Preamble to Rule 23 – Public Comment)*

You have a **constitutional right** to speak at Lorain City Council meetings. This right comes from the **First Amendment of the U.S. Constitution**, the **Ohio Constitution (Article I, Sections 2 and 3)**, and Ohio's **Open Meetings Act (R.C. 121.22)**.

### **Your Rights Include:**

- **Three Minutes Minimum:** Every citizen has at least **three minutes** to speak. Council may give more time, but never less.
- **Criticism is Protected:** You may criticize City Council, city staff, or individual officials — even by name.
- **Speak Directly:** You may address the whole Council or individual members. You do not have to speak “only to the chair.”
- **All Topics Count:** Any matter of government business or official conduct is allowed. Council cannot rule your comments “off-topic” if they concern city government.
- **Written Comments:** If you cannot attend, you may submit comments in writing (email or letter). The Clerk must read them aloud (up to three minutes) and preserve them in the official record.
- **Public Record:** All comments — spoken and written — must be recorded in the minutes and preserved under Ohio law.
- **Viewpoint Protection:** Council cannot silence you just because they disagree with your opinion.

## **If Your Rights Are Violated:**

- You may file a written objection with the Clerk within 10 days. Your objection will be read publicly at the next Council meeting.
- You also have the right to enforce these protections in court under Ohio's **Open Meetings Act** and **Public Records Act**.

**Remember:** Your voice belongs in Lorain's public record. Speaking out, even critically, is not only your right — it is part of the democratic process.

## **RULE 24 – Debate and Deliberation**

### (A) Right of Members to Debate.

(1) Every member shall have the right to speak on each motion, ordinance, resolution, or other matter before Council prior to a final vote.

(2) Debate may only be limited by a two-thirds (2/3) vote of all members present, consistent with *Robert's Rules of Order*.

### (B) Obligation to Deliberate.

(1) No ordinance, resolution, or motion shall be passed without providing reasonable opportunity for debate in open session.

(2) As a minimum, the Presiding Officer shall offer each member the opportunity to speak once on the pending matter before calling for a final vote.

(3) Deliberation shall not be confined solely to caucus, informal meetings, or executive session, except where executive session is expressly permitted under **R.C. 121.22(G)**.

(4) All major legislation — including ordinances, appropriations, contracts, or measures involving expenditure of public funds or enactment of binding law — shall receive at least one round of debate in the appropriate committee prior to being placed on the Council floor for final passage, unless waived by a two-thirds (2/3) vote of Council.

### (C) Equal Treatment of Members.

(1) The Presiding Officer shall recognize members in order of request and shall not deny recognition based on viewpoint or anticipated vote.

(2) No member shall be silenced, interrupted, or prevented from debate except for disorderly conduct, and only in accordance with Rule 22.

### (D) Opportunity for Amendments.

(1) Members may propose amendments, substitutions, or motions during debate.

(2) Such motions shall be open to discussion before a vote is taken.

### (E) Public Transparency.

(1) All deliberations shall occur in public session, as required by **R.C. 121.22**.

(2) Failure to allow debate before final action shall constitute a violation of these Rules and the Open Meetings Act.

(3) Committee proceedings shall not be excluded from public view. The Clerk shall ensure that

each committee's recommendation, vote, and a fair summary of its debate are entered into the Council minutes prior to final passage of the measure.

(F) Enforcement by Council.

(1) Any member denied the right to debate may raise a point of order, which must be ruled upon immediately.

(2) Any violation of this Rule may be the subject of sanction under Rule 40.

(G) Enforcement by Citizens.

(1) Any citizen who believes Council has violated this Rule by refusing debate, restricting members from speaking, failing to refer major legislation to committee, or deciding matters without public deliberation may submit a written objection to the Clerk within ten (10) days of the alleged violation.

(2) The Clerk shall enter the objection into the official record and place it on the agenda of the next regular Council meeting.

(3) The objection shall be read publicly, and Council must deliberate on corrective action or sanction.

(4) Filing such objection shall not limit or waive the citizen's right to seek judicial enforcement under **R.C. 121.22(I)** (Ohio Open Meetings Act) or other applicable law.

## **RULE 25 – Voting Procedures**

(A) Duty to Vote.

(1) Every member present shall vote on each question put to Council, unless excused due to a statutory conflict of interest or other disqualification recognized by law.

(2) Failure or refusal to vote when present shall be recorded as "Present – Not Voting" and shall be treated as a vote in the negative.

(B) Roll Call Voting.

(1) All votes on ordinances, resolutions, appropriations, contracts, and other final actions shall be taken by roll call and entered in the minutes, in compliance with **R.C. 731.17**.

(2) The Clerk shall call the roll, and each member shall respond audibly.

(C) Abstention.

(1) A member may abstain only where:

(a) The member has a direct financial or personal interest creating a conflict under Ohio ethics law (**R.C. 102.03**); or

(b) The member is otherwise disqualified by statute, charter, or court order.

(2) Any abstention shall be accompanied by a brief statement of the conflict, which shall be entered in the minutes.

(3) The Clerk shall forward a copy of the abstention statement to the **Ohio Ethics Commission** within seven (7) days for review and confirmation that the claimed conflict falls within statutory limits.

(D) Disruptive or Mock Voting.

(1) Members shall not cast votes for the purpose of mockery, protest unrelated to the question at

issue, or to deliberately obstruct adjournment.

(2) Any such vote shall be recorded in the minutes but flagged as a violation of this Rule.

(3) Three (3) or more violations by the same member in a calendar year shall automatically trigger a sanction hearing under Rule 40.

(E) Ethics Clause.

(1) All voting conduct by Council members shall comply with the **Ohio Ethics Law (R.C. 102.03)**, which prohibits members from using their position to secure anything of value, from participating in matters where they have a conflict, and from misusing public office for personal benefit.

(2) Members are further bound by **Article I, Section 2 of the Ohio Constitution**, which declares that “all political power is inherent in the people” and that officials are accountable to those they represent.

(3) Any voting conduct that undermines these ethical duties — including refusal to vote, improper abstention, or mock voting — shall be deemed a breach of public trust and subject to sanction under Rule 40.

(F) Recording of Votes.

(1) The Clerk shall record each member’s vote in the official minutes.

(2) In cases of electronic or voice voting, the individual roll call record must still be preserved in the written minutes.

(G) Enforcement by Citizens.

(1) Any citizen who believes Council has violated this Rule by failing to conduct a roll call vote, improperly allowing abstentions, or tolerating repeated disruptive voting may submit a written objection to the Clerk within ten (10) days.

(2) The Clerk shall enter the objection into the record and place it on the agenda of the next regular Council meeting.

(3) The objection shall be read publicly, and Council must deliberate on corrective action or sanction.

(4) Filing such objection does not limit a citizen’s right to seek judicial enforcement under **R.C. 121.22(I)** or other applicable law.

## **RULE 26 – Reconsideration of Votes**

(A) Motion to Reconsider.

(1) A motion to reconsider may be made only by a member who voted on the prevailing side of the question.

(2) The motion must be made at the same meeting in which the original vote occurred or at the next regular meeting thereafter.

(3) No measure shall be reconsidered more than once.

(B) Majority Required.

(1) A simple majority of those present shall be sufficient to adopt a motion to reconsider, except as provided in subsection (B)(2).

(2) Where reconsideration would reverse final passage of an ordinance, resolution, or appropriation, a two-thirds (2/3) vote shall be required.

(C) Public Notice of Reconsideration.

(1) No ordinance, resolution, appropriation, or other measure of final passage shall be reconsidered unless public notice of the proposed reconsideration is provided at least seventy-two (72) hours prior to the meeting where reconsideration will occur.

(2) Public notice shall include posting on the City's official website, notification to the local media, and placement on the published agenda.

(3) Failure to provide such notice shall render the reconsideration invalid.

(D) Limitations.

(1) A motion to reconsider shall not be used to delay or obstruct business by repeated or frivolous filing.

(2) No motion to reconsider shall be in order if the subject matter has been substantially executed, relied upon, or acted upon by third parties.

(E) Clerk's Duties.

(1) All motions to reconsider and the votes thereon shall be entered separately into the official minutes.

(2) If a measure is reconsidered, the Clerk shall clearly indicate both the original vote and the reconsidered action in the record.

(F) Abuse and Sanction.

(1) Any member who repeatedly moves reconsideration for the purpose of obstruction, delay, or harassment shall be deemed in violation of this Rule.

(2) Three (3) or more improper motions to reconsider within one calendar year shall automatically trigger a sanction hearing under Rule 40.

(G) Enforcement by Citizens.

(1) Any citizen who believes Council has improperly reconsidered a matter, failed to provide notice, or used reconsideration to evade finality of decisions may submit a written objection to the Clerk within ten (10) days.

(2) The Clerk shall enter the objection into the record and place it on the agenda of the next regular Council meeting.

(3) The objection shall be read publicly, and Council must deliberate on corrective action or sanction.

(4) Filing such objection does not limit the right to seek judicial enforcement under **R.C. 121.22(I)**.

## **RULE 27 – Ordinances and Resolutions**

(Authority: **R.C. 731.17, 731.19, 731.29–.30**)

(A) Introduction.

(1) All ordinances and resolutions shall be introduced in writing and filed with the Clerk prior to

consideration.

(2) Each measure shall bear a clear and concise title reflecting its subject, in compliance with **R.C. 731.30**.

(3) No ordinance or resolution shall be introduced without being placed on the published agenda, except by unanimous consent of all members present.

(4) Prior to introduction, every ordinance or resolution shall be reviewed and signed by the Law Director or duly authorized legal counsel to certify compliance with the **Ohio Revised Code**, City Charter, and Constitution. Any measure lacking such certification shall be invalid and out of order.

(B) Readings.

(1) Each ordinance and resolution shall receive three (3) readings on three (3) separate days, as required by **R.C. 731.17**.

(2) Readings shall be conducted aloud by title unless full reading is requested by any member.

(3) No measure shall be passed until after its third reading, except as provided in Rule 12-A (Emergency Measures).

(C) Public Availability.

(1) A copy of every ordinance and resolution shall be made available to the public and Council members at least seventy-two (72) hours prior to its first reading.

(2) The Clerk shall prepare and post a plain-language summary of each measure for public review, in addition to the full legal text.

(D) Amendments.

(1) Substantial amendments to an ordinance or resolution may not be adopted on the floor without prior written distribution to Council and public posting.

(2) If a measure is substantively amended, it shall be re-read in full at the next meeting before passage.

(E) Passage.

(1) Ordinances and resolutions shall be passed by a majority of all members elected, unless a greater vote is required by law or charter.

(2) Emergency measures shall comply strictly with Rule 12-A and **R.C. 731.30**.

(F) Clerk's Duties.

(1) The Clerk shall number, title, and enter all ordinances and resolutions into the official record.

(2) The Clerk shall certify passage and publish ordinances as required by law.

(3) The Clerk shall maintain a complete archive of ordinances and resolutions, accessible under **R.C. 149.43** (Ohio Public Records Act).

(G) Sunshine Clause.

(1) All regular and special Council meetings at which ordinances or resolutions are introduced, read, or passed shall be livestreamed and recorded in compliance with **R.C. 121.22(C)**.

(2) The City shall maintain an online archive of all such recordings for not less than five (5) years.

(3) The recordings shall be indexed by ordinance or resolution number to allow public access and review.

(H) Penalties for Non-Compliance.

(1) Any ordinance or resolution introduced without prior legal certification under subsection (A)(4) shall be null and void and shall not advance to first reading.

(2) Any ordinance or resolution introduced without proper notice under subsection (C)(1) shall be null and void unless reintroduced in compliance with this Rule.

(3) Any member who knowingly attempts to introduce an uncertified or non-compliant ordinance shall be deemed in violation of these Rules and subject to sanction under Rule 40.

(4) If the Presiding Officer knowingly allows uncertified or non-compliant legislation to advance, Council may, by majority vote, overrule the action and enter a violation in the minutes.

(5) Repeated violations by any officer or member (three or more in a calendar year) shall automatically trigger a sanction hearing under Rule 40 and may be referred to the **Ohio Auditor of State** and the **Ohio Ethics Commission** for investigation.

(I) Enforcement by Citizens.

(1) Any citizen who believes an ordinance or resolution was introduced or adopted in violation of this Rule — including failure to provide legal certification, failure to provide three readings, failure to provide notice, or unlawful use of emergency passage — may submit a written objection to the Clerk within ten (10) days.

(2) The Clerk shall enter the objection into the record and place it on the agenda of the next regular Council meeting.

(3) The objection shall be read publicly, and Council must deliberate on corrective action or sanction.

(4) Filing such objection shall not limit the right to seek judicial enforcement under **R.C. 731.17–731.30**, **R.C. 121.22(I)**, or **R.C. 149.43(C)**.

## **RULE 28 – Committee Reports**

(A) Written Reports Required.

(1) Each committee to which a matter is referred shall prepare a written report to Council before final action is taken.

(2) The report shall include:

(a) The committee's recommendation (favorable, unfavorable, or no recommendation);

(b) The final committee vote, recorded by member name;

(c) Attendance of members;

(d) A fair summary of debate, including key points raised;

(e) Any amendments adopted in committee.

(B) Minority Reports.

(1) Any member of a committee who dissents from the majority recommendation shall have the right to prepare a minority report.

(2) The minority report shall be filed with the Clerk and entered into the record alongside the majority report.

(C) Filing and Distribution.

(1) Committee reports shall be filed with the Clerk not later than seventy-two (72) hours before the next regular Council meeting where the matter will be considered.

(2) The Clerk shall distribute the reports to all members and post them publicly in compliance with **R.C. 121.22** and **R.C. 149.43**.

(D) Entry into Minutes.

(1) The Clerk shall enter all committee reports, including minority reports, into the official Council minutes.

(2) The reports shall also be posted to the City's website and preserved for not less than five (5) years.

(E) Failure to Report.

(1) If a committee fails to report within thirty (30) days after referral, the matter shall automatically be placed on the agenda of the next regular Council meeting with a notation of "No Report Filed."

(2) The Presiding Officer may not withhold a measure from Council consideration due to lack of a report.

(F) Transparency Clause – Recording and Archiving.

(1) All committee meetings, whether standing or ad hoc, shall be livestreamed and recorded in compliance with **R.C. 121.22(C)**.

(2) The City shall maintain an online archive of all committee meeting recordings for not less than five (5) years.

(3) The Clerk shall ensure that recordings are indexed by committee name, date, and subject matter for public access.

(4) Failure to record or archive a committee meeting shall not invalidate its actions, but shall constitute a violation of these Rules and may be grounds for sanction under Rule 40.

(G) Sanctions for Non-Compliance.

(1) Any committee chair who repeatedly fails to file accurate and timely reports or obstructs livestreaming/archiving shall be subject to sanction under Rule 40.

(2) Three (3) failures in a calendar year shall automatically trigger a sanction hearing.

(H) Enforcement by Citizens.

(1) Any citizen who believes a committee failed to report accurately, withheld debate from the record, or failed to comply with transparency requirements may submit a written objection to the Clerk within ten (10) days.

(2) The Clerk shall enter the objection into the record and place it on the agenda of the next regular Council meeting.

(3) The objection shall be read publicly, and Council must deliberate on corrective action or sanction.

(4) Filing such objection shall not limit the right to seek judicial enforcement under **R.C. 121.22(I)** or **R.C. 149.43(C)**.

## **RULE 29 – Executive Session Reports**

(A) Lawful Purpose Only.

(1) Council may enter executive session only for purposes expressly permitted under **R.C. 121.22(G)**.

(2) Before entering executive session, the motion shall state the specific statutory subsection invoked, which shall be recorded in the minutes.

(3) Any executive session not tied to a specific statutory purpose is unlawful and void.

(B) Procedure.

(1) A motion to enter executive session must be approved by a roll call vote of a majority of all members elected, in compliance with **R.C. 121.22(G)**.

(2) No ordinance, resolution, rule, or formal action shall be adopted in executive session.

(3) Council may not reconvene in executive session more than once per meeting unless a new motion is made and voted on, citing the statutory basis each time.

(C) Reports Upon Return.

(1) Upon reconvening in open session, the Presiding Officer shall make a public statement summarizing the general subject matter discussed, without disclosing privileged details, to ensure transparency of purpose.

(2) The Clerk shall record the statutory subsection cited, the roll call vote, and the summary in the official minutes.

(3) If no action is taken as a result of executive session, the record shall reflect "No Action Taken."

(D) Prohibited Conduct.

(1) No member shall take, retain, or distribute private notes from executive session.

(2) No member shall conduct polling, straw votes, or informal agreements in executive session.

(3) Any such conduct shall be deemed a violation of **R.C. 121.22(H)** and these Rules.

(E) Clerk's Duties.

(1) The Clerk shall preserve the motion, roll call vote, statutory basis, and summary report as part of the official minutes under **R.C. 149.43**.

(2) The Clerk shall also transmit the record of each executive session to the Law Director for independent review.

(F) Independent Legal Review.

(1) Within seven (7) days after each executive session, the Law Director shall certify in writing whether the session complied with **R.C. 121.22(G)**.

(2) If the Law Director is a participant in the executive session or otherwise conflicted, Council shall appoint independent outside counsel to conduct the review.

(3) The certification shall be entered into the public record and posted on the City's website.

(4) If the review finds the executive session unlawful, any related action taken thereafter shall be deemed void and of no effect.

(G) REMOVED

(H) Sanctions.

(1) Any member who discloses confidential information from executive session or engages in prohibited conduct under subsection (D) shall be subject to sanction under Rule 40.

(2) Three (3) violations in a calendar year shall automatically trigger a sanction hearing and referral to the **Ohio Ethics Commission** and **Ohio Auditor of State**.

(I) Enforcement by Citizens.

(1) Any citizen who believes Council has entered executive session unlawfully or failed to comply with this Rule may submit a written objection to the Clerk within ten (10) days.

(2) The Clerk shall enter the objection into the record and place it on the agenda of the next regular Council meeting.

(3) The objection shall be read publicly, and Council must deliberate on corrective action or sanction.

(4) Filing such objection shall not limit the right to seek judicial enforcement under **R.C. 121.22(I)**.

## **RULE 30 – Legislative Records & Journal of Council**

(A) Journal of Proceedings.

(1) The Clerk shall keep a full and accurate journal of the proceedings of Council, as required by **R.C. 121.22(C)**.

(2) The journal shall include:

(a) The text of all motions, ordinances, resolutions, and amendments;

(b) The names of members making and seconding motions;

(c) The vote of each member on every question;

(d) The substance of debate sufficient to reflect deliberation;

(e) All committee reports, minority reports, and executive session certifications.

(B) Certification.

(1) The Clerk shall certify the accuracy and completeness of the journal at each regular meeting.

(2) No journal entry shall be altered after certification except by public motion of Council.

(3) Any alteration shall be noted with date, vote, and reason.

(C) Approval of Minutes.

(1) Approval of minutes shall not be perfunctory but shall require a motion, second, and opportunity for correction.

(2) Members shall be personally responsible for reviewing the journal prior to approval.

(3) Before any vote on approval, the Clerk shall read aloud any pending citizen objections or corrections submitted under subsection (F).

(4) Failure to conduct meaningful review before approval shall constitute a violation of these Rules.

(D) Public Access.

(1) The Clerk shall maintain the journal as a public record under **R.C. 149.43**.

(2) The journal shall be posted to the City's official website within seven (7) days of approval.

and remain available permanently.

(3) Printed copies shall be made available upon request at reasonable cost.

(E) Retention and Preservation.

(1) The journal, ordinances, resolutions, and supporting documents shall be preserved permanently.

(2) Audio and video recordings of Council meetings shall be preserved for not less than five (5) years.

(3) Records shall be managed consistently with Ohio's public records retention schedules (RC-2, RC-3).

(F) Citizen Objections.

(1) Any citizen who believes the journal or minutes are inaccurate, incomplete, or unlawfully altered may submit a written objection to the Clerk within ten (10) days of publication.

(2) The Clerk shall enter the objection into the record, read it aloud before Council votes to approve the minutes, and place it on the agenda of the next regular Council meeting.

(3) Council must deliberate publicly on whether to accept the correction before approval.

(4) If Council sustains the objection, the Clerk shall correct the minutes within seven (7) days, mark the correction in the permanent record, and re-certify the corrected version at the next regular Council meeting.

(5) Filing such objection shall not limit the right to seek judicial enforcement under **R.C. 121.22(I)** or **R.C. 149.43(C)**.

(G) Errata Log.

(1) The Clerk shall maintain an official **Errata Log** listing all corrections made to minutes or the journal after approval.

(2) Each entry in the log shall state the meeting date, the correction made, the reason for correction, and the date of Council approval.

(3) The Errata Log shall be a permanent public record, posted on the City's website, and preserved alongside the journal.

(4) No correction shall take effect unless recorded in the Errata Log.

(H) Sanctions.

(1) The Clerk who knowingly falsifies, omits, or alters entries in the journal without authority shall be subject to sanction under Rule 40 and referral to the **Ohio Auditor of State**.

(2) Members who knowingly approve inaccurate minutes without correction shall be deemed in violation of their oath of office and subject to sanction under Rule 40.

## **RULE 31 – Ordinance Publication & Codification**

(A) Publication of Ordinances.

(1) All ordinances shall be published promptly after passage in compliance with **R.C. 731.21–731.23**.

(2) Publication shall occur both in a newspaper of general circulation and on the City's official website.

(3) Emergency ordinances shall be subject to the same publication requirements.

(B) Codification.

(1) The Clerk, in consultation with the Law Director, shall codify all ordinances of a general and permanent nature into the City's Codified Ordinances within sixty (60) days of passage, as required by **R.C. 731.23**.

(2) Codification shall occur within \_\_\_ days for organization and public access."

(C) Public Access.

(1) The full text of all ordinances shall be maintained in the Clerk's office and made available to the public during business hours.

(2) The City shall maintain an online code accessible free of charge, updated no less frequently than once every sixty (60) days.

(3) The Clerk shall also prepare a plain-language summary of each ordinance to aid citizen understanding, in addition to the full legal text.

(D) Indexing and Numbering.

(1) Ordinances shall be consecutively numbered and indexed by subject.

(2) The index shall be maintained online and updated with each ordinance passed.

(E) Clerk's Certification.

(1) The Clerk shall certify the date of passage, publication, and codification of each ordinance.

(2) Failure to certify within the timelines set forth in this Rule shall render the ordinance unenforceable until certification is completed.

(F) Enforcement by Citizens.

(1) Any citizen who believes an ordinance has not been properly published or codified may submit a written objection to the Clerk within ten (10) days of discovery.

(2) The Clerk shall enter the objection into the record and place it on the agenda of the next regular Council meeting.

(3) The objection shall be read publicly, and Council must deliberate on corrective action or sanction.

(4) Filing such objection shall not limit the right to seek judicial enforcement under **R.C. 731.23**, **R.C. 121.22(I)**, or **R.C. 149.43(C)**.

(G) Annual Audit.

(1) Once each year, the Clerk and Law Director shall prepare a reconciliation report listing:

(a) All ordinances passed during the prior year;

(b) The date of their publication;

(c) The date of their codification;

(d) Any ordinances still pending codification.

(2) This report shall be presented at the first regular Council meeting of the calendar year and entered into the permanent record.

(3) The report shall also be published on the City's official website.

(4) Ordinances more than ninety (90) days overdue for codification shall be flagged as non-enforceable until corrected.

(H) Citizen Petition to Compel Codification.

(1) If three (3) or more ordinances remain unpublished or uncodified beyond ninety (90) days, any ten (10) registered electors of the City may submit a petition to the Clerk demanding compliance.

(2) The Clerk shall place the petition on the agenda of the next regular Council meeting.

(3) The petition shall be read publicly, and Council must vote on corrective action no later than that meeting.

(4) If Council fails to act, the petitioners may seek enforcement under **R.C. 731.23**, including mandamus action in state court.

(I) Sanctions.

(1) The Clerk or Law Director who knowingly fails to publish, codify, or certify ordinances as required by law shall be subject to sanction under Rule 40.

(2) Three (3) or more violations in a calendar year shall automatically trigger referral to the **Ohio Auditor of State**.

## **RULE 32 – Fiscal Accountability and Appropriations**

*(with Citizen Oversight Power)*

(A) Authority.

(1) Council shall exercise the power of appropriation in strict compliance with **R.C. 5705.38–5705.41**.

(2) No money shall be drawn from the treasury except by appropriation made by ordinance.

(3) Any expenditure made without lawful appropriation shall be void.

(B) Appropriation Ordinances.

(1) The annual appropriation ordinance shall be passed no later than March 31 of each year, consistent with **R.C. 5705.38**.

(2) Appropriations shall be made by line item and department, and no lump-sum appropriations shall be permitted unless specifically authorized by state law.

(3) All appropriation ordinances shall be published and codified in accordance with Rule 31.

(C) Amendments and Transfers.

(1) No transfer of appropriations between accounts, funds, or departments shall occur without prior Council approval by ordinance.

(2) The Finance Director shall prepare a written justification for any transfer request, including fiscal impact, and submit it to Council at least seven (7) days prior to vote.

(D) Emergency Fiscal Ordinances.

(1) No fiscal ordinance shall be passed as an emergency unless it meets the definition of emergency under **R.C. 731.30** — an actual, immediate threat to public health, safety, or financial stability.

(2) Lack of planning, convenience, or routine administrative need shall not constitute an emergency.

(3) Any ordinance improperly labeled as an emergency shall be void.

(E) Reports and Oversight.

- (1) The Finance Director shall provide Council with a quarterly report comparing actual revenues and expenditures against appropriations.
- (2) Reports shall be presented publicly, entered into the record, and posted to the City's website.
- (3) Council shall hold a public hearing at least once per quarter to review fiscal performance.

(F) Prohibited Expenditures.

- (1) No officer or employee of the City shall expend, or authorize the expenditure of, money except in accordance with appropriations passed by Council.
- (2) Any contract, purchase, or payment made in violation of this section shall be void and unenforceable.
- (3) Violations shall be referred to the **Ohio Auditor of State** as required by **R.C. 117.28**.

(G) Citizen Oversight Power.

- (1) If fifty (50) registered electors of the City sign a petition alleging unlawful expenditures, failure to follow appropriation procedures, or misuse of emergency fiscal ordinances, the Clerk shall place the petition on the agenda of the next regular Council meeting.
- (2) The petition shall be read publicly, and Council must vote to schedule a **Special Fiscal Review Hearing** within thirty (30) days.
- (3) At such hearing, the Finance Director shall present full documentation of revenues, appropriations, and expenditures relevant to the petition.
- (4) Citizens who signed the petition shall have the right to speak and present evidence.
- (5) Council must deliberate publicly and, if violations are substantiated, refer the matter to the **Ohio Auditor of State** and/or the **Lorain County Prosecutor**.
- (6) Failure of Council to act shall itself constitute a violation of these Rules and **R.C. 121.22**, subject to judicial enforcement.

(H) Sanctions.

- (1) Any member of Council who knowingly approves appropriations or expenditures in violation of this Rule or the Ohio Revised Code shall be subject to sanction under Rule 40.
- (2) Any officer or employee who knowingly expends funds without appropriation shall be subject to disciplinary action, sanction, and referral to the **Lorain County Prosecutor** for possible prosecution under **R.C. 2921.44(E)** (dereliction of duty).

## ORDINANCES AND RESOLUTIONS

# **RULE 33 – Procurement & Contracting**

*(with Vendor Disclosure Requirement)*

## **(A) Competitive Bidding.**

(1) All contracts for the purchase of goods or services exceeding \$50,000 shall be awarded by competitive bidding, in compliance with **R.C. 735.05** and the current threshold set by **R.C. 9.17**.

(2) Bids shall be advertised in a newspaper of general circulation and on the City's official website for no less than two (2) consecutive weeks.

(3) All bids shall be opened publicly, recorded by the Clerk, and posted online within seven (7) days of opening.

## **(B) Requests for Proposals (RFPs).**

(1) For professional services not subject to bidding (e.g., legal, architectural, engineering), the City shall issue a public Request for Proposals.

(2) All RFPs shall be published on the City's website, with a submission deadline no less than thirty (30) days from posting.

(3) Proposals received shall be reviewed in open session, with scoring criteria published in advance.

33(B)(4): "Architect-Engineer and Surveyor selections shall comply with **R.C. 153.65–153.71** (qualifications-based selection).

## **(C) Emergency Contracts.**

(1) Emergency contracts may be awarded without bidding only when immediate action is necessary to protect public health, safety, or welfare.

(2) The emergency must be documented in writing by the Mayor or Safety-Service Director, specifying the facts and circumstances.

(3) Council shall ratify the emergency contract at its next regular meeting.

(4) Failure to meet these requirements shall render the contract void.

## **(D) Conflicts of Interest.**

(1) No member of Council, officer, or employee of the City shall have any direct or indirect financial interest in a contract, in accordance with **R.C. 2921.42**.

(2) Any official found to have an interest in a contract shall be disqualified from voting or participating in the procurement process.

(3) Violations shall be referred to the **Ohio Ethics Commission**.

## **(E) Transparency and Access.**

(1) The Clerk shall maintain a public online Contracts Register listing:

(a) All contracts awarded,

(b) The vendor name,

(c) The dollar amount,

(d) The method of award (bid, RFP, emergency),

- (e) The term of the contract.
- (2) The Register shall be updated within seven (7) days of any new contract or amendment.

(F) Citizen and Vendor Bid Protest Process.

- (1) Any bidder, proposer, or citizen taxpayer of the City may file a written protest regarding the award of a contract within ten (10) days of award.
- (2) The protest shall be filed with the Clerk, who shall place it on the agenda of the next regular Council meeting.
- (3) The protest shall state the grounds, including but not limited to:
  - (a) Failure to follow competitive bidding procedures;
  - (b) Improper use of “emergency” contracting;
  - (c) Conflict of interest or unlawful influence under **R.C. 2921.42**;
  - (d) Arbitrary or capricious evaluation of bids or proposals.
- (4) The Clerk shall notify the Law Director and Finance Director, who must respond in writing prior to the Council meeting.
- (5) At the meeting, the protest shall be read publicly, and the protester may address Council for up to five (5) minutes.
- (6) Council must vote on whether to uphold the protest and void or re-bid the contract.
- (7) If Council fails to act, the protester may seek judicial enforcement under **R.C. 731.29** (referendum on ordinances) or **R.C. 121.22(I)** (Sunshine Law).

(G) Sanctions Against Officials.

- (1) Any officer or employee who knowingly circumvents bidding or RFP requirements shall be subject to sanction under Rule 40 and referral under **R.C. 2921.44(E)** (dereliction of duty).
- (2) Any member of Council who approves a contract knowing it was awarded in violation of law shall be deemed in violation of their oath of office.
- (3) Bid-rigging, collusion, or fraudulent procurement by officials shall be referred for prosecution under **R.C. 2923.34** (RICO) and **R.C. 2921.42** (unlawful interest in a public contract).

(H) Penalties Against Vendors.

- (1) Any vendor, contractor, or proposer who engages in collusion, bid-rigging, kickbacks, or fraudulent representations in the procurement process shall be subject to immediate disqualification from the contract.
- (2) Upon proof of such conduct, the vendor shall be barred from bidding on or receiving any City contract for a period of five (5) years.
- (3) Fraudulent activity shall be referred to the **Lorain County Prosecutor**, the **Ohio Auditor of State**, and, where appropriate, the **Ohio Attorney General** for prosecution under **R.C. 2923.34** (civil RICO) and **R.C. 2921.13** (falsification).
- (4) Any contract obtained through fraud, collusion, or misrepresentation shall be deemed **void ab initio**.
- (5) The City shall recover damages, including costs, attorney fees, and restitution, from vendors found liable for fraudulent conduct.

(I) Whistleblower Protection.

- (1) Any City employee, contractor, subcontractor, or vendor who, in good faith, reports

suspected procurement fraud, collusion, or violations of this Rule shall be protected from retaliation.

(2) Retaliation includes termination, demotion, denial of contract opportunities, blacklisting, or harassment.

(3) Any official or employee who engages in retaliation shall be subject to sanction under Rule 40 and referral under **R.C. 2921.45** (interference with civil rights).

(4) Verified retaliation shall result in reinstatement of employment or contract opportunities, restitution of lost wages or profits, and civil penalties against the retaliator.

(5) Whistleblower reports may be filed anonymously with the Clerk, the Law Director, or directly with the **Ohio Auditor of State's Fraud Hotline**, as permitted by **R.C. 117.103**.

(J) Annual Vendor Disclosure.

(1) Once each year, the Finance Director shall prepare a report identifying the twenty (20) vendors who received the highest dollar amounts from City contracts during the prior fiscal year.

(2) The report shall list for each vendor:

- (a) Total amount paid,
- (b) Number of contracts awarded,
- (c) Method of award (bid, RFP, emergency),
- (d) Department(s) issuing the contracts.

(3) The report shall be presented at the first regular Council meeting of each calendar year, entered into the official record, and posted to the City's website.

(4) Failure to prepare or publish the report shall constitute a violation of this Rule and be referred to the **Ohio Auditor of State**.

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## **Rule 34 – Citizen Complaint Process / Ethics Complaint Filing**

### **(A) Purpose**

(1) To provide citizens a **clear, enforceable process** to file complaints regarding Council member misconduct, ethics violations, or violations of Council Rules.

(2) This Rule ensures compliance with **R.C. 121.22, R.C. 149.43, R.C. 102.03, and Article I, Sections 2 & 3 of the Ohio Constitution**, protecting citizens' rights to petition and seek redress.

### **(B) Scope**

(1) Citizens may file complaints regarding:

- (a) Council member misconduct or ethical violations (Rule 44)
- (b) Improper handling of petitions, fiscal reviews, or public input (Rules 41 & 42)
- (c) Violations of public hearing procedures (Rule 48)
- (d) Introduction of uncertified or non-compliant legislation (Rule 50)
- (e) Misuse of emergency or special procedures (Rule 49)

### **(C) Filing Procedure**

(1) Complaints must be submitted on a **standardized form**, including:

- (a) Complainant information
  - (b) Description of the alleged violation
  - (c) Statutory and rule citations (e.g., R.C. 121.22, R.C. 149.43, R.C. 102.03)
- (2) The Clerk shall **acknowledge receipt within 72 hours** and post a public notice to prevent hidden delays.

#### **(D) Investigation and Review**

- (1) Complaints are referred to the **Committee on Rules and Ethics**.
- (2) The Committee shall:
- (a) Collect relevant records, testimony, and evidence
  - (b) Conduct a review in compliance with ORC and Council Rules
  - (c) Issue a written report within **30 days**, including a **timeline for corrective actions and follow-up**
- (3) The accused member may respond in writing and at a public Council meeting prior to sanctions.

#### **(E) Enforcement and Sanctions**

- (1) Confirmed violations are enforced under **Rule 40**, which may include:
- (a) Public censure
  - (b) Removal from committees or chair positions
  - (c) Referral to the **Ohio Ethics Commission, Attorney General, or Auditor of State**
- (2) Repeated or egregious violations may trigger **dereliction of duty under R.C. 733.72**, with potential for legal remedies or removal.

#### **(F) Transparency and Public Access**

- (1) All complaints, findings, and sanctions shall be **entered into the official journal** and published on the City's website.
- (2) Citizens may track the status of their complaints in real time via an online portal maintained by the Clerk.

#### **(G) Protection for Complainants**

- (1) Citizens filing complaints are protected from **retaliation** by Council members, staff, or vendors.
- (2) Retaliation constitutes a separate violation subject to Rule 40 sanctions and referral to appropriate state authorities.

#### **(H) Integration with Other Rules**

- (1) Complaints may cross-reference multiple rules (ethics, ordinances, public hearings, fiscal reviews) for **coordinated enforcement**.
- (2) Judicial review is preserved under **R.C. 121.22(I)** and **R.C. 149.43(C)** without waiving any rights provided under this Rule.

## **Rule 34A – Presidency: Election, Duties, and Vacancy**

- (A) Election of the President.
- (1) The President of Council shall be elected by the qualified electors of the City of Lorain as a

separate office, pursuant to the City Charter and applicable provisions of the Ohio Revised Code.  
(2) The President of Council shall preside at all regular and special meetings of Council and exercise only those powers granted by law and these Rules.

(B) Presidency Term Limits.

(1) No person may serve as President of Council for more than **two (2) consecutive elected terms**.

(2) After serving two consecutive terms as President, the individual shall be ineligible to hold the office of President until at least one full term has passed.

(3) This restriction applies only to the office of President and does not bar a member from election to an at-large or ward seat on Council.

(4) The purpose of this Rule is to ensure rotation of leadership, prevent entrenchment of power, and maintain fair and impartial governance.

(5) Any attempt to bypass this Rule by resignation and reappointment within the same term shall be deemed a violation, subject to challenge and sanction under Rule 40.

(C) Duties of the Presiding Officer.

(1) The President shall serve as a **neutral facilitator** of debate and procedure, ensuring fair application of these Rules.

(2) The President shall not direct how members vote, express opinions from the chair, or use the position to intimidate or disparage colleagues or citizens.

(3) The President shall vote **only in the event of a tie**, unless otherwise provided by law.

(D) President Pro Tem.

(1) At the first organizational meeting of each Council term, members shall elect from among themselves a **President Pro Tem** to serve in the absence, disability, or temporary vacancy of the President.

(2) The **President Pro Tem must be rotated each term**; no member may serve as President Pro Tem for more than one consecutive Council term.

(3) The President Pro Tem shall exercise only the procedural duties necessary to preside over meetings.

(4) The President Pro Tem shall not exercise the full powers of the elected President and may not use the position to make permanent appointments, issue directives, or otherwise act beyond the scope of temporary presiding authority.

(E) Vacancy in the Presidency.

(1) If the office of Council President becomes vacant due to death, resignation, removal, or incapacity, Council shall call a **special election** in accordance with the Ohio Revised Code to fill the vacancy.

(2) No appointment by Council shall permanently fill the Presidency; only the electorate may select a new President.

(3) Until the vacancy is filled by special election, the President Pro Tem shall serve as acting presiding officer, limited to procedural duties only.

(4) Council shall schedule the special election within **90 days of the vacancy**, unless state election law requires an alternate date.

## Rule 35 – Council President and President Pro Tem

### (A) Purpose

- (1) To clearly define the roles, responsibilities, and limitations of the **Council President and President Pro Tem**, ensuring neutrality, fairness, and accountability in Council operations.
- (2) Ensures compliance with **R.C. 121.22**, the Ohio Constitution, and Council Rules regarding leadership, facilitation, and citizen interaction.

### (B) Council President

- (1) The President is **elected by popular vote**, separate from at-large or ward Council seats.
- (2) The President's duties include:
  - (a) Presiding over meetings and maintaining order.
  - (b) Facilitating discussion, ensuring rules and agenda items are followed.
  - (c) Ensuring **citizen participation, petitions, and complaints** are acknowledged and addressed.
- (3) The President **shall not**:
  - (a) Attempt to influence Council votes outside of tie-breaking authority.
  - (b) Use the chair as a bully pulpit or for personal/political purposes.
- (4) Violations of these limitations are enforceable under **Rule 40** and may be referred to the Ohio Ethics Commission.
- (5) **Term limits**: No member may serve as President for more than **two consecutive terms**, though they may run for at-large or ward Council seats thereafter.

### (C) President Pro Tem

- (1) The President Pro Tem serves as acting presiding officer **only in the absence of the President**.
- (2) Pro Tem **must be rotated each term** to prevent consolidation of power.
- (3) Duties include facilitating meetings in the President's absence, following all procedural and ethical requirements outlined in Rule 44 and related Rules.

### (D) Enforcement and Accountability

- (1) Any abuse of the President or Pro Tem role, including influencing votes improperly or suppressing citizen participation, constitutes a violation enforceable under **Rule 40**.
- (2) Sanctions may include public censure, removal from committee leadership, or referral to state authorities.

## Rule 36 – Committees of Council

### (A) Establishment of Committees.

- (1) Council shall establish standing and special committees as necessary to conduct its business.
- (2) All committees are subject to the **Ohio Open Meetings Act (R.C. 121.22)** and the **Ohio Public Records Act (R.C. 149.43)**.

### (B) Membership Limits.

- (1) No member shall serve on more than **three (3) standing committees** at any one time.

(2) A member may serve on only **one committee as chair** during a Council term, unless waived by two-thirds (2/3) vote of Council.

(3) This limitation is intended to ensure fair distribution of committee responsibilities and prevent concentration of influence.

(C) Selection of Chairs.

(1) Committee chairs shall be elected by the members of each committee at the first meeting of the new Council term.

(2) The President of Council may nominate members for committee service, but the final appointment and chair selection must be approved by majority vote of Council.

(D) Duties of Committees.

(1) Committees shall meet **no less than once per calendar quarter** to review pending matters within their jurisdiction.

(2) No ordinance or resolution shall be reported out of committee without a recorded vote of its members.

(3) Committee reports shall be entered into the minutes of Council and published on the City's official website within seven (7) days.

(4) If a committee fails to meet for two consecutive quarters, Council shall reassign its subject matter to another active committee.

(E) Public Participation.

(1) Committees shall allow public comment on matters before them, subject to reasonable time limits consistent with Rule 23.

(2) Citizens shall have the same right to submit written testimony to committees as they do to full Council.

(F) Enforcement.

(1) Failure of a committee to meet, report, or comply with these Rules shall be referred to the Committee on Rules and Ethics for review.

(2) Committee chairs who fail to perform their duties may be removed by majority vote of Council.

(G) Public Notice of Meetings.

(1) All committee meetings shall be scheduled in advance and publicly noticed on the City's official website and posted at City Hall at least **seven (7) days prior** to the meeting.

(2) Emergency committee meetings may be called with less than seven (7) days' notice only if the circumstances meet the definition of an "emergency" under **R.C. 121.22(F)**, and the reason shall be documented in the minutes.

(3) Failure to provide proper notice shall render any action taken at the committee meeting voidable under **R.C. 121.22(H)**.

## **Rule 37 – Legislative Process**

(A) Introduction of Ordinances and Resolutions.

(1) All proposed ordinances and resolutions must be introduced in writing, with a full copy

provided to each member and to the Clerk for public inspection.

(2) Each ordinance or resolution must identify its sponsor(s). Anonymous or staff-drafted legislation without a named sponsor shall not be accepted.

(3) The Clerk shall assign a number and ensure publication on the City's website within twenty-four (24) hours of introduction.

(B) Readings and Passage.

(1) Ordinances shall receive **three separate readings on three different days** as required by **R.C. 731.17** unless validly passed as an emergency measure.

(2) The Clerk shall record each reading in the journal of proceedings.

(3) No ordinance shall be passed on the same day it is introduced **unless the rule of three readings is suspended by a three-fourths (3/4) vote of all members elected**, as permitted by R.C. 731.17."

(C) Emergency Ordinances.

(1) An ordinance may be passed as an emergency measure only if it is **immediately necessary for the preservation of public peace, health, or safety**, consistent with **R.C. 731.30**.

(2) Every emergency ordinance must contain a separate section stating with specificity the facts constituting the emergency. General or conclusory statements shall be insufficient.

(3) Passage of an emergency ordinance shall require the affirmative vote of **two-thirds (2/3)** of all members elected to Council.

(4) The Clerk shall publish the emergency justification alongside the ordinance text.

(5) Abuse of the emergency clause — including the use of "standard language" without factual basis — shall constitute misconduct subject to sanction under Rule 40.

(6) **Citizen Enforcement.** Any resident or taxpayer of the City may challenge the validity of an emergency ordinance in a court of competent jurisdiction if the ordinance lacks a specific factual basis. Nothing in this Rule shall limit judicial review under **R.C. 731.30** or the constitutional right to redress grievances.

(D) Amendments.

(1) Amendments must be reduced to writing before adoption unless they are minor corrections of form.

(2) Substantial amendments shall reset the ordinance or resolution for a new first reading.

(E) Public Hearings.

(1) Any ordinance or resolution involving zoning, appropriations exceeding \$100,000, or amendments to the Rules of Council shall require at least one public hearing before passage.

(2) Notice of the hearing shall be published on the City's website and posted at City Hall at least ten (10) days in advance.

(F) Certification and Publication.

(1) No ordinance or resolution shall take effect until certified by the Clerk and signed by the presiding officer, except emergency ordinances which shall take effect immediately upon passage.

(2) All enacted ordinances and resolutions shall be published on the City’s website within seven (7) days and preserved permanently under **R.C. 149.43**.

**(G) Enforcement.**

(1) Introduction of uncertified, improperly drafted, or non-compliant ordinances shall be referred to the Committee on Rules and Ethics for review.

(2) Members who repeatedly introduce emergency ordinances without proper justification may be subject to sanction under Rule 40.

(3) Citizens may file objections to alleged violations of this Rule; such objections shall be read into the record at the next regular Council meeting and preserved as part of the journal.

## **Rule 39 – Records, Transparency, and Public Access**

**(A) Clerk’s Authority.**

(1) The Clerk of Council is the lawful records custodian for all Council documents, including ordinances, resolutions, minutes, and correspondence.

(2) The Clerk shall have independent authority under **R.C. 149.43** to produce records without interference from elected officials, staff, or legal counsel.

(3) Any attempt to withhold or delay production of records contrary to law shall constitute misconduct subject to sanction under Rule 40.

**(B) Acknowledgment and Timeliness.**

(1) The Clerk shall acknowledge receipt of any public records request within **three (3) business days**, consistent with the Ohio Supreme Court’s interpretation of **R.C. 149.43(B)(1)**.

(2) The Clerk shall provide an estimated date of completion and shall keep the requester informed of progress.

(3) No record shall be withheld, redacted, or delayed unless authorized by statute, and the specific statutory basis for denial must be cited in writing.

**(C) Minutes and Recordings.**

(1) The Clerk shall keep full and accurate minutes of every regular and special Council meeting, as required by **R.C. 121.22(C)**.

(2) Minutes shall reflect motions, votes, and a fair summary of deliberations.

(3) Audio and video recordings of Council meetings, if made, shall be preserved for not less than **two (2) years** and shall be available for public inspection.

**(D) Citizen Access.**

(1) All agendas, ordinances, resolutions, and reports shall be posted on the City’s website not less than **forty-eight (48) hours** before any regular meeting.

(2) Any citizen may request inclusion on the agenda to present a petition, comment, or report, subject to the same time limits as public comment under Rule 23.

(3) The Council chamber floor shall be considered a **traditional public forum** before and after meetings; citizens shall not be restricted from approaching their elected representatives during such times.

**(E) Records of Committees.**

- (1) All committees of Council are subject to **R.C. 121.22** and must keep minutes of their proceedings.
- (2) Committee reports and minutes shall be filed with the Clerk within seven (7) days of approval and published on the City's website.

**(F) Enforcement by Citizens.**

- (1) Any citizen who believes this Rule has been violated may file a written objection with the Clerk, which shall be read aloud at the next regular meeting of Council.
- (2) Objections shall be entered into the official journal and referred to the Committee on Rules and Ethics.
- (3) Filing of objections does not limit the citizen's right to enforce public access under **R.C. 149.43(C)** or **R.C. 121.22(I)** in court.

**(G) Annual Transparency Report.**

- (1) The Clerk shall prepare an annual report summarizing records requests received, average completion time, denials issued, and the statutory basis for denials.
- (2) This report shall be presented to Council at the first meeting of the new year and published on the City's website.

**(H) Executive Session Notes.**

- (1) Notes or memoranda that document Council activities are public records and must be retained or produced per Rule 5(H) and R.C. 149.43
- (2) Such notes are distinct from the official minutes of executive sessions, which must still reflect the general purpose for entering session as required by **R.C. 121.22(G)**.
- (3) Nothing in this Rule shall be interpreted to permit Council to withhold official records, minutes, or documents otherwise subject to disclosure under **R.C. 149.43**.

**(I) Timeliness of Public Records Responses.**

- (1) The Clerk shall acknowledge receipt of every public records request within **seventy-two (72) hours** of receipt, excluding weekends and legal holidays. The acknowledgment shall confirm the request has been logged, identify the custodian, and provide a preliminary estimate of time needed to respond.
- (2) All public records requests to Council shall be fulfilled or denied, in whole or in part, within **ten (10) business days**, unless extraordinary circumstances apply.
- (3) If more time is required, the Clerk must issue a written explanation citing the specific reason and provide a new estimated completion date not to exceed **thirty (30) calendar days**.
- (4) Failure to meet these deadlines without lawful justification shall be a violation of these Rules and subject to sanction under Rule 40.
- (5) Any Council member, officer, or employee who directs, encourages, or causes delay in violation of this subsection may be censured by Council and referred to the **Ohio Court of Claims Public Records Mediation Program** under **R.C. 2743.75**.
- (6) Repeated violations may also be referred to the **Ohio Auditor of State** for investigation as potential "dereliction of duty" under **R.C. 733.72**.

## SANCTIONS & PENALTIES

### Rule 40 – Sanctions & Penalties

#### (A) Purpose.

- (1) The purpose of this Rule is to provide a clear, enforceable mechanism for addressing violations of the Rules of Council, the Ohio Revised Code, or other applicable law.
- (2) Sanctions are intended to ensure accountability, maintain public trust, and promote adherence to ethical and procedural standards.

#### (B) Scope of Enforcement.

- (1) Violations subject to sanction include, but are not limited to:
  - (a) Breaches of ethical duties under Rule 34;
  - (b) Failure to comply with attendance and participation obligations under Rule 35;
  - (c) Misuse of the presiding officer position under Rule 34A;
  - (d) Violations of legislative process rules, including emergency ordinances under Rule 37;
  - (e) Failure to comply with records, transparency, and public access requirements under Rule 39;
  - (f) Any other violation of these Rules or applicable state law.

#### (C) Types of Sanctions.

- (1) Sanctions may include one or more of the following:
  - (a) Public censure, read aloud at a regular Council meeting and entered into the journal;
  - (b) Removal from committee assignments or chair positions;
  - (c) Loss of presiding privileges, including temporary removal from the office of Council President or President Pro Tem;
  - (d) Referral to state agencies, including the **Ohio Ethics Commission, Ohio Auditor of State, or Ohio Attorney General**;
  - (e) Referral to judicial or administrative enforcement mechanisms, including the **Ohio Court of Claims**;
  - (f) Any combination of the above as determined by a majority vote of Council, unless otherwise required by law.

#### (D) Procedure for Enforcement.

- (1) Alleged violations may be reported by any member of Council, the Clerk, or a citizen in writing.
- (2) The Committee on Rules and Ethics shall review all allegations and prepare a written report with findings and recommended sanctions.

(3) The accused member shall have an opportunity to respond in writing and verbally at a public Council meeting prior to the imposition of sanctions.

(4) Council shall vote on the recommended sanction at a regular or special meeting, and the vote shall be recorded in the journal.

(E) Timeliness and Public Disclosure.

(1) All complaints, investigations, findings, and sanctions shall be documented and preserved in the official journal.

(2) Summary information regarding sanctions imposed shall be included in the Council's **annual transparency report**.

(F) Escalation for Serious or Repeated Violations.

(1) Repeated or egregious violations may trigger additional actions, including referral for removal from office under applicable provisions of the Ohio Revised Code (**R.C. 3.07, 3.09, 733.25, 733.72**).

(2) For violations involving misuse of public funds, fraud, or corruption, referral to the **Ohio Auditor of State** or the **County Prosecutor** is mandatory.

(G) Protection for Complainants and Whistleblowers.

(1) No citizen or employee who files a complaint or assists in an investigation shall be subject to retaliation.

(2) Retaliation against a complainant constitutes a separate violation subject to the same sanctions outlined in this Rule and referral to the appropriate state enforcement agency.

## **Rule 41 – Citizen Petitions, Complaints, and Public Input**

**(A) Submission of Petitions.**

(1) Any group of **50 or more residents or taxpayers** may submit a written petition requesting Council action, review of ordinances, budgetary oversight, or other matters within Council's authority.

(2) Petitions shall be submitted to the Clerk on a **standardized form** approved by Council and acknowledged within **72 hours**.

(3) The Clerk shall place petitions on the agenda of the **next regular Council meeting** and publish a copy on the City's website.

(4) Duplicate or frivolous petitions without new grounds may be returned to the submitters with written explanation.

(5) Petitions and related responses shall be preserved for a minimum of **ten (10) years**, consistent with public records requirements.

**(B) Citizen Complaints.**

(1) Citizens may file written complaints regarding:

(a) Councilmember conduct (ethics violations, attendance, misuse of office)

(b) Legislative process violations (unauthorized emergency ordinances, procedural abuse)

(c) Records and transparency violations (delayed or withheld public records)

- (2) Complaints shall be submitted on the standardized form, acknowledged within **72 hours**, read aloud at the next regular Council meeting, and entered into the official journal.
- (3) Complaints regarding ethics or procedural violations shall be referred to the **Committee on Rules and Ethics** for review and recommendation.
- (4) Complaints and responses shall be preserved for a minimum of **ten (10) years**.

**(C) Public Comment and Input.**

- (1) All citizens shall have the right to address Council during public comment under Rule 23, including presenting oral or written testimony.
- (2) Citizens may submit written statements, petitions, or supporting documents, which shall be read aloud by the Clerk or included in the official record.
- (3) No citizen may be silenced or removed for exercising these rights, except in accordance with **Rule 22A** regarding safety and decorum.

**(D) Council Response Deadlines.**

- (1) Council must provide a written response to petitions or complaints within **30 calendar days**, including any actions taken or reasons for inaction.
- (2) Failure to respond or retaliatory action against citizens may be referred for sanctions under **Rule 40** and reported to the **Ohio Ethics Commission** or other relevant state authority.

**(E) Publication and Transparency.**

- (1) All petitions, complaints, and Council responses shall be published on the City's website.
- (2) Citizens shall be able to track the status of their submissions in real time through an online portal maintained by the Clerk.

**(F) Mandatory Sunshine Law and BRIT/PERK Training.**

- (1) All Council members shall complete training on the **Ohio Open Meetings Act (R.C. 121.22)**, **Ohio Public Records Act (R.C. 149.43)**, and internal **BRIT/PERK** procedures.
- (2) Training must be completed **within 90 days of the start of each term and no later than the end of each member's current term**.
- (3) Proof of completion shall be filed with the Clerk and included in the **annual transparency report**.
- (4) Failure to complete required training shall constitute a violation of the Rules of Council and trigger:
  - (a) Referral to the **Committee on Rules and Ethics** for review;
  - (b) Public censure read into the minutes;
  - (c) Referral to the **Ohio Ethics Commission** or other state enforcement authority.
- (5) The Clerk shall maintain a public record of each member's training status, including completion dates, accessible to any citizen upon request.

**(G) Citizen Oversight and Enforcement.**

- (1) Citizens may submit complaints regarding any violation of these rules, the Ohio Revised Code, or Council procedures.
- (2) Complaints shall be read aloud at the next regular Council meeting and entered into the official journal.
- (3) Citizens may challenge Council action, failure to act, or improper emergency measures in

court under **R.C. 149.43** and **R.C. 121.22**, consistent with the constitutional right to redress grievances.

**(H) Executive Session Notes.**

- (1) Notes or memoranda that document Council activities are public records and must be retained or produced per Rule 5(H) and R.C. 149.43.
- (2) Official minutes of executive sessions must still reflect the general statutory purpose for entering session as required by **R.C. 121.22(G)**.
- (3) Nothing in this Rule permits Council to withhold official records, minutes, or documents otherwise subject to disclosure under **R.C. 149.43**.

**(I) Timeliness of Public Records Responses.**

- (1) The Clerk shall acknowledge receipt of every public records request within **72 hours** of receipt, excluding weekends and legal holidays. The acknowledgment shall confirm the request has been logged, identify the custodian, and provide a preliminary estimate of time needed to respond.
- (2) All public records requests to Council shall be fulfilled or denied, in whole or in part, within **ten (10) business days**, unless extraordinary circumstances apply.
- (3) If more time is required, the Clerk must issue a written explanation citing the specific reason and provide a new estimated completion date not to exceed **thirty (30) calendar days**.
- (4) Failure to meet these deadlines without lawful justification shall be a violation of these Rules and subject to sanction under Rule 40.
- (5) Any Council member, officer, or employee who directs, encourages, or causes delay in violation of this subsection may be censured by Council and referred to the **Ohio Court of Claims Public Records Mediation Program** under **R.C. 2743.75**.
- (6) Repeated violations may also be referred to the **Ohio Auditor of State** for investigation as potential “dereliction of duty” under **R.C. 733.72**.

## **Rule 42 – Citizen Oversight and Fiscal Review**

**(A) Right to Petition for Fiscal Review.**

- (1) Any group of **fifty (50) or more residents or taxpayers** may submit a petition requesting a review of any City contract, appropriation, budget allocation, or vendor payment.
- (2) The petition shall be submitted to the Clerk on a **standardized form**, who shall acknowledge receipt within **72 hours**.
- (3) The petition must identify the specific financial matter(s) to be reviewed and the statutory or procedural basis for the review.

**(B) Referral and Public Hearing.**

- (1) Upon certification of the petition, the matter shall be referred to the **Committee on Rules and Ethics** within **five (5) business days**.
- (2) The Committee shall schedule a **public hearing** within **thirty (30) days** to review the petition, hear testimony, and consider evidence.
- (3) The hearing shall be **open to the public**, and notice shall be posted on the City’s website and at City Hall at least **ten (10) days in advance**.

**(C) Committee Review and Recommendations.**

- (1) The Committee on Rules and Ethics shall investigate the matter, request supporting documents from departments or vendors, and issue a written report within **thirty (30) days** after the public hearing.
- (2) The report shall include findings, recommendations for corrective action, and any suggested sanctions or referrals to state authorities (Ohio Auditor, Ethics Commission, Attorney General).
- (3) The report shall be entered into the official journal and published on the City’s website.

**(D) Corrective Actions.**

- (1) Council shall vote on any recommended corrective actions, including:
  - (a) Suspension or cancellation of contracts.
  - (b) Reallocation of funds or reversal of improper appropriations.
  - (c) Referral for disciplinary action under Rule 40 or for further review by state authorities.
- (2) All actions taken shall be published and documented in the official journal.

**(E) Protection for Petitioners.**

- (1) Citizens filing a fiscal review petition shall be protected from retaliation by Council members, staff, or vendors.
- (2) Retaliatory actions shall constitute a violation of Rule 40 and may be referred to state enforcement agencies.

**(F) Annual Fiscal Transparency Report.**

- (1) The Clerk shall compile an annual report summarizing all fiscal review petitions, committee findings, corrective actions taken, and sanctions applied.
- (2) This report shall be presented at the first Council meeting of the new year and published on the City’s website.

**(G) Judicial Enforcement.**

- (1) Citizens may seek judicial review of Council inaction, improper denial, or misuse of funds through the **Ohio Court of Claims** or other competent courts, without waiving rights under **R.C. 149.43** or other applicable law.

## **Rule 43 – Vendor Oversight, Procurement Transparency, and Whistleblower Protections**

**(A) Vendor Transparency.**

- (1) The Clerk and Finance Director shall publish on the City’s website a **quarterly report of all vendors paid more than \$10,000**, including:
  - (a) Vendor name
  - (b) Total payments for the quarter
  - (c) Description of goods or services provided
- (2) The **top twenty (20) vendors by total annual dollar amount** shall be highlighted in the **annual transparency report**.
- (3) All vendor contracts shall be filed with the Clerk and made publicly available within **seven (7) days** of execution.

**(B) Competitive Bidding and Procurement.**

- (1) No contract exceeding **\$50,000** shall be executed without Council authorization, unless otherwise permitted by law.
- (2) All solicitations and bids shall be publicly posted and documented, including evaluation criteria, scoring, and award decisions.
- (3) Contracts awarded without competitive bidding must include a written justification entered into the official journal.
- (4) Any suspected collusion, favoritism, or fraud in procurement shall be investigated promptly by the **Committee on Rules and Ethics**.

**(C) Whistleblower Protections.**

- (1) Any City employee, contractor, or vendor who reports suspected procurement fraud, waste, or abuse shall be protected from retaliation under **R.C. 124.341**.
- (2) Retaliation includes threats, harassment, demotion, or denial of future contracts.
- (3) Retaliation shall constitute misconduct under Rule 40 and may be referred to the **Ohio Ethics Commission, Ohio Auditor of State, or Ohio Attorney General**.

**(D) Penalties for Vendor Misconduct.**

- (1) Vendors found to have engaged in collusion, fraud, or other prohibited conduct shall be:
  - (a) Barred from City contracts for a minimum of **five (5) years**.
  - (b) Required to repay any improperly awarded funds.
  - (c) Referred to state or federal authorities for enforcement or prosecution, as appropriate.
- (2) Violations discovered through citizen petitions under **Rule 42** shall trigger the same penalties.

**(E) Citizen Oversight.**

- (1) Citizens may file complaints regarding vendors, contracts, or procurement violations using the standardized form established under Rule 41.
- (2) Complaints shall be acknowledged within **72 hours**, referred to the **Committee on Rules and Ethics**, and a public hearing scheduled within **30 days**.
- (3) Findings and corrective actions shall be published on the City's website and included in the **annual fiscal transparency report**.

**(F) Reporting and Transparency.**

- (1) All vendor payments, contract awards, and procurement decisions shall be included in quarterly and annual reports on the City's website.
- (2) Reports shall include sufficient detail to allow citizens to identify potential conflicts, unusual spending, or repeated awards to a single vendor.

**(G) Enforcement.**

- (1) Council members, staff, or vendors who fail to comply with this Rule may be sanctioned under **Rule 40**.
  - (2) Citizens may seek judicial review under **R.C. 149.43** for improper withholding or failure to provide access to records.
-

## Rule 44 – Council Ethics and Conduct

### (A) Purpose.

- (1) The purpose of this Rule is to promote integrity, fairness, and public trust in the conduct of Council members.
- (2) All members shall comply with federal, state, and local laws, including the **Ohio Ethics Law (R.C. 102.03 et seq.)**, **Open Meetings Act (R.C. 121.22)**, **Public Records Act (R.C. 149.43)**, and the City Charter.

### (B) General Standards of Conduct.

- (1) Members shall perform their duties in good faith, with honesty, integrity, and impartiality.
- (2) Members shall treat colleagues, staff, and citizens with respect, refraining from intimidation, disparagement, or abuse of the Council chamber.
- (3) Members shall avoid personal use of city resources, including email, computers, and servers, for purposes unrelated to official duties, consistent with **R.C. 102.03(F)**.

### (C) Conflicts of Interest.

- (1) Members shall recuse themselves from any vote, discussion, or action in which they have a **direct personal, financial, or familial interest**, consistent with **R.C. 102.03**.
- (2) Recusal shall be noted in the minutes, and the member shall leave the room if required.
- (3) Members personally named in lawsuits or complaints against the City shall **automatically recuse** from related deliberations and votes.

### (D) Use of the Chair and Presiding Officer Authority.

- (1) The presiding officer shall act as a **neutral facilitator**, ensuring fair debate and application of rules in accordance with **R.C. 121.22**.
- (2) The presiding officer shall not attempt to influence votes, disparage members or citizens, or use the position to intimidate.
- (3) Repeated misuse of the chair constitutes a violation enforceable under **Rule 40**.

### (E) Citizen Interaction and Free Speech.

- (1) Members shall respect the rights of citizens to address Council, submit petitions, or file complaints under **Rules 23, 41, and 42**, in accordance with **Article I, Sections 2 and 3 of the Ohio Constitution**.
- (2) No member shall retaliate, directly or indirectly, against a citizen for exercising free speech or petition rights.
- (3) Violations shall trigger sanctions under **Rule 40** and may be reported to the **Ohio Ethics Commission**.

### (F) Mandatory Ethics Training.

- (1) Members shall complete ethics training, including **conflict of interest, public records, Sunshine Law, and whistleblower protection, within the first year of each term**.
- (2) Proof of completion shall be filed with the Clerk and included in the **annual transparency report**.
- (3) Failure to complete training shall constitute a Rule violation and trigger applicable removal provisions of the Ohio Revised Code, including R.C. 3.07–3.10, 733.25, or 733.72 (

### **G) Enforcement and Sanctions.**

- (1) Alleged violations of this Rule may be reported by any citizen, member, or staff to the **Committee on Rules and Ethics**.
- (2) The Committee shall investigate, issue findings, and recommend sanctions under **Rule 40**, which may include:
  - (a) Public censure
  - (b) Removal from committees or chair positions
  - (c) Referral to state authorities for ethics violations
- (3) All complaints, findings, and sanctions shall be **entered into the official journal** and published on the City website.

### **(H) Duty to Serve and Be Instructed by the People.**

- (1) Council members shall recognize that their primary duty is to serve the citizens and taxpayers of the City of Lorain, consistent with **Article I, Sections 2 & 3 of the Ohio Constitution**.
- (2) Members shall consider constituent feedback, petitions, and lawful instructions when deliberating, voting, or taking action.
- (3) Members shall not substitute personal interest, political favoritism, or external influence for the lawful will of the people.
- (4) Citizens' petitions and complaints submitted under **Rules 41 and 42** must be formally acknowledged, considered, and responded to in accordance with the timelines and procedures established in those Rules.
- (5) Repeated failure to consider or act in accordance with constituent instructions shall constitute a violation of this Rule and may be enforced under **Rule 40**, including referral for public censure, removal from committees, or reporting to state authorities.

### **(I) Electronic Device Use and Ethics**

#### **(1) Personal devices during meetings**

- (a) Council members shall not use personal phones, laptops, tablets, or other electronic devices for purposes unrelated to official Council business during meetings.
- (b) Unauthorized texting, emailing, or messaging that could influence votes, circumvent public discussion, or disparage colleagues or citizens constitutes a violation of this Rule.

#### **(2) Official work and public records**

- (a) Council members shall only use devices to access city email, records, or communications in accordance with **R.C. 149.43** and Council policies.
- (b) Deleting, altering, or failing to produce electronic communications related to Council business or citizen petitions may constitute an ethics violation under **R.C. 102.03** and Rule 40 sanctions.

#### **(3) Texting and communications during votes**

- (a) Texting, instant messaging, or emailing other Council members to coordinate votes during a meeting without public disclosure is prohibited.
- (b) Any prohibited communications discovered shall be documented in the official minutes and referred to the **Committee on Rules and Ethics** for review.

#### **(4) Exceptions**

- (a) Emergency communications related to public safety or other lawful urgent matters are permitted, provided they are disclosed in the minutes.
- (b) Official communications for Council business, including committee work or constituent

service, are allowed if transparent and compliant with public records laws.

#### **(5) Enforcement**

(a) Violations of this subsection shall be treated as ethics violations under Rule 40 and may result in sanctions including public censure, removal from committee or chair positions, or referral to the **Ohio Ethics Commission**.

(b) Repeated violations may trigger additional actions under **R.C. 733.72 / 733.25** for dereliction of duty.

## **Rule 45 – Council Meetings and Agenda Management**

### **(A) Regular and Special Meetings**

(1) Council shall hold regular meetings in accordance with **R.C. 121.22**, with a minimum frequency of **once per month**, unless otherwise determined by law.

(2) Special meetings may be called by the **Council President or by any three (3) members of Council**

### **(B) Agenda Preparation**

(1) The Clerk shall prepare the agenda in consultation with the President, ensuring all items submitted by Council members or citizens under **Rules 41 and 42** are included.

(2) No item may be arbitrarily excluded; if an item is omitted, the Clerk must provide a **written justification** citing the applicable Rule or statute.

(3) The agenda must be posted publicly at least **48 hours prior** to the meeting, including on the City website and at City Hall.

### **(C) Citizen Submissions**

(1) Citizens may request inclusion of items on the agenda through **standardized forms** submitted to the Clerk.

(2) Agenda requests must be acknowledged within **72 hours** and either included on the next meeting agenda or formally deferred with written explanation.

(3) Citizens retain the right to **speak on submitted agenda items** under Rule 23 during meetings.

### **(D) Committee Reports and Scheduling**

(1) All standing and ad hoc committees shall meet at least **once per quarter**, with schedules published in advance.

(2) Committee reports must be submitted to the Clerk no later than **five (5) business days** before the next regular Council meeting to be included in the agenda.

(3) Failure of a committee to meet or submit reports without good cause shall be noted in the minutes and may be subject to review under Rule 40.

### **(E) Presiding Officer Limitations**

(1) The Council President's role is to **facilitate discussion and maintain order**, not to influence votes or override the lawful will of Council or citizens.

(2) The President may propose agenda items but **cannot unilaterally remove or defer citizen-submitted items**.

(3) Any attempt to manipulate the agenda in violation of this Rule shall constitute a breach enforceable under **Rule 40** and subject to referral to the Ohio Ethics Commission.

#### **(F) Agenda Amendments During Meetings**

(1) Changes to the published agenda may only occur by majority vote of Council, except for items required for **emergency action under Rule 37(C)**.

(2) Emergency items must include a written explanation of the emergency, posted in the record, and cannot include **appropriations, budgets, or tax levies** unless permitted under law.

#### **(G) Minutes and Transparency**

(1) All meeting minutes, including agenda items, discussions, votes, and committee reports, shall be prepared by the Clerk and filed in accordance with **R.C. 121.22(C)**.

(2) Minutes must be **published within seven (7) days** of the meeting and made accessible to the public.

(3) Citizens may submit objections or corrections, which must be **read aloud before approval** of the minutes under Rule 30.

#### **(H) Enforcement and Sanctions**

(1) Violations of agenda management, scheduling, or citizen inclusion rules shall be considered ethics or procedural violations under **Rule 44** and enforceable under **Rule 40**.

(2) Council members or officers who prevent lawful agenda access or violate meeting procedures may be publicly censured, removed from committees, or referred to state enforcement authorities.

## **Rule 46 – Council Attendance and Voting**

#### **(A) Attendance Requirements**

(1) All Council members are expected to attend every **regular and special meeting** in person or by authorized electronic means **to the extent permitted by the City Charter and state law**, and pursuant to Council's adopted remote-meeting policy. (2) Members must provide notice of anticipated absences to the Clerk **no later than 24 hours prior** to the meeting.

(3) Repeated unexcused absences (more than **three meetings per term**) shall be noted in the minutes and may trigger review under **Rule 40**.

#### **(B) Quorum**

(1) A quorum shall consist of a **majority of all elected Council members**, as defined in **R.C. 121.22(C)**.

(2) No official business may be conducted without a quorum, except to **adjourn or call a special meeting**.

(3) If quorum is not present, the Clerk shall record attendance and reschedule items as required.

#### **(C) Voting Obligations**

(1) Members are expected to vote on all motions, ordinances, resolutions, and procedural matters unless a **recusal** is required under **Rule 44(C)**.

(2) Repeated failure to vote, persistent abstentions, or refusal to participate without lawful justification shall constitute a **breach of duty** under R.C. 3.07–3.10.

(3) Members must publicly state the reason for any abstention or recusal, recorded in the minutes.

#### **(D) Proxy and Electronic Voting**

(1) Proxy votes are **not permitted**, except as explicitly allowed by law.

(2) Authorized electronic participation (e.g., video conferencing) shall allow full debate and voting privileges, subject to public transparency requirements in **R.C. 121.22**.

#### **(E) Enforcement and Sanctions**

(1) Violations of attendance or voting obligations may be referred to the **Committee on Rules and Ethics** and sanctioned under **Rule 40**.

(2) Sanctions may include:

(a) Public censure

(b) Removal from committee assignments or chair positions

(c) Referral to the **Ohio Ethics Commission** or state enforcement authorities.

(3) Repeated violations or dereliction of duty may also trigger **legal remedies under R.C. 733.72** for failing to perform official duties.

#### **(F) Transparency and Reporting**

(1) Attendance and voting records shall be included in the **annual transparency report** maintained by the Clerk.

(2) Citizens may request a report on member attendance, recusal, and voting participation, which shall be provided **within 10 business days**.

## **Rule 47 – Council Committees and Leadership**

#### **(A) Committee Creation**

(1) Council may establish **standing and ad hoc committees** to assist in the consideration of ordinances, resolutions, budgets, or other matters.

(2) The purpose, scope, and membership of each committee shall be documented and published on the City's website.

(3) Each committee shall comply with **R.C. 121.22** for meetings and **R.C. 149.43** for records.

#### **(B) Committee Membership**

(1) No member shall serve on more than **three (3) committees simultaneously**, unless the Council votes by **supermajority (3/4)** to allow additional service.

(2) Committee assignments shall be made at the **first regular meeting of each Council term** and may be adjusted only with Council approval.

#### **(C) Committee Leadership**

(1) Chairs shall be elected by committee members at the **first meeting of each term**.

(2) **Term limits for chairs:** No member may serve more than **two consecutive terms** as chair of the same committee.

(3) Chairs are responsible for scheduling meetings, preparing agendas, ensuring compliance with public notice requirements, and reporting outcomes to Council.

#### **(D) Committee Meetings**

- (1) Each committee shall meet at least **once per quarter**.
- (2) Agendas and meeting minutes must be submitted to the Clerk no later than **five (5) business days** prior to the next regular Council meeting.
- (3) Committee meetings shall be **open to the public**, unless a valid executive session is held under **R.C. 121.22(G)**.

#### **(E) Reporting Obligations**

- (1) Committees shall submit written reports summarizing discussions, recommendations, and votes to the Clerk.
- (2) Reports must be entered into the official journal and published on the City's website for public review.

#### **(F) Enforcement and Sanctions**

- (1) Failure to comply with committee rules, including meeting frequency, agenda submission, or reporting obligations, constitutes a violation subject to **Rule 40 sanctions**.
- (2) Chairs or members who intentionally ignore these requirements may be publicly censured, removed from committee leadership, or referred to state authorities.

#### **(G) Transparency**

- (1) Council shall maintain a **public roster of all committees**, members, chairs, and meeting schedules.
- (2) Citizens may request committee minutes or reports, which shall be provided within **10 business days** in accordance with **R.C. 149.43**.

## **Rule 48 – Public Hearings and Citizen Testimony**

#### **(A) Purpose**

- (1) The purpose of this Rule is to ensure that all citizens have a clear, fair, and enforceable right to participate in public hearings on ordinances, budgets, contracts, or other matters before Council.
- (2) This Rule reinforces **Article I, Sections 2 and 3 of the Ohio Constitution**, **R.C. 121.22**, and **R.C. 149.43**, protecting the rights of citizens to petition, instruct, and seek redress.

#### **(B) Scheduling and Notice**

- (1) Public hearings shall be scheduled by the Clerk in consultation with the President or Committee Chair.
- (2) Notice of hearings must be posted on the City's website, at City Hall, and in at least one local newspaper **not less than ten (10) days prior** to the hearing.
- (3) Notices shall include the **purpose of the hearing, date, time, location, and instructions for submitting testimony or written materials**.

#### **(C) Submission of Testimony**

- (1) Citizens may submit **oral or written testimony** in advance or during the hearing.
- (2) Written materials shall be submitted on a **standardized form** to the Clerk and acknowledged within **72 hours**.

(3) The Clerk shall read written testimony aloud for up to **three (3) minutes per submission**, or allow the citizen to read it themselves during the hearing.

**(D) Time Limits and Order of Testimony**

- (1) Each citizen shall be allowed **no less than three (3) minutes** to present oral testimony.
- (2) The Council shall maintain a **first-come, first-served order**, unless the hearing is structured by committee rules.
- (3) Citizens may not be silenced for **criticizing officials, naming individuals, or refusing to address only the chair**, provided comments are germane to the hearing topic.

**(E) Preservation and Public Record**

- (1) All testimony, oral and written, shall be included in the official minutes under **R.C. 121.22(C)** and preserved for **two (2) years**.
- (2) Audio or video recordings of hearings must be preserved and made available to the public.
- (3) “Receive and File” shall not substitute for substantive consideration or inclusion in the record.

**(F) Enforcement and Citizen Rights**

- (1) Any interference with the rights of citizens to participate shall constitute a violation of Council Rules and **R.C. 121.22**.
- (2) Citizens may file written objections with the Clerk, which shall be read aloud at the next Council meeting and referred to the **Committee on Rules and Ethics**.
- (3) Filing objections does not limit a citizen’s right to judicial enforcement under **R.C. 121.22(I)** or **R.C. 149.43(C)**.

**(G) Integration with Other Rules**

- (1) Public hearings under this Rule shall comply with **Rules 23 (Public Comment), 41 (Petitions and Complaints), and 42 (Fiscal Review)** when applicable.
- (2) Council members and staff must follow **Rule 44 – Ethics and Conduct** during hearings, including limitations on electronic devices, respect for citizens, and recusal where conflicts exist.

## **Rule 49 – Emergency and Special Procedures**

**(A) Purpose**

- (1) To ensure emergency or special meetings are **lawful, transparent, and limited to urgent matters**, consistent with **R.C. 121.22(B)–(C)** and **Article I, Sections 2 & 3 of the Ohio Constitution**.
- (2) This Rule prevents Council from using “emergency” status to **circumvent citizen participation, proper notice, or procedural safeguards**.

**(B) Definition of Emergency**

- (1) An emergency is a situation requiring **immediate Council action** to prevent:
  - (a) Significant risk to **public health or safety**;
  - (b) Substantial **loss of public funds**;
  - (c) **Violation of state or federal law** with imminent legal consequences.
- (2) Routine legislative business, non-urgent appropriations, or expedited matters **do not qualify**.

(3) The Clerk and presiding officer must **certify in writing** the basis for the emergency before or immediately after the meeting.

### **(C) Special Meetings**

(1) May be called by:

- (a) The Council President;
- (b) The Clerk with written direction from a **majority of Council members**;
- (c) A majority vote of Council to convene outside regular schedule.

(2) Notice shall be provided **not less than 24 hours in advance**, posted publicly and electronically, unless an emergency meeting qualifies under subsection (D).

(3) The agenda must specify all items; additional items may only be added by **majority vote at the meeting start**.

### **(D) Emergency Meetings**

(1) Emergency meetings without 24-hour notice may only occur for **genuine emergencies** as defined in subsection (B).

(2) The presiding officer and Clerk must document in writing the specific emergency circumstances and retain the documentation with the minutes.”.

(3) Emergency items are **strictly limited** to resolving the emergency and **may not include routine appropriations, contracts, or legislative matters** unless explicitly authorized by law.

(4) Retroactive public notice must be posted **immediately** after the meeting to inform the public of the emergency meeting and agenda.

### **(E) Transparency and Recordkeeping**

(1) Minutes must include:

- (a) Detailed description of the emergency or justification for the special meeting.
- (b) Items considered, motions, and votes.
- (c) Attestations from the Clerk and presiding officer regarding compliance with ORC and Rules of Council.

(2) Minutes and audio/video recordings must be published **within seven (7) days** and preserved for **two (2) years**.

(3) All supporting documentation, including emergency certifications, shall be available for **public inspection** under **R.C. 149.43**.

### **(F) Enforcement and Sanctions**

(1) Abuse of emergency procedures to bypass public notice, citizen participation, or ORC requirements constitutes a **violation of Council Rules and R.C. 121.22**.

(2) Violations shall be reported to the **Committee on Rules and Ethics**, enforced under **Rule 40**, and may be referred to the **Ohio Ethics Commission, Ohio Auditor of State, or Attorney General**.

(3) Citizens may seek judicial review of unlawful emergency or special actions under **R.C. 121.22(I)**.

(4) Repeated or egregious abuse may constitute **dereliction of duty under R.C. 733.72**, triggering removal or additional legal remedies.

# **Rule 50 – Council Resolutions and Ordinance Review (Enhanced Version)**

## **(A) Purpose**

- (1) To ensure all resolutions, ordinances, and legislative instruments are **lawful, properly certified, and procedurally correct** before enactment.
- (2) This Rule reinforces compliance with **R.C. 731.01 et seq., R.C. 121.22, R.C. 149.43**, and the **Ohio Constitution**, and integrates with **Rules 41, 42, and 44** for full accountability.

## **(B) Submission and Certification**

- (1) All proposed ordinances or resolutions must be submitted to the Clerk and **legal counsel** for review **at least five (5) business days before the agenda is posted**.
- (2) Legal counsel shall certify in writing that the legislation complies with:
  - (a) Applicable **federal and state law**;
  - (b) The **City Charter**;
  - (c) Council Rules and procedural requirements.
- (3) No ordinance or resolution shall be considered by Council **without certification**, except in emergency situations explicitly permitted under Rule 49.
- (4) Any ordinance introduced without full legal compliance, even under emergency, must include a **written statement in the official minutes** explaining the justification.

## **(C) Agenda and Public Notice**

- (1) Certified ordinances and resolutions shall be included on the Council agenda and **posted publicly at least 48 hours prior** to the meeting.
- (2) Citizens may review proposed legislation and submit comments or petitions under **Rule 41**.

## **(D) Emergency Legislation**

- (1) Emergency ordinances must comply with **Rule 49**, including documentation of the emergency, ORC justification, and retroactive posting if applicable.
- (2) Emergency legislation is limited to resolving urgent matters only; routine legislative or financial matters may not be expedited as an “emergency.”

## **(E) Compliance and Enforcement**

- (1) Introducing uncertified, non-compliant, or legally flawed ordinances constitutes a **violation of Council Rules** and may trigger sanctions under **Rule 40**.
- (2) Sanctions may include:
  - (a) Public censure;
  - (b) Removal from committee or chair positions;
  - (c) Referral to the **Ohio Ethics Commission, Attorney General, or Ohio Auditor of State**.
- (3) Repeated violations may constitute **dereliction of duty under R.C. 733.72**, with potential for additional legal remedies or removal.

## **(F) Recordkeeping and Transparency**

- (1) The Clerk shall maintain a **public record of all certified and submitted ordinances and resolutions**, including legal certifications, votes, amendments, and final actions.

(2) Citizens may request copies of certified ordinances or resolutions, which shall be provided within **10 business days** in accordance with **R.C. 149.43**.

### **(G) Judicial Review**

(1) Citizens may challenge non-compliant or uncertified legislation in court under **R.C. 149.43(C)** or other applicable statutes.

(2) Courts may invalidate non-compliant legislation and require corrective actions or re-votes by Council.

### **(H) Integration with Other Rules**

(1) This Rule is fully integrated with:

- (a) **Rule 41** – Citizen Petitions and Complaints;
- (b) **Rule 42** – Fiscal Review and Oversight;
- (c) **Rule 44** – Council Ethics and Conduct.

(2) Violations of certification or compliance requirements may trigger citizen complaints under Rule 41, fiscal review under Rule 42, and ethical sanctions under Rule 44 and Rule 40.

## **Rule 51 – Citizen Complaint and Ethics Oversight**

### **(A) Purpose**

(1) To provide a **centralized, transparent, and enforceable process** for citizens to report alleged violations of Council rules, ethics, or statutory requirements.

(2) Ensures alignment with **Rules 40, 41, 44, 48, and 50**, and protects citizen rights under **R.C. 121.22, R.C. 149.43**, and **Article I, Sections 2 & 3 of the Ohio Constitution**.

### **(B) Filing a Complaint**

(1) Citizens may submit complaints regarding:

- (a) Council member misconduct or ethics violations (Rule 44);
- (b) Improper handling of petitions, fiscal reviews, or public input (Rules 41 & 42);
- (c) Violations of public hearing procedures (Rule 48);
- (d) Introduction of uncertified or non-compliant legislation (Rule 50);
- (e) Misuse of emergency or special procedures (Rule 49).

(2) Complaints shall be submitted on a **standardized form**, which must include **statutory citations for each rule referenced** (e.g., R.C. 121.22, R.C. 149.43, R.C. 102.03).

(3) The Clerk shall **acknowledge receipt automatically** within **72 hours**, including public notice on the City’s website to prevent “hidden” delays.

### **(C) Investigation and Review**

(1) All complaints shall be referred to the **Committee on Rules and Ethics** for investigation.

(2) The Committee shall:

- (a) Collect relevant records, testimony, and evidence;
- (b) Conduct a review in compliance with ORC and Council Rules;
- (c) Issue a written report within **30 days** of receiving the complaint, or provide a written explanation for any delay;
- (d) Include in the report a **timeline for corrective actions and follow-up**, specifying deadlines for Council or staff to implement recommendations.

(3) The accused member shall have the opportunity to respond in writing and at a public Council meeting before any sanctions are applied.

#### **(D) Enforcement and Sanctions**

- (1) Violations confirmed by the Committee shall be enforced under **Rule 40**, which may include:
  - (a) Public censure;
  - (b) Removal from committees or chair positions;
  - (c) Referral to the **Ohio Ethics Commission, Attorney General, or Auditor of State**.
- (2) Repeated or egregious violations may trigger additional legal remedies, including **dereliction of duty under R.C. 733.72**.

#### **(E) Transparency and Public Access**

- (1) All complaints, findings, and sanctions shall be entered into the official journal and published on the City's website.
- (2) Citizens may track the status of their complaints in real time through an online portal maintained by the Clerk.

#### **(F) Protection for Complainants**

- (1) Citizens filing complaints shall be protected from **retaliation** by Council members, staff, or vendors.
- (2) Retaliation constitutes a separate violation subject to Rule 40 sanctions and referral to appropriate state authorities.

#### **(G) Integration with Other Rules**

- (1) Complaints may cross-reference multiple rules (e.g., ethics, ordinance compliance, public hearings, fiscal reviews), ensuring **coordinated enforcement**.
- (2) Citizens may pursue judicial review under **R.C. 121.22(I)** and **R.C. 149.43(C)** without waiving rights provided under this Rule.

## **Rule 52 – Annual Transparency and Reporting**

#### **(A) Purpose**

- (1) The purpose of this Rule is to provide citizens with a **comprehensive, verifiable account of Council activities, decision-making, and compliance** with all Rules of Council, the ORC, and the Ohio Constitution.
- (2) This Rule ensures that citizens have the tools to **monitor, review, and hold Council accountable**, consistent with **Article I, Sections 2 & 3 of the Ohio Constitution, R.C. 121.22, and R.C. 149.43**.

#### **(B) Compilation of Annual Report**

- (1) The Clerk shall compile an **annual transparency report** covering all Council activities for the preceding calendar year.
- (2) The report shall include, but is not limited to:
  - (a) **Attendance and Voting Records** – detailing each member's attendance at regular, special, and emergency meetings, including any absences, tardiness, or abstentions, in accordance with **Rule 46**.

(b) **Citizen Petitions and Complaints** – all petitions and complaints submitted under **Rules 41 and 51**, including acknowledgment dates, processing timelines, committee findings, corrective actions, and final resolutions.

(c) **Ethics Compliance** – proof of mandatory ethics, Sunshine Law, and BRIT/PERK training for each Council member under **Rule 44(F)**, including completion dates.

(d) **Fiscal Review Activities** – all petitions, committee reviews, corrective actions, and citizen oversight reports under **Rule 42**, including any findings of financial mismanagement or vendor misconduct.

(e) **Ordinance and Resolution Review** – certifications and legal review for all ordinances and resolutions under **Rule 50**, including emergency items, statutory citations, and any documented deviations from required procedures.

(f) **Committee Activity** – meeting schedules, attendance, reports, and leadership rotation under **Rule 47**, noting any committees failing to meet quorum or deadlines.

(g) **Public Hearings and Citizen Testimony** – summaries of all hearings under **Rule 48**, including topics, participants, written submissions, and minutes of citizen comments.

(h) **Emergency and Special Meeting Actions** – all emergency or special meetings under **Rule 49**, including justification for emergency designation, items considered, and minutes.

(i) **Sanctions and Enforcement** – all sanctions imposed under **Rule 40**, including ethics violations, procedural violations, and any referrals to state authorities.

### **(C) Publication and Access**

(1) The annual report shall be published **on the City’s official website** and made available in printed form at City Hall.

(2) The Clerk shall provide electronic copies to **any citizen upon request within 10 business days**, consistent with **R.C. 149.43**.

(3) The report shall be structured in a **readable, searchable format**, including tables and appendices for detailed records such as attendance logs, complaint timelines, and ordinance certifications.

### **(D) Accountability and Certification**

(1) The Clerk shall certify that all information included in the report is **accurate, complete, and verified**.

(2) The Council President and Clerk shall **jointly attest in writing** to the accuracy and completeness of the report, which shall be **entered into the official journal**.

(3) Any discrepancies identified after publication shall be documented in an **addendum**, with corrective actions clearly indicated.

### **(E) Deadlines**

(1) The annual transparency report shall be completed and published **no later than February 15** of each year, covering the previous calendar year.

(2) Any delays must be accompanied by a **written explanation** entered into the official journal and published alongside the report.

### **(F) Enforcement and Oversight**

(1) Failure to prepare or publish the annual report in accordance with this Rule shall constitute a **violation of Council Rules and R.C. 121.22**.

(2) Violations may be referred to the **Committee on Rules and Ethics**, with sanctions enforced under **Rule 40**, including public censure, removal from committee assignments, or referral to the **Ohio Ethics Commission** or other state authorities.

(3) Citizens may pursue judicial review for failure to comply under **R.C. 149.43(C)** and **R.C. 121.22(I)**.

**(G) Integration with Other Rules**

(1) The annual report consolidates all compliance, accountability, and transparency measures from prior rules, including:

- Rule 40 – Sanctions
- Rule 41 – Citizen Petitions and Complaints
- Rule 42 – Fiscal Review
- Rule 44 – Ethics
- Rule 46 – Attendance and Voting
- Rule 47 – Committee Operations
- Rule 48 – Public Hearings
- Rule 49 – Emergency/Special Procedures
- Rule 50 – Ordinances and Resolutions