

RULES OF PROCEDURE FOR THE CANTON CITY COUNCIL

FOR THE 2008-2009 TERM

CITY OF CANTON, OHIO

PASSED AND EFFECTIVE ON

January 1, 2008

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RULES OF PROCEDURE OF CANTON CITY COUNCIL

Rule #1 SUNSHINE, OPEN MEETING LAW

A. All meetings of Council and its committees are subject to the requirements of Ohio Revised Code Section 121.22, the Sunshine, Open Meeting Law.

B. Any news media, other organization or person who desires advance notification of regularly scheduled meetings and/or special meetings of Council or its committees shall notify the Clerk of Council in writing of their intent to be placed on a notification list. The Clerk of Council shall provide notification in two manners: via facsimile (for local telephone numbers only) or by regular mail. Local facsimile notification shall be without charge; regular mail notification shall require the deposit with the Clerk of Council by the recipient of a sufficient number of self-addressed, stamped envelopes. The Clerk of Council shall additionally publish the agenda for weekly and special meetings on the Internet. All special meetings of Council shall require at least 24 hours advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action.

C. At any regularly scheduled meeting of Council, Council may, by the appropriate suspension of rules, add to the Agenda any matter for any action, including adoption, without prior notice that such matter shall be considered at the meeting. At any special meeting of Council, Council may only take action on a matter appearing on the notice or call for the special meeting. Council may also hold committee meetings without notice during any regularly scheduled Council meeting and the committee at such meeting may discuss and act upon any matter. Council may also hold committee meetings without notice during any special Council meeting but the committee at such meeting may only discuss and act upon a matter appearing on the notice or call for the special meeting.

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Rule #2 REGULAR MEETINGS

During the **2008 - 2009** term, Council shall hold regular meetings in the Council Chamber of City Hall at 7:30 p.m. on Monday evenings according to the schedule of dates listed below. Council shall not meet on any Monday which is a legal Federal, State or City holiday; and Council shall not meet on any Monday which immediately precedes a Canton primary or general election day.

2008

January 1, 7, 14, 28, 2008
February 4, 11, 25, 2008
March 3, 10, 17, 24, 31, 2008
April 7, 14, 21, 28, 2008
May 5, 12, 19, 2008
June 2, 16, 30, 2008
July 14, 28, 2008
August 11, 25, 2008
September 8, 15, 22, 29, 2008
October 6, 20, 27, 2008
November 3, 10, 17, 24, 2008
December 1, 8, 15, 22, 29, 2008

2009

January 5, 12, 26, 2009
February 2, 9, 23, 2009
March 2, 9, 16, 23, 30, 2009
April 6, 13, 20, 27, 2009
May 11, 18, 2009
June 8, 22, 2009
July 6, 20, 2009
August 3, 17, 31, 2009
September 14, 21, 28, 2009
October 5, 19, 26, 2009
November 9, 16, 23, 30, 2009
December 7, 14, 21, 28, 2009

Rule #3 SPECIAL MEETINGS

The Council, by a special adjournment to a day and hour specified, may hold a special meeting at any time and day specified, subject to the requirements of notice under the Sunshine Open Meeting Law. Special meetings may also be called at any time upon written request by either the Mayor or any three members of Council, stating the time and business to be transacted at such meeting. Such request shall be filed with the Clerk of Council who shall thereupon serve notice in writing of said special meeting upon all members of Council and shall otherwise provide notice of the meeting to the news media and other persons subject to the requirements of the Sunshine Open Meeting Law.

Rule #4 PRESIDENT OF COUNCIL

A. The President of Council shall be the Presiding Officer at all regular and special meetings of Council, but shall have no vote therein except in case of a tie vote on any issue. In case of a tie, the right to vote is optional but not mandatory.

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B. The President of Council shall designate as the official time source a clock that is visible to the members of Council and to the audience which shall be used for the conduct of Council business.

Rule #5 OFFICERS OF COUNCIL

A. The officers of Council shall be the Vice President (Majority Leader) and First Vice President of Council (Assistant Majority Leader). These officers shall be elected at the first meeting of the new term of Council. Candidates for such offices shall be nominated and seconded and voted for by roll call vote and no person shall be elected unless he or she receives a majority vote of Council's members.

B. In the event that a vacancy occurs in any of the foregoing positions, Council shall elect a replacement to such vacancy at any meeting following the occurrence of the vacancy in the same manner as provided in paragraph A above.

C. In the course of an election for any of the foregoing positions, nominations may be closed at any time upon motion by any member of Council and a two-thirds vote of all members present. In such event, the Presiding Officer shall thereafter declare the nominations closed and conduct the election among the nominees.

Rule #6 PRESIDING OFFICER

A. The Presiding Officer shall chair all meetings of Council. In the absence of the President of Council, the Vice President shall act in his/her stead as the Presiding Officer. In the absence of both the President of Council and the Vice President, the First Vice President shall act in their stead as the Presiding Officer. In the absence of these three officials, the Clerk of Council shall then call the Council to order, and the Council may then select one of their number to act as the Presiding Officer.

B. The Presiding Officer shall have general control of the Council Chambers during Council meetings.

C. The Presiding Officer shall require the observation of rules of conduct to protect the rights of all members of Council and citizens in the Council Chambers.

D. The Presiding Officer shall preserve order and decorum in the proceedings of the Council, and in case of disturbance or disorderly conduct in the lobby or Council Chamber, he or she shall have the power to order the same cleared and may call upon any police officer of the City to execute such order.

RULES OF PROCEDURE OF CANTON CITY COUNCIL

Rule #7 CLERK OF COUNCIL

A. The Clerk of Council shall be responsible for the preparation of the Agenda for all Council meetings. The Clerk of Council shall attend all meetings of Council and perform such duties as required by the presiding officer during the meetings. The Clerk shall be responsible for the preparation of the Journal of all Council meetings.

B. The Clerk of Council shall be responsible for the business policies and day to day operations of the Council office and conduct and discipline of Council office personnel, and report to the Majority Leader of Council. In case of the absence of the Majority Leader, the Clerk of Council shall report to the Assistant Majority Leader of Council.

C. The Presiding Officer shall appoint a Clerk Pro Tem for the duration of any regular or special Council meeting in which the Clerk of Council is absent.

Rule #8 COUNCIL OFFICE PERSONNEL

A. The Clerk of Council and other employees of Council shall be elected at the first meeting of the new term of Council upon majority vote of all members of Council by roll call vote. In the event that a vacancy occurs in any personnel position, Council shall thereafter elect a replacement to such vacancy by a majority roll call vote of Council's members.

B. At least one Administrative Assistant shall attend all regular and special Council meetings. The Clerk may grant compensatory time to Council Office employees to compensate for time incurred in attending meetings which is in addition to regular working hours.

Rule #9 COUNCIL OFFICE

Hours of the Council Office shall be 8:00 a.m. to 4:30 p.m., Monday through Friday of each week, excluding holidays.

Rule #10 SERGEANT-AT-ARMS

The President of Council may appoint a suitable person to act as Sergeant-at-Arms, who shall preserve order while the Council is in session and shall carry out all orders given him/her by the President of Council or Presiding Officer.

Rule #11 COUNCIL AGENDA

A. The Agenda for all regular Council meetings shall be prepared on the last working day prior to the day of the Council meeting. Communications, resolutions and ordinances shall be submitted to the Agenda in accordance with Rules 21, 22, 23 and 24.

RULES OF PROCEDURE OF CANTON CITY COUNCIL

B. The Presiding Officer shall remove from the Agenda any communication or ordinance prior to its first reading (or in the case of an informal resolution, prior to adoption or referral to committee) upon the request of the author of the communication or sponsor of the ordinance or resolution. Following the referral of any ordinance or resolution to committee, the Presiding Officer may remove the ordinance or resolution from the Agenda only upon the request of the committee chairperson and a majority of the members of the committee to which the ordinance or resolution was referred and shall refer the ordinance or resolution back to committee for further consideration. In the event of a joint referral, one committee chairperson and a majority of that committee's members may obtain removal of the ordinance or resolution from the Agenda and referral back to committee without the consent of the jointly referred committee.

C. Communications shall be addressed to City Council and shall be relevant to city government issues in order to be placed on the agenda. No communication which is anonymous or unsigned by the author, or the source of which cannot otherwise be identified, shall be placed on the agenda.

Rule #12 ORDER OF BUSINESS

A. The business of all regular meetings of the Council shall be transacted, as far as practicable, in the following order:

1. Roll Call (necessity of quorum to proceed).
2. Invocation.
3. Pledge of Allegiance.
4. Agenda corrections and changes.
5. Public Hearings (at designated time).
6. Public Speaks (ordinances or resolutions for adoption only).
7. Informal Resolutions.
8. Referral of Communications.
9. First Reading by Title Only and referrals to committee of Ordinances and Formal Resolutions.
10. Second and Third Readings and/or Adoptions of Ordinances and Formal Resolutions.
11. Announcement of Committee Meetings.
12. Public Speaks (open forum--city business only).
13. Miscellaneous Business.
14. Adjournment.

B. The foregoing business format may be altered at the discretion of the Presiding Officer.

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Rule #13 QUORUM

- A. A quorum of City Council shall consist of a majority of elected members.
- B. No member of Council shall be required to remain in the Council Chamber longer than 30 minutes after the designated time for Council to convene because of the lack of a quorum.

Rule #14 SEATING OF MEMBERS AND ROLL CALL

Members of Council shall be seated in Council Chambers in the following order: Majority Leader; Assistant Majority Leader; Councilmembers-at-Large (in alphabetical order); and Ward Councilmembers in order of wards. The Clerk of Council shall call the roll of members for all roll call votes in the seating order.

Rule #15 PUBLIC SPEAKS

- A. The "Public Speaks" portion of the Agenda shall be dedicated to allowing the public at large to speak on issues pertaining to city government at each regular Council meeting. "Public Speaks" shall be divided into two portions: "Public Speaks on Ordinances or Resolutions for adoption only" and "Public Speaks on Open Forum--City business only." Speakers' comments under "Public Speaks on Ordinances or Resolutions for adoption only" shall pertain only to ordinances or resolutions scheduled for adoption on the Agenda for each meeting. Speakers' comments under "Public Speaks Open Forum--City business only" shall pertain only to matters concerning city government.
- B. Citizens shall be permitted to speak only one time during each of the two portions of "Public Speaks."
- C. Citizens desiring to speak at "Public Speaks" shall sign up with the Clerk of Council by 7:15 p.m. on the evening of any regular Council Meeting on a first-come first-serve basis; except that persons who have spoken during any of the preceding four meetings will speak last after all other speakers. The individual shall print his/her name, home address (no business or Post Office Boxes) and specific subject matter on which he or she intends to speak. This list shall be available at all times in the Council Office. If not completed as required, the Presiding Officer will not recognize that particular speaker.

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D. During "Public Speaks," each speaker shall identify himself or herself by name, home address and shall state the subject matter on which he or she intends to speak. Each speaker shall be limited to a maximum of three minutes to present his or her comments. Each speaker shall direct his or her comments to the Presiding Officer.

E. A speaker shall observe all rules of decorum as prescribed in Roberts Rules of Order. No debate, disrespect or obscenities shall be tolerated. The Presiding Officer shall rule any such individual out of order.

F. The Presiding Officer shall refer all matters raised by a speaker as follows:

1. Any legislative questions may be answered by the appropriate Council Committee Chairman or affected Ward Councilmember.

2. Any administrative questions may be answered by the Mayor or by the appropriate administrative staff member.

3. Any other questions may be disposed of at the discretion of the Presiding Officer.

G. Councilmembers, other elected officials and administration representatives shall not debate public speakers and shall only answer questions as directed by the Presiding Officer.

H. The total length of time that any speaker may appear before Council during any "Public Speaks" session shall be a total of 6 minutes, which shall include all of the participation by Councilmembers, elected officials and administration representatives.

Rule #16 SPEAKING, MEMBERS OF COUNCIL

No member shall speak longer than three minutes at any one time without permission of the Presiding Officer and no member shall speak more than once on the same motion until every member desiring to speak on that motion shall have an opportunity to do so. Responses to questions asked by Members of Council shall not be included in the three-minute time limit. While a member is speaking, no one shall interrupt him except the Presiding Officer or a member of Council for the sole purpose of raising a point of order or point of clarification.

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Rule #17 SPEAKING, ELECTED OFFICIALS AND DIRECTORS

The Mayor, President of Council, Law Director, Auditor, Treasurer, Director of Public Service and Director of Public Safety, Chief of Staff and their designees shall be permitted to participate in discussions on any legislative matters that may arise. All comments shall be limited to three minutes. When participating in debate, the Presiding Officer shall relinquish the chair until conclusion of the subject matter under debate.

Rule #18 SPEAKING, OTHER PERSONS

Upon motion of any Councilmember and the affirmative vote of a majority of those Councilmembers present, any person other than Councilmembers and officials authorized in Rule #17 may speak before the Council on any matter. The motion shall include a specified time limit.

Rule #19 PUBLIC HEARINGS

A. Public hearings during regular or special Council meetings may be scheduled only pertaining to legislative matters on which public hearings are a required prerequisite pursuant to statute or ordinance. Such public hearings shall be scheduled by the President of Council.

B. Special public hearings may be scheduled by any Councilmember or the President of Council on any question or matter that he or she deems necessary and of benefit to the public. No public hearing scheduled pursuant to this paragraph shall be scheduled during a regular or special Council meeting unless approved by motion in advance by two-thirds of all members of Council. If there is legislation pending in City Council concerning the subject matter of the public hearing or if the subject matter of the public hearing clearly and directly affects issues within the subject matter jurisdiction of a committee, the Chairperson of the appropriate committee shall chair the public hearing. If no legislation is pending concerning the subject matter of the public hearing or the subject matter of the public hearing does not clearly and directly affect issues within the subject matter jurisdiction of a committee, the President of Council shall assign the Councilmember requesting the public hearing to chair the hearing.

C. During public hearings on any matters, each citizen speaker shall state his or her name, home address and whether in favor or opposed to the proposal. Each speaker shall be limited to a maximum of three minutes and may speak only once. Each speaker shall remain at the microphone for questions from members of Council. The total length of time that any speaker may appear before Council during any "Public Hearing" shall be a total of 15 minutes, which shall include all of the participation by Councilmembers, elected officials and administration representatives.

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Rule #20 APPROVAL OF THE JOURNAL

The Clerk of Council shall maintain a full and accurate Journal of the proceedings of each regular and special meeting of Council, which shall be prepared and maintained on file in the Clerk's Office not later than the next succeeding meeting. The Journal shall be deemed approved as written, without legislative action, unless at the next succeeding meeting action is taken to correct the Journal. A correction of the Journal shall only be made by motion of a member and majority vote of the members present approving such correction.

Rule #21 SUBMISSION OF AGENDA ITEMS.

A. Formal resolutions and ordinances may be submitted for inclusion on the Agenda by Councilmembers, President of Council, Mayor, Law Director, Auditor, Treasurer, Director of Public Service and Director of Public Safety. Informal resolutions may be submitted only by Councilmembers. Communications may be submitted by any person.

B. All formal resolutions and ordinances shall contain the name of the sponsor in the upper left hand corner and shall be approved for form by the sponsor and Law Director prior to inclusion on the Agenda.

Rule #22 COMMUNICATIONS, FORMAL RESOLUTIONS AND ORDINANCES: PROCEDURES FOR REGULAR MEETINGS

A. All communications, formal resolutions and ordinances shall be received by the Clerk of Council no later than 9:00 A.M. on the last working day prior to the day of the regular Council meeting in order to be included on the Agenda for that meeting. Additions to the Agenda of communications, formal resolutions and ordinances received after the 9:00 A.M. deadline set forth above shall only be made by the suspension of this Rule.

B. All matters which require further action by Council shall first be referred by the Presiding Officer to the proper committee or committees, appointed department head, elected official or to the Clerk of Council for filing. Upon the approval and initialing of the matter by the committee or committees Chairperson (s), they shall send the matter to the Law Department for the preparation of the necessary legislation. The Law Department shall submit the request and this ordinance to the Clerk of Council for inclusion on the next agenda.

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C. Upon the Law Department's submittal of the communication and ordinance together to the Clerk of Council, the ordinance will be given its first reading and referral to same committee for the scheduled committee hearing. They shall not be eligible for their second and third reading and considered for passage until they have received a majority of the responsible committee (s) members' signatures and have been re-submitted to the Clerk of Council for inclusion on the next agenda.

D. Resolutions approving or rejecting factfinder reports pursuant to Chapter 4117 of the Ohio Revised Code shall be treated in all respects as other ordinances or formal resolutions except that they shall not require three readings prior to adoption or rejection. Pursuant to Revised Code Section 4117.14, not later than seven days after the findings and recommendations of the factfinder are sent, Council must, if it desires to reject the recommendations, reject them by a three-fifths vote or greater of the Members of Council; if the recommendations are not rejected, the recommendations shall be deemed agreed upon and accepted by the City as a final resolution of the issues submitted.

Rule #23 COMMUNICATIONS, RESOLUTIONS AND ORDINANCES:
PROCEDURES FOR SPECIAL MEETINGS

All communications, formal and informal resolutions and ordinances required for special Council meetings shall be received by the Clerk of Council no later than 24 hours prior to the date of the special Council meeting.

Rule #24 INFORMAL RESOLUTIONS

A. Informal resolutions are resolutions which are differentiated from formal resolutions and ordinances in that they do not require the statutory formalities of three readings and advertisement following adoption as required by the Ohio Revised Code. Informal resolutions include, but are not limited to, resolutions of congratulation, commendation, condolence, confirmation of appointments, recommendations to other governmental bodies and agencies, and other matters pertaining to City government which require or on which it may be desirable to obtain Council's approval. Informal resolutions shall be in writing and sponsored by a member or members of Council. Informal resolutions may be adopted upon their first reading.

B. Informal resolutions shall be received by the Clerk of Council no later than 9:00 A.M. on the last working day prior to the day of the regular Council meeting in order to be included on the Agenda for that meeting. Additions to the Agenda of informal resolutions received after the 9:00 A.M. deadline set forth above shall only be made by the suspension of this Rule.

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C. Informal resolutions shall be read by title only; provided, however, that any

member of Council may request that the informal resolution be read in its entirety. Informal resolutions may be debated and shall require a majority vote of all members present for passage; resolutions which receive passage shall be effective immediately without any further legal requirements.

D. Any informal resolution which requires further review or action prior to adoption by Council may be referred by the Presiding Officer, or by motion as a majority of Council, to an appropriate Council committee for its consideration. Such resolution shall not be eligible for adoption until it has received a majority of the committee members' signatures and has been resubmitted to the Council Agenda.

Rule #25 INFORMAL RESOLUTIONS EXCUSING MEMBERS

Informal resolutions requesting that a member of Council be excused may be made orally by the Vice President of Council or in his or her absence by any other member of Council; resolutions excusing members need not be in writing and do not need to meet the time requirements of other informal resolutions for submission to the Agenda. An informal resolution excusing members shall require a majority vote by roll call of all members present for adoption.

Rule #26 RESOLUTIONS AFFECTING VARIOUS WARDS

No formal or informal resolution, communication or ordinance affecting one ward exclusively shall be submitted for referral without first consulting with the ward representative of the affected ward. The ward representative shall be an official member without committee vote on any committee which has before it any matter pertaining exclusively to his/her ward. A ward representative's adverse opinion shall in no way delay an ordinance being made to Council, providing that he or she has had the opportunity to express his/her views to the committee that is working on the ordinance affecting his/her ward.

Rule #27 MISCELLANEOUS BUSINESS

Any member of Council or any elected official or appointing authority may discuss any matter pertaining to City government under miscellaneous business at any regular Council meeting. Each speaker shall be limited to three minutes.

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Rule #28 REMOVAL FROM COMMITTEE

- A. If any communication, resolution, or ordinance referred by the Presiding Officer to a committee is not reported on by the third regular meeting from the time of such referral, removal action may be initiated by any member of Council.
- B. To commence removal of a communication, resolution or ordinance from a committee, any member may do so by a motion to "Remove from Committee."
- C. After motion to remove, only debate pertinent to removal of the communication, resolution or ordinance is allowed.
- D. After motion and discussion, a majority of Council's members will be required to take the communication, resolution or ordinance from the committee.
- E. If taken from the committee, the President of Council shall refer the matter to a Committee of the Whole Council.

Rule #29 END OF TERM PENDING LEGISLATION

Any ordinance which was referred to committee and which remains unreported out of committee at the conclusion of any term, shall require re-submission by the originator in order for the ordinance to be considered by the next term of Council, and shall be subject to a new referral by the President of Council. Prior to the conclusion of each term, the Clerk shall notify all members and all originators of any such ordinances in writing of all such pending legislation.

Rule #30 ORDINANCES AND FORMAL RESOLUTIONS: STATUTORY FORMALITIES FOR PASSAGE

- A. The following procedures shall apply to the passage of ordinances and formal resolutions:
 - 1. Each ordinance and formal resolution shall be read by title only, provided that Council may require any reading to be in full by a majority vote of its members.
 - 2. Each ordinance or formal resolution shall be read on three different days, provided that Council may dispense with this Rule by a vote of at least three-fourths of its members.

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3. The vote on passage of each ordinance or formal resolution shall be taken by yeas and nays and entered upon the Journal.

4. Each ordinance or formal resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of its members.

B. Action by Council, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

Rule #31 ORDINANCES AND FORMAL RESOLUTIONS: EMERGENCY PROVISION

All legislation containing an emergency provision shall require a two-thirds vote of all members of Council for passage, and said legislation shall take effect immediately in accordance with the Revised Code of Ohio. In the event that said emergency legislation attains less than a two-thirds vote of the members, said legislation shall take effect from and after the earliest period allowed by law.

Rule #32 DISCUSSION AND DEBATE ON FORMAL RESOLUTIONS AND ORDINANCES

Discussion and debate on ordinances and formal resolutions shall be held only after the third reading of the resolutions or ordinances in question.

Rule #33 SUSPENSION OF RULES

Any rule may be temporarily suspended at any meeting of Council and the member so moving a suspension shall designate which rule or rules he or she desires suspended. The same must be concurred with by a two-thirds vote of the members, except Rule 30A.2., relating to the three separate readings of ordinances, which shall require a three-fourths vote of the members for suspension. This Rule may be suspended on only one ordinance at a time. The vote shall be taken by roll call and the vote with the number of the Rule shall be entered upon the Journal by the Clerk of Council.

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Rule #34 MATTERS INVOLVING EXPENDITURE OF FUNDS

Ordinances or formal resolutions appropriating and/or expending monies shall receive the approval of the committee on Finance for passage, and in case they are presented without such approval, shall be referred without debate to the committee on Finance for consideration unless this Rule shall be temporarily suspended by the concurrence of three-fourths of Council's members.

Rule #35 MOTIONS IN GENERAL

A. All motions in order to be acted upon by the Council shall require a second. When a motion is made and seconded, it shall be deemed to be in possession of the Council and shall be stated by the Presiding Officer before any debate thereon shall be in order. Every such motion and all amendments thereto, if any, may be withdrawn by the movant thereof, providing there is no objection, at any time before a vote thereon is taken.

B. When a question or proposition is before the Council, or under debate, and before the President orders a vote on the question or proposition, no motion shall be received except amendments to the main motion and the following listed motions:

MOTIONS WITH NO DEBATE PERMITTED

1. To Adjourn; roll call (majority present needed.)
2. To Lay on Table; roll call (majority present needed.)
3. To Take from Table; roll call (majority present needed.) Note: If not taken from the table at the current meeting or at the next succeeding meeting, the tabled question dies.
4. To End or Limit Debate (previous question); roll call (two-thirds of members present needed.) Note: The object of moving the "previous question" is to end debate and to bring the assembly at once to a vote on the immediately pending matter before it.
5. Divide the Question; roll call (majority present needed.) Note: May be granted by the President of Council or by passage of a motion to divide the question.

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MOTIONS WITH DEBATE PERMITTED

1. To Postpone to a certain date; voice vote (majority present needed.)
2. To Amend or Commit; voice vote (majority present needed.)
3. To Postpone indefinitely; voice vote (majority present needed.)

Rule #36 AMENDMENTS

A. Amendments to formal resolutions and ordinances may be made only following the third reading. No amendment may substantially change the subject matter of the original resolution or ordinance. The Presiding Officer shall in his/her discretion control the content and number of amendments to ensure that all members of Council fully understand the amendment which is being voted upon.

B. When any amendment is offered on the floor of Council to a measure then under consideration or debate, the member offering said amendment shall submit it in writing to the President; provided however, the insertion, deletion or substitution of single words or figures shall not be required to be submitted in writing. Ordinances may be amended on their third reading by the substitution of an entire document for the original ordinance, provided that the substituted document does not substantially change the subject matter of the original ordinance.

Rule #37 MOTION TO REFER BACK TO COMMITTEE

Any member of Council may move to refer any ordinance back to the committee or to another committee of Council if the said motion receives a majority vote of the Council members present.

Rule #38 DIVISION OF THE QUESTION

A. Any member may request the division of the question, or the Presiding Officer may direct the same. The question in either case may be divided at the discretion of the President.

B. Any member may move to divide the question. A majority vote of the members present is required for division of the question.

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C. When divided, two or more separate questions must remain. Each remaining question must be able to stand alone and present a separate and distinct question for decision.

Rule #39 VOTING PROCEDURES

A. Upon the Presiding Officer ordering roll call, it is the duty of every member who has an opinion on the question to express it by his or her vote, which shall be by a "yea" or "nay" vote. Members may additionally abstain, by voting "abstain" or "present." The Clerk of Council, in tallying the vote, shall list three columns for "yea" votes, "nay" votes and "abstentions." No other forms of votes shall be recognized by the Presiding Officer and any vote differing from the foregoing forms shall be treated by the Presiding Officer the same as if the member abstained. An "abstention" vote shall be excluded from the count in determining the number of votes necessary to either adopt or defeat a question. However, any person casting an "abstention" vote may, for the purposes of reconsideration pursuant to Rule 41, move the reconsideration of an action of Council pursuant to that Rule. The Presiding Officer shall not recognize any member of Council during a roll call vote until after the vote is completed, except a member of Council may be recognized prior to the announcement of the vote to change his/her vote.

B. Voting by Council members shall be permitted only when the member is seated at his/her designated seat.

Rule #40 VOTES REQUIRED FOR PASSAGE

The following number of votes is required for passage:

1. Majority of members -- seven (7) votes. In the case of a tie vote, the President of Council's vote shall constitute the seventh vote for purposes of adopting any matter which requires a majority of members.
2. Two-thirds of members -- eight (8) votes.
3. Three-fourths of members -- nine (9) votes.
4. Three-fifths of members -- eight (8) votes.

RULES OF PROCEDURE OF CANTON CITY COUNCIL

Rule #41 RECONSIDERATION

A. Any member or members who were absent, abstained from voting or voted with the prevailing side may move the reconsideration of any action of Council, excepting measures which have been put into immediate effect. Such a motion for reconsideration shall be made not later than the next regular meeting after the action to which it relates was taken. No motion to reconsider shall be made more than once on any measure and such motion shall require a majority of all members of Council, in order to prevail. Any member of Council may second such a motion.

B. Prevailing side, as used in the foregoing action, shall mean the side, either yeas or nays, whose vote had the effect of passing or defeating the matter being voted on and has no reference to the side having the greater number of votes.

Rule #42 APPEALING DECISION OF THE CHAIR

A. An appeal may be made from any decision of the Presiding Officer (except when another appeal is pending), but it must be made only immediately after the ruling that is being appealed.

B. If this appeal is seconded, the Presiding Officer shall state clearly the question at issue, and he or she may state his/her reasons for his/her decision, and then state the question as follows:

"The question is, shall the decision of the Chair be sustained?" This question is then voted upon to determine whether the decision of the Chair shall be sustained. A majority vote of those present is required to sustain the Chair. The President of Council may vote to break a tie vote.

Rule #43 MAYOR'S VETO

A. The Mayor may veto any ordinance or formal resolution passed by Council within ten days after date of passage or adoption and shall return it, with his/her objections, to Council, or if it is not in session, to the next regular meeting thereof, which objections shall be entered in the journal.

B. When the Mayor vetoes an ordinance or formal resolution, or any part thereof, and returns it with his/her objections, Council may after 10 days reconsider it by a motion for reconsideration which shall require a majority vote of all of its members, and if such ordinance, formal resolution or item, upon such reconsideration, is approved by a two-thirds vote of all its members, it shall then take effect as if signed by the Mayor.

RULES OF PROCEDURE OF CANTON CITY COUNCIL

Rule #44 COMMITTEES OF COUNCIL

A. The Majority Leader and the Assistant Majority Leader shall appoint all Standing Committees, Chairpersons and committee members, and any vacancies thereof. If the Majority Leader and Assistant Majority Leader cannot agree, the final responsibility for committee appointments shall rest with the Majority Leader. These committees shall consist of at least three (3) members each and shall serve for the full term of Council.

B. The Standing Committees of Council shall be:

- Annexation Committee
- Community & Economic Development
- Environmental & Public Utilities
- Finance Committee
- Intergovernmental & Public Service
- Judiciary Committee
- Parks & Recreation Committee
- Personnel Committee
- Public Property Capital Improvement
- Public Safety & Thoroughfares
- Recycling Committee
- Rules Committee
- Sidewalk & Street Light Committee

C. The Chairpersons of all Standing Committees shall be responsible for the scheduling of committee meetings in accordance with the Sunshine Law on days and at times of their choice and shall announce committee meetings at Council meetings or by written notice to all members of the committees, Council, the administration and media. Committee meetings may also be held without notice during regularly scheduled and special meetings of Council. No committee shall approve an ordinance or resolution for submission to the Agenda for second and third reading without holding a properly scheduled committee meeting.

D. Committees containing three (3) members shall have two (2) members' signatures in order to constitute formal action by the committee.

RULES OF PROCEDURE OF CANTON CITY COUNCIL

E. The order of business during committee meetings shall be controlled by the Majority Leader or Assistant Majority Leader.

F. There shall be no smoking in the Caucus Room during committee meetings.

Rule #45 COMMITTEE OF THE WHOLE COUNCIL

A. Upon motion by any member and a majority vote of the members present, upon the first reading of an ordinance or resolution, Council may refer such ordinance or formal resolution to a Committee of the Whole Council.

B. For any Committee of the Whole Council, the Vice President of Council shall appoint a Chairman Pro Tem of the committee who shall call the committee meeting to order. The committee shall thereafter select a person, who shall chair the committee meeting.

C. Any ordinance referred to the Committee of the Whole Council shall be signed by a majority of the members in order to be referred to the Agenda for action by Council.

Rule #46 AMENDING COUNCIL RULES

The Rules of Procedure of Council may be amended or altered or new Rules adopted by resolution only at any regular meeting of Council by the vote of two-thirds of all members of Council.

Rule #47 COUNCIL CHAMBER DECORUM

A. No person, except the President of Council and members of Council, Council Staff, the Mayor, Law Director, Auditor, Treasurer, Director of Public Service and Director of Public Safety, Chief of Staff, and/or their designees, reporters for the press, radio and television, and other persons, if invited, shall be admitted within the railing of the Council Chambers.

B. All persons within the confines of the railing and also in the Council Chambers shall conduct themselves with decorum and may not be engaged in any loud or frivolous actions that would be disruptive to the deliberations of Council.

C. As a matter of etiquette and protocol, all elected and appointed officials shall be referred to by their proper title and last name.

D. Non-alcoholic beverages shall be permitted within Council Chambers.

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- E. No food will be prepared in City Council complex.

Rule #48 NO SMOKING IN COUNCIL CHAMBER

Smoking shall be prohibited in all areas within the Council Chambers Building.

Rule #49 MEMBERS ON LEAVE FROM CHAMBER

No member shall leave the Council Chamber or the area within the railing during sessions of Council without first obtaining permission from the Presiding Officer.

Rule #50 VIOLATION OF COUNCIL RULES

A. If any member, by virtue of his/her conduct or speech, violates any Rules of Council, the Presiding Officer shall call the member to order, or another member of Council may raise a "Point of Order" for the purpose of challenging the conduct or speech of the member and calling upon the Presiding Officer for a ruling and an enforcement of the Rules.

B. If any member is called to order, he or she shall immediately cease his/her conduct or speech unless permitted by the Presiding Officer to explain his/her conduct.

C. The question of "Point of Order" does not require a second, is without debate and must be decided by the Presiding Officer by first requesting the member who raised the question to "state your point of order." The Presiding Officer upon hearing the explanation shall decide the point of order. If the decision is in favor of the member called to order, he or she shall be at liberty to proceed with his/her prior conduct or speech. If the decision is against the member called to order, he or she shall immediately cease such prior conduct or speech.

D. Censure is an official expression of disapproval passed by Council. Any member violating Council Rules may be censured by a majority vote of Council. Members are also subject to punishment or expulsion as provided in Section 731.45 of the Revised Code.

RULES OF PROCEDURE OF CANTON CITY COUNCIL

Rule #51 NEWS MEDIA TABLE

A. The Clerk of Council shall provide reasonable space to the news media, both print and electronic, for coverage of Council meetings.

B. All members of the news media shall properly conduct themselves at all times in accordance with Council Rules and general Rules of decorum.

Rule #52 ROBERTS RULES OF ORDER

In the absence of any Council Rule on a matter of business, the Council shall be governed by the ordinary rules governing Legislative Bodies as laid down and set forth in Roberts Rules of Order, newly revised edition.

Rule #53 LIQUOR PERMIT APPLICATIONS AND RENEWALS

A. Liquor Permit Applications. Upon receipt of Notice from the Ohio Division of Liquor Control of a permit application (for transfer of license, location, ownership or issuance of a new permit), pursuant to R.C. Section 4303.26, the Clerk of Council shall notify the Ward Councilmember of the Ward in which the permit is located or proposed to be located of receipt of said Notice. The Ward Councilmember shall have sole authority to request a hearing or to waive the opportunity to have a hearing on the permit application. Failure to return the Notice to the Ohio Division of Liquor Control within the 30 days period of time designated by the Notice constitutes waiver of the right of a hearing. Upon obtaining the Ward Councilmember's signature on a form designed for said purpose, the Clerk of Council shall return the Notice to the Ohio Division of Liquor Control, without waiting the 30 days period of time.

B. Liquor Renewals. Upon receipt of Notice from the Ohio Division of Liquor Control of permit renewals, pursuant to R.C. Section 4303.271(B), the Clerk of Council shall notify all members of Council and additionally the Vice Division of the Police Department. Any objection received from the Vice Division shall be forwarded to the Ward Councilmember of the Ward in which the permit premises is located or proposed to be located for his or her review and recommendation. The Ward Councilmember shall make his or her objection to the permit renewal in writing; the reasons for the objection shall be based upon the grounds set forth in R.C. Section 4303.292(A)(1)(2). The Clerk of Council shall forward the recommendation of the Ward Councilmember, along with any information supporting the objection, for preparation of a Resolution and for review of the information concerning the objection in order that the Law Director can certify, as required by law, that

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RULE #53(B) - CONTINUED:

the objection is based upon substantial, legal grounds within the meaning and intent of R.C. Section 4303.292(A)(1)(2). Failure to return a Resolution of objection within the time period designated by the Notice received from the Ohio Division of Liquor Control constitutes waiver of the right of a hearing. The Clerk of Council shall have the responsibility to insure that all time frames with respect to the filing of objections to renewals are timely met.