

RECORD OF ORDINANCES

Ordinance No. 45-11

Passed April 25, 2011

4/5/11-gmk
(Ordinance, Rules & Claims)

Ordinance No. 45-11

An ordinance amending Ordinance No. 29-10, specifically subsections (d)(9)-(10) and (i)(1), (2) and (4) of 115.01 RULES OF COUNCIL, of the Codified Ordinances of the City of North Canton, to change the date and time the Agenda and supporting paperwork shall be available to the Council, Mayor, Director of Administration, Director of Law and Director of Finance and the date and time matters to be placed on the Agenda shall be reported to the Clerk of Council and, and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That Ordinance No. 29-10, specifically subsections (d)(9)-(10) and (i)(1), (2) and (4) of 115.01 RULES OF COUNCIL, of the Codified Ordinances of the City of North Canton, to change the date and time the Agenda and supporting paperwork shall be available to the Council, Mayor, Director of Administration, Director of Law and Director of Finance and the date and time matters to be placed on the Agenda shall be reported to the Clerk of Council, be, and the same is hereby amended to read as follows:

Section 115.01 RULES ADOPTED

a. Meetings: Time, Place and Recording Procedure.

1. Council of the City of North Canton, Ohio, shall meet on the second and fourth Monday of each month at 7:00 p.m. in the Council Chambers located in the City Hall at 145 North Main Street with the exception of the months of July and August when Council will meet on the second Monday in July and the fourth Monday in August.

2. If the regular meeting date falls on a holiday recognized by the City, the meeting date shall be changed to a date previously established at a regular Council meeting.

3. The starting time of a regular meeting or a public hearing may be set by motion of Council.

4. Special meetings of Council may be called as provided in the Charter.

5. A complete and accurate journal shall be kept of all proceedings of Council authenticated by the signature of the Clerk of Council and the President of Council, pursuant to the provisions of the North Canton City Charter.

6. The Council shall meet as a Committee of the Whole on the first and third Monday and the fifth Monday, as applicable, of each month at 7:00 p.m. at North Canton City Hall at 145 North Main Street with the exception of the months of July and August when Council will meet as a Committee of the Whole on the first Monday in July and the third Monday in August. The date and/or time of a meeting may be changed or a meeting may be cancelled at any regular meeting of Council or at a meeting of the Council meeting as a Committee of the Whole by a vote of a majority of those members voting at said meeting or upon the written request of four members of Council.

7. All meetings of Council and all meetings of Council meeting as a Committee of the Whole, excluding executive sessions, shall be recorded.

8. All meetings of Council of the City of North Canton that have been recorded shall be transcribed verbatim.

9. Committee meetings, on the request of the Committee Chairperson and concurrence of President of Council, that have been recorded, shall be transcribed verbatim.

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b. Council Structure.

1. As provided in the Charter, Council is composed of four Ward Council Members and three At Large Council Members. The President and Vice President of Council are elected from all the members of Council.
2. The President of Council shall assign the seats at the Council table.
3. The procedure for implementing the provision of the Charter of the City, as to vacancies occurring on Council shall be as follows:
 - A. A vacancy in an At Large position may be filled by a Ward Council Member or any other person who meets the qualifications set out in the Charter. A vacancy in the office of a Council Member representing a ward must be filled from that ward.
 - B. The President of Council shall set a time limit for applications for the vacancy to be filed with the Clerk of Council.
 - C. Nominations to fill the vacancy shall be made from the floor of Council.
 - D. The filling of the vacancy shall be by roll call vote.
 - E. The President of Council shall have the power to set the entire schedule for all applications and votes within the limits of the Charter.
4. The vote for the election of President of Council and the Vice President of Council shall be by roll call vote. Nominations shall be made from the floor of Council. The vote for President of Council shall be first, followed by the separate vote for the Vice President of Council.

c. Committees of Council.

1. The standing committees of Council shall be:
 - A. Community and Economic Development Committee
 - B. Finance and Property Committee
 - C. Ordinance, Rules and Claims Committee
 - D. Park and Recreation Committee
 - E. Personnel and Safety Committee
 - F. Street and Alley Committee
 - G. Water, Sewer and Rubbish Committee
2. Committee assignments shall be made by President of Council at the beginning of each year.
3. Special committees of Council may be assigned by the President of Council thereafter as needed.
4. Each Council Member shall present in writing to the President of Council at the beginning of each year, his or her preference of committee assignments.
5. The President of Council shall make assignments at his or her own discretion, but shall take into consideration the seniority of each member, the member's preference of committee assignments, the member's special qualifications and experience, and the best interests of the citizens of the City.
6. The President of Council shall designate one of the committee members as chairperson.
7. The committee of Council shall meet upon call by its members.
8. No committee shall meet without having first notified its members of the meeting date and time. The Clerk of Council shall send notices which must be received by each member at least twenty-four hours prior to the meeting. The Clerk shall enter into the record any failure to notify a member for whatever reason. The meeting may be held even though all members were unable to be notified, if a quorum is present. A quorum shall be a majority of all members assigned to a committee. Committee members may waive the twenty-four hour requirement if there is sufficient cause. However, all members of the committee must waive.

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9. Members of the Administration may call a committee meeting through the chairperson of the proper committee. Whenever possible and unless special conditions are present, all Committee meetings shall be held in the evening after 5:00 p.m. This is due to the fact that the position of Council Member is a part-time position and Council Members usually have another job during the day.

d. Legislative Procedure.

1. The legislative process shall be governed by the provisions of the North Canton City Charter.

2. The President of Council shall refer those matters to commissions and boards which require pre-Council consideration.

3. Upon referral back to Council or upon its introduction to Council, the President in his or her complete discretion shall refer it to the proper committee of Council for its consideration.

4. The committee of Council shall consider the matter and report its conclusion in writing to Council. All members of the committee shall sign the report, either assenting or dissenting.

5. Where a matter must be considered by more than one committee of Council, all committees may meet together and file separate or joint reports.

6. Legislation may be placed on the Council Agenda only after that legislation has been favorably recommended and asked to be placed on the Agenda by the committee or committees which considered it, except that Council may by a majority vote suspend this rule and place legislation on the Council Agenda without waiting for a committee report, or without referring to a committee, or without having received a favorable committee report.

7. A matter shall be placed on the agenda of the meeting following the public report of the committee or if a committee requests it in its report, it may be placed on the agenda the same night as the report is given.

8. The Agenda of Council shall be in substantially the following form:

- A. Call to Order
- B. Opening Prayer
- C. Pledge of Allegiance
- D. Roll Call
- E. Consideration of minutes of regular meetings, special meetings and public hearings held in the period between two regular meetings, Financial Statement and Mayor's Court Receipts (placed on the Agenda once a month.)
- F. Committee Reports
- G. Recognition of Visitors
- H. Old Business
- I. New Business
- J. Reports of Director of Law, Director of Finance, Director of Administration, Mayor, City Engineer, Director of Economic Development and Clerk of Council
- K. Reports of Council Members
- L. Final Call for New Business
- M. Adjourn

9. All matters to be placed on the Agenda shall be reported to the Clerk of Council by 4:00 p.m., on the Tuesday prior to the Council meeting. This is necessary due to the time needed to prepare the Agenda and legislation. The Clerk of Council may, with discretion, make exceptions to this rule if the time is available.

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10. The agenda and copies of all ordinances, resolutions, committee reports, etc., shall be made available to each Council Member, the Mayor, Director of Administration, Director of Law and Director of Finance on the Thursday prior to the regular Council meeting or as soon thereafter as possible.

11. The Clerk of Council shall present to the Mayor all legislation passed the same night as the Council meeting. This rule shall not require the signature of the Mayor in any other manner than those set out in the Charter.

e. Moral Claims.

1. Claimant shall submit a written statement of their claim to the Director of Administration, a copy of which shall be submitted to Council and the Director of Law.

2. Administration investigates claim. If Administration cannot resolve formally, a written report shall be submitted to the Director of Law and Council with Administration's recommendation.

3. Director of Law consults with Administration and insurance company.

4. Director of Law makes assessment as to potential liability.

5. The Director of Law will attempt to resolve the claim. If the Director of Law determines the City should pay the claim, the Director of Law is authorized to proceed with a settlement in an amount not to exceed two thousand five hundred dollars (\$2,500) per claim; and the Director of Finance is authorized to make payment of said settlement from the appropriate fund. If the Director of Law is unable to resolve the claim, he or she shall forward a recommendation to Council.

6. Claimant signs a release before settlement is given.

f. Notice. (Pursuant to the requirements of Ohio R.C. 121.22)

1. The Clerk of Council shall post at a prominent place in the North Canton City Hall the time, day, and place of all regularly scheduled meetings of Council and the Council meeting as a Committee of the Whole.

2. Within a reasonable period prior to the meeting the Clerk of Council shall post in a prominent place at the North Canton City Hall notice of all special meetings of any Council committee meeting as a public body as defined in the Ohio Revised Code, which notice shall include the time, place and purpose of such meeting.

3. The prominent place as referred in (1) and (2) above shall be designated by motion of Council from time to time.

4. News media requesting twenty-four hours notice of special meetings shall provide the Clerk of Council with a facsimile phone number or an email address at which that media can be notified. The Clerk of Council shall make a reasonable effort to contact the media at the provided address and telephone number.

5. Any person may upon request obtain reasonable advance notification by e-mail or facsimile of all meetings of the public body at which any specific type of public business is to be discussed.

When available the Clerk of Council may use the meeting agenda as notification. It shall be the responsibility of each committee chairperson to contact the Clerk of Council not less than seventy-two hours prior to any committee meeting to advise the Clerk of the specific type of public business to be discussed at the committee meeting.

g. If any Council Member has reason to believe that the Clerk of Council or Assistant Clerk of Council has by error or omission failed to properly discharge his or her work related duties, the Council Member shall inform the chairperson of the Personnel Committee of the incident. The chairperson of the Personnel Committee shall call an executive session to precede the next scheduled Council meeting.

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At the executive session, the reporting Council Member will inform Council why he or she believes the Clerk of Council or Assistant Clerk of Council has failed to properly discharge his or her duties.

Following a discussion, Council shall vote on one of the following courses of action:

1. No finding.
2. Issue a warning (verbal or written).
3. Suspension (3 to 5 day).
4. Discharge

If none of the above receives four votes, then no action shall be taken. The President of Council shall execute the disciplinary action (if any) which was authorized by Council.

A record of the disciplinary action taken shall be placed in the personnel file of the disciplined employee. The disciplined employee shall have one week from the date of the time of the discipline is implemented by the President of Council in which to make a written explanation, which shall be filed in the in the employee's personnel file.

No Council Member shall discipline the Clerk of Council or Assistant Clerk of Council, other than through the above procedure.

h. Any member of Council who wishes to survey his or her constituents must meet the following conditions:

1. Survey/letter may only address a single issue;
2. Survey/letter may only be sent to residents who are directly affected by the issue which is addressed in the survey/letter;
3. Ninety days before an election of Council, a Council Member may not send out a survey/letter to constituents unless one of the following two restrictions have been met:
 - A. A majority of Council must agree that conditions one and two have been met; or
 - B. The survey/letter may not contain the name of the sending Council Member, but rather be signed, "North Canton City Council";
4. An at-large Council Member may not send a Citywide survey/letter without the consent of a majority of Council;
5. The member sending the survey/letter shall notify all other members of Council and provide them with a copy of the survey/letter twenty-four hours before it is mailed or hand delivered;
6. None of the above restrictions are meant to control any correspondence between a Council Member and his or her constituents if no City funds or material is used; however, no City letterhead, envelopes (or likeness thereof) shall be used.

i. Matters to be placed on the Committee of the Whole agenda shall follow this procedure:

1. All matters to be placed on the Committee of the Whole agenda shall be reported to the Clerk of Council by 4:00 p.m. on Tuesday before the Committee of the Whole meeting.
2. The Committee of the Whole agenda and supporting paperwork such as ordinances, resolutions, committee reports, etc., shall be available to the Council, Mayor, Director of Administration, Director of Law, and Director of Finance by 12:00 noon on the Thursday before the Committee of the Whole meeting or as soon thereafter as possible.
3. The President of Council with concurrence of the Committee Chairperson, if available, (effort to be documented by Clerk of Council) may make exceptions to this subsection if time is available.

j. Recognition of Visitors.

1. Citizens shall be permitted to speak only during the Recognition of Visitors portion of the meeting.

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2. During Recognition of Visitors, each speaker shall identify themselves by name, home address and shall state the subject matter on which they intend to speak. Each speaker shall be limited to a maximum of five minutes to present their comments or at the discretion of the Presiding Officer, the speaker may continue beyond the limit if their remarks are deemed germane, non-redundant and consistent with the rules of decorum. Each speaker shall direct their comments to the Presiding Officer.

3. A speaker shall observe all rules of the decorum as prescribed in Robert's Rules of Order. No debate, disrespect, personal attacks or obscenities shall be tolerated. The Presiding Officer shall rule any individual that violates the Recognition of Visitors rules or Robert's Rules of Order out of order.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3 That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely amendment to the rules of council; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed: 4/25/11


MAYOR

SIGNED: April 25, 2011

ATTEST:


CLERK OF COUNCIL

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