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## *I. POWERS, JURISDICTION, FUNCTIONS AND LIMITATIONS*

Except as otherwise provided under the City Charter, all legislation and other powers of the City are vested in the Council. The Council has the power to enact ordinances, resolutions, and other measures to carry out municipal functions involving the City's departments, divisions, offices, boards, commissions, officers, and employees (Section 4.01, City Charter).

Councilmembers have power and may exercise that power only when Council is in session. Councilmembers and the Council itself are not bound by any statement or action taken by individual members, City officials, or employees unless in accord with Council action. Individual Councilmembers shall not direct any City official or employee to perform services or take action related to City operations (Section 4.06 (C), City Charter). Only as a body does Council have power to direct City operations and that direction is executed through the City Manager.

Some specific Council functions include:

- 1) Making policy necessary for the operation of the City.
- 2) Appointing a City Manager and establishing a salary for the City Manager (Section 6.01, City Charter).
- 3) Appointing a Clerk of Council (and Assistant Clerk of Council) and establishing a salary for the Clerk(s) (Section 4.08, City Charter).
- 4) Appointing a City Attorney and establishing a salary for the Attorney (Section 7.05, City Charter).
- 5) Obtaining reports from the City Manager concerning conditions, efficiencies, needs, and other affairs and related City matters.
- 6) Evaluating and approving the City budget and appropriations and their modifications.
- 7) Evaluating the effectiveness of City programs and the performance of the City Manager, Clerk of Council, Assistant Clerk of Council, and City Attorney.
- 8) Informing the public of City activities and needs.
- 9) Regulating its own organization and membership (Sections 4.02, 4.03, 4.05, 4.06, 4.07, 4.10 and 4.13, City Charter).

Council shall adopt, by a majority vote of its members then holding office, its own Rules of Council which shall not conflict with the City Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of Council then holding office. The Rules of Council shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters as the Council shall determine to be necessary for the proper functioning and government of Council (Section 4.14, City Charter).

## *II. MEETINGS*

- A. **Regular Meetings:** Regular Council meetings will be held on the second and fourth Mondays of each month (except for December) unless the day falls on a City

holiday. If such a conflict occurs, the meeting schedule will be adjusted to address the holiday. Meetings will begin at 7:00 P.M. and will be held in the Council Chambers at the City Hall Building.

- B. **Special Meetings:** Special meetings may be called for any purpose by the Mayor or any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting (Section 4.13, City Charter). The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.

- C. **Work Sessions/Committee of the Whole:** Council work sessions may be scheduled as Council special meetings and held as necessary.

Council may also schedule committee meetings of the entire Council as a Committee of the Whole meeting. Committee of the Whole meetings may be called for any purpose by any five (5) Councilmembers upon at least twenty-four (24) hours' notice to the Mayor and each Councilmember. Councilmembers and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting. The member or members calling the meeting will, through the Clerk of Council, notify the media and other individuals that have requested notification of the time, place and purpose of any special meeting.

- D. **Between Regularly Scheduled Council Meetings:** Councilmembers are to be informed of incidents involving the City that, in the judgment of the City Manager, the City Attorney, or the Clerk of Council; may require immediate consideration by the Council. A Council meeting may be the means required for conveying information regarding these incidents. In addition, Councilmembers are to be informed at the onset of incidents which may eventually require budgetary or policy decisions by Council.

- E. **Public Notification of Meetings:** The Clerk of Council will make public notice of all regular or special meetings, work sessions, and committee meetings of Council at least twenty-four (24) hours in advance of such meetings or sessions. This public notice will include the date, time, place, and purpose for the meeting or session. This public notice will be done in the following manner:

1. Posting of the public notice on the doors of the City Hall building.
2. Posting of the public notice on the City of Huber Heights official website.
3. Distribution of the public notice by U.S. mail and/or by email via the Internet through an electronic distribution list maintained by the Clerk of Council that includes media outlets and individual members of the public who have requested notification in advance (see below).



The public may obtain notice of the date, time, place, and purpose of all regular or special meetings, work sessions, and committee meetings of Council by calling the office of the Clerk of Council.

The public may also obtain notice of the date, time, place, and purpose of all Council committee/subcommittee meetings by calling the office of the Clerk of Council. The news media will be provided at least twenty-four (24) hours notice of such meetings whenever possible. It is the responsibility of each Committee/Subcommittee Chair to schedule these meetings with the Clerk of Council's office to allow for appropriate public notification of these meetings.

Any person may obtain advance notification of all Council meetings by email via the Internet through an electronic distribution list maintained by the Clerk of Council at no charge. This request should be made in writing to the Clerk of Council. Any such request shall be effective indefinitely from the date of filing with the Clerk of Council or until the Clerk of Council receives written notice from an individual canceling or modifying such request. Notification of any special meeting shall be sent to those who have requested such notification. A reasonable attempt at notification shall constitute notification in compliance with these Rules.

Any person may obtain advance notification of all Council meetings by U.S. mail by paying a fee of \$30.00 to cover the costs of mailing and postage for one (1) year. This request should be made in writing, accompanied by the fee payable to the City of Huber Heights, and mailed to the Clerk of Council. Newspapers, radio, television stations, and other media outlets do not have to pay the fee. Any such request shall be effective for one (1) year from the date of filing with the Clerk of Council or until the Clerk of Council receives written notice from an individual canceling or modifying such request, whichever is earlier. Notification of any special meeting shall be sent to those who have requested such notification. If time does not allow for mailing of this notification, such notice will be made by telephone or fax machine (if available). A reasonable attempt at notification shall constitute notification in compliance with these Rules.

- F. **Executive Session Meetings:** Meetings in Executive Session shall be closed, private, and confidential; and shall be held in accordance with Ohio Revised Code 121.22, the Ohio "Sunshine Law". These meetings are to be noted on the agenda of regular meetings, when practicable. Any individual Councilmember may suggest that Council recess to Executive Session when circumstances are such that satisfactory answers or useful discussion may be provided only in Executive Session. A motion, to include the general purpose of the Executive Session as specified in Ohio Revised Code 121.22 and passed by a majority vote, is required for recess to Executive Session.

A Council committee/subcommittee must also comply with the requirements of Ohio Revised Code Section 121.22 as described above.

Minutes of Executive Session meetings shall not be kept. Neither shall any participant record the proceedings of the any Executive Session by any electrical or mechanical device.

The minutes of the regular or special meetings of Council, as well as Council committees/subcommittees, should reflect the general subject matter of discussion held in Executive Session authorized under Division G of the Section 121.22 of the Ohio Revised Code. In addition, the aforementioned minutes should reflect the commencement and termination times of the Executive Session meeting.

Discussion in Executive Session is confidential. No participant shall compromise the confidentiality of an Executive Session.

- G. Pre-Meeting Information:** Two (2) working days prior to scheduled Council meetings, Councilmembers are to be furnished with information germane to those meetings. Copies of ordinances and resolution, minutes of the past meeting, an agenda for the next meeting, and additional relevant information are the minimum to be provided. The agenda will normally be finalized on the Thursday immediately preceding each meeting; however, proposed agenda items must be submitted to the Clerk of Council's office through the AgendaQuick system and approved by the City Manager on the Wednesday immediately preceding each meeting by 5:00 P.M. The City Attorney will also be provided all of this information to allow for proper legal review.
- H. Recesses and Adjournments:** Meetings of Council and Council committees/subcommittees may be adjourned or recessed to another time, date, or place without giving the notice required in paragraph B, Special Meetings, above (Section 4.13 (C), City Charter). Short recesses (5-15 minutes) may be designated by the presiding officer during regular or special meetings without vote of Council. Other recesses require a majority vote of Council.
- I. Presiding Officer:** The Mayor presides over meetings of Council; however, in the absence of the Mayor, the Vice Mayor presides (Section 4.04, City Charter). In the absence of the Mayor and the Vice Mayor, the Council may elect a Councilmember to serve as presiding officer for that meeting provided a Council quorum is present. The Mayor is a member of Council, but does not have voting rights on issues except in cases of tie votes (Section 4.04, City Charter). The Vice Mayor serves as a Councilmember with all voting and other rights accorded that position (Section 4.04, City Charter). Committee Chairs preside over meetings of Council committees/subcommittees.
- J. Clerk of Council:** The Clerk of Council (with the assistance of the Assistant Clerk of Council) serves as Council administrator. The Clerk attends Council meetings, records proceedings, maintains City records, handles public records requests, authenticates legislation and signatures, prepares correspondence and minutes, and performs other duties as directed by Council and required by law (Section 4.08, City Charter).

**K. Quorum and Majority Votes:**

1. Quorum: Five (5) members of Council, other than the Mayor, shall constitute a quorum. Confronted with a lack of a quorum, a smaller number of Councilmembers may convene and may compel the attendance of absent members and may adjourn meetings to a subsequent date (Section 4.12, City Charter).
2. Majorities: In determining a simple, a two-thirds (2/3), or a three-fourths (3/4) majority vote of Council, the Mayor is counted. Majorities are based on the total number of Councilmembers holding office (not simply those present). Therefore, majorities are calculated, in normal situations, using the number nine (9) as denominator. Thus, five (5) constitutes a simple majority, six (6) a two thirds (2/3) majority, and seven (7) a three-fourths (3/4) majority.

**L. Attendance, Absences, and Removals:** Councilmembers are required and expected to attend all regular and special meetings of Council. Absences from Council may be excused for reasonable cause. For official record purposes, a motion of Council to excuse a member's absence must be passed by a simple majority.

Unexcused absences from three (3) consecutive regular meetings may result in the removal of a Councilmember. A two-thirds (2/3) majority of the Councilmembers then holding office, exclusive of the Councilmember being considered for removal, is required (Section 13.08, City Charter).

A Councilmember may be expelled from a Council meeting for disorderly conduct or violation of the Rules of Council by a vote of two-thirds (2/3) majority of Councilmembers. Expulsions are considered unexcused absences.

**M. Agendas:**

- OK
1. Preparation: The Clerk of Council shall be responsible for preparing the agendas for all Council meetings in consultation with the City Manager.
  2. Review: Council will be previously apprised and informed of all agenda items through work sessions, committee/subcommittee meetings, reports from the City Manager and the Clerk of Council, etc. (except for emergency situations) or as otherwise determined by Council.

3. Format:

A. Regular meetings of Council will follow this format unless changed by any five (5) Councilmembers:

1. Call the Meeting to Order
2. Invocation
3. Pledge of Allegiance



City Council  
(2000)

4. Roll Call
5. Approval of Minutes
6. Special Presentations/Announcements \*
7. Citizens Comments
8. Citizens Registered to Speak on Agenda Items \*\*
9. City Manager Report
10. Pending Business
11. New Business
12. City Officials Reports and Comments
13. Executive Session
14. Adjournment

\* Usually reserved to accommodate non-profit or citizen groups whose purpose is to make a short, formal presentation.

\*\* Citizens wishing to reserve time to speak are asked to complete Citizen Time Reservation Request.

B. Work Sessions of Council will normally follow this format:

1. Call the Meeting to Order
2. Roll Call
3. Work Session Topics
4. Executive Session
5. Adjournment

N. **Public Participation at Meetings:** The presiding officer of the Council will recognize persons requesting to be heard. If the topic to be discussed is not on the agenda, it may be discussed under Citizens Comments. Members of the audience desiring to speak must request time using the Citizen Time Reservation Request. Citizens granted time to speak may do so following recognition by the presiding officer. Individuals wishing to speak are asked to abide by the following procedures:

1. Wait to speak until recognized by the presiding officer.
2. Approach the microphone and state your name and address.
3. Address remarks to the presiding officer.
4. Respond to questions from Councilmembers.
5. Limit comments to subject under discussion (if speaking on an agenda item).
6. Limit comments to five (5) minutes.
7. Avoid complaints and/or remarks directed against individual employees or Councilmembers. (These types of complaints and/or remarks will be ruled out of order by the presiding officer and should be handled instead through the proper procedures for filing complaints).

Public statements on agenda items by other than properly registered citizens will generally not be allowed during the discussion and/or decision of such agenda items.



Public statements will be accepted during public hearings, citizens' comments agenda time, and at other times as allowed by the presiding officer; however, the total statements on any one topic shall be limited to thirty (30) minutes unless another procedure has been established prior to the meeting and publicized. Regarding pending legislation, citizen comments will be heard only after the reading of the legislation and explanation by staff.

- O. **Minutes:** The Minutes shall record actions taken at the meeting and shall not be verbatim transcript of what is said at the meeting. Council may, by majority vote, direct that detailed minutes be kept for all or part of a meeting.

### **III. LEGISLATION**

- A. **The Legislative Process:** Actions of the Council are by ordinance, resolution, or motion. Motion is used to make or approve appointments of personnel, to conduct the business of Council in procedural matters, to conduct elections required by Council, and for other similar matters provided by the Charter (Section 5.01, City Charter). All motions of Council require seconds. Voting records by individual Councilmembers on each item voted are to be kept by the Clerk of Council.

Article V of the City Charter prescribes procedures that must be adhered to in regard to legislation. The City Attorney assures that proposed legislation fulfills legal requirements.

**Step 1.** The proposed legislation is placed on the agenda of a Council regular or special meeting for a first reading. A copy of all proposed legislation, except personnel-related actions, will be posted on the bulletin board in City Hall. The Clerk of Council will endeavor to have legislation posted as soon as available prior to the meeting. Each ordinance or resolution must be read on three separate Council meeting days, unless this requirement is waived by a vote of two-thirds (2/3) of the Councilmembers then holding office (Section 5.04, City Charter). All readings of legislation are made by title only unless a majority of Council approves by adopted motion a full text reading. No discussion by Councilmembers will occur until after a motion is on the floor.

**Step 2.** A first reading is held and, if determined appropriate, the presiding officer may refer the matter to a Council committee to review the proposed legislation and report to Council its findings and recommendations. A specific date for reporting back to Council may be set. The presiding officer may also refer the matter to a Council committee to review proposed legislation after the second or third readings. In many cases, the proposed legislation will have already been reviewed by a Council committee prior to being placed on the Council agenda.

**Step 3.** A second reading is held.

**Step 4.** A third reading is held. Approval or rejection of the proposed legislation usually takes place immediately after this reading.

**Step 5.** When approved, the legislation is assigned an index number from the legislation journal and typed in final form by the Clerk of Council. An annual indexing system is used. Ordinances are coded “O” and Resolutions “R”; for example, 2009-O-1000 and 2009-R-1000. The legislation is then authenticated by the signatures of the Clerk of Council and the presiding officer (Section 5.08(A), City Charter) during or immediately following the City Council Meeting when available. Amended legislation or legislation not available for authentication by the Clerk of Council and the presiding officer during or immediately following the City Council Meeting will be authenticated forthwith. Motions by Council (beginning in 2009) are also assigned an index number and typed in final form by the Clerk of Council using an annual indexing system. Motions are coded “M”; for example, 2009-M-1000.

**Step 6.** Any legislation which is enacted by less than a two-thirds (2/3) majority vote must be presented to the Mayor for approval except those enacted by the Mayor having cast the deciding vote. If the Mayor does not approve (i.e., vetoes) the legislation, it is returned to Council not later than ten (10) days after the Mayor’s veto with the Mayor’s written reason(s) for objection. The Council may override the veto by a two-thirds (2/3) vote of the members of Council then holding office (Section 5.12, City Charter).

**Step 7.** Legislation is published by posting the full text of the ordinance or resolution for a period of not less than ten (10) days after its passage in public places within the City or places of public access as determined by Council. The designated public places are:

1. Legislative Bulletin Board - City Hall Building
2. Legislative Public Binder - City Hall Building
3. Clerk of Council’s Office
4. Huber Heights Public Library
5. Huber Heights Police Station
6. City of Huber Heights Official Website

**Step 8.** The Clerk of Council certifies in the legislative journal the dates that publication occurred.

- B. Effective Date of Legislation:** Ordinances and resolutions dealing with appropriations of money; annual tax levies for current expenses of the City; certain improvements petitioned for by owners; questions to be submitted to the electorate or determinations to proceed with elections; approval of revisions, codifications, recodifications, or rearrangements of the City code or ordinances or resolutions; and, any emergency ordinances and resolutions take effect immediately upon adoption by Council, unless a later date is specified. All other ordinances and resolutions take effect thirty (30) days after adoption by Council, unless later dates are specified. The

thirty (30) day effective date is calculated by counting from the date after adoption by Council of the ordinance or resolution with the effective date being the thirty-first (31<sup>st</sup>) day after date of adoption by Council of the ordinance or resolution.

- C. **Emergency Legislation:** Emergency ordinances and resolutions are those necessary for the immediate preservation of the public peace, health, safety or welfare, or an emergency in the operation of the City. Emergency ordinances and resolutions must contain a statement, “the emergency clause”, describing the necessity for the emergency. A vote of two-thirds (2/3) of Councilmembers holding office is required to approve emergency ordinances or resolutions (Section 5.06, City Charter). Any emergency ordinances and resolutions take effect immediately upon adoption by Council, unless a later date is specified.
- D. **Copies of Ordinances and Resolutions:** The Clerk of Council shall provide copies of ordinances and resolutions adopted by Council to persons requesting such copies. Copies of proposed ordinances and resolutions shall also be provided to persons requesting such copies. The Clerk of Council shall charge the established rate in the Huber Heights Public Records Policy for such copies.

#### **IV. MOTIONS**

Unless they conflict with these Rules of Council or the City Charter, Roberts Rules of Order shall be followed during Council meetings. The following specific procedures shall be followed during Council meetings:

1. **Main Motions:** A motion to introduce a subject (**requires majority vote**).
2. **Motions When Question Is Before Council:** When a question or proposition is before or under debate by Council or when a motion has been made, only the following motions can be accepted:
  - a. To adjourn (**requires majority vote**).
  - b. To recess (**requires majority vote**).
  - c. To raise a question of privilege. Questions of privilege have precedence over all other questions except adjournment. Questions of privilege are those affecting the rights of the Council collectively, its safety, dignity, comfort, and the integrity of its proceedings and those rights, reputations, and conduct of Councilmembers in the capacity as members of Council (**decision of Presiding Officer**).
  - d. To call for orders of the day to require the Council to conform to its agenda, program, or order of business, or to take up a general or special order (**decision of Presiding Officer**).
  - e. To lay on the table to set aside the pending question when something else of immediate urgency has arisen or when something else needs to be adopted before consideration of the pending question is resumed (**requires majority vote**).



- f. To call the previous question and request that discussion end and that the motion being considered be voted on **(requires two thirds vote)**.
- g. To limit or extend limits of debate **(requires two thirds vote)**.
- h. To postpone any action to a certain time (or definitely) **(requires majority vote)**.
- i. To commit or refer the proposal to a committee or special meeting of Council for further investigation or to put into better condition for consideration **(requires majority vote)**.
- j. To amend. A motion to amend is to modify the main motion by inserting or adding; striking out; or striking out and inserting. An amendment to an amendment cannot be amended. A rejected amendment may not be moved again in the same form **(requires majority vote)**.
- k. To postpone indefinitely. When motions to postpone indefinitely are passed, the principle question is declared lost. The motion rejects or “kills” the main motion for the duration of the session **(requires majority vote)**.
- l. To postpone any action indefinitely **(requires majority vote)**.

Note: These motions have precedence in the order given. Motions listed above in “a”, “b”, “c” and “f” are decided without debate.

- 3. **Motion to Take Matter From Committee:** When ordinances, resolution, or other matters have been referred to a committee and said committee fails within a reasonable or specified time to report or offer a valid reason for failure to report, any member of Council has a right to move that ordinance, resolution, or matter of concern be taken from that committee and placed before Council for action **(requires majority vote)**.
- 4. **Motion to Reconsider:** Motions to reconsider an approved item must be made before adjournment of that session of Council for those items of legislation that are effective immediately; motions to reconsider other legislation must be made prior to the close of the next following regular meeting of Council. A motion to reconsider may be made only by a Councilmember who voted with the prevailing side. A motion to reconsider, being laid on the table, may be taken up and acted upon at any time when the Council is engaged in the transaction of other business. No motion to reconsider may be made more than once on any matter and the same number of votes is required to reconsider the action of Council as was required to pass or adopt the matter **(requires majority vote)**.

## V. **COMMITTEES**

- A. **Standing Committee:** The working business of the Council shall be divided into three (3) standing committees. Each committee shall consist of four (4)

Councilmembers. Each committee shall elect one of the four (4) Councilmembers on the committee as Chair. Each committee shall be supported by City administrative staff as directed by the City Manager. Committee members shall be determined by Council and approved by a majority vote of Council for the following committees:

1. **Public Works Committee:** This committee shall involve issues related to planning and development, zoning, engineering, public works, streets, thoroughfares, infrastructure, buildings and grounds, parks and recreation, and pertinent matters thereto. It shall also study, assess and analyze the needs and requirements for operation of the City by:
  - a. Making reviews and recommendations regarding the Planning Department and the Zoning Department and its efforts to make the City more attractive to businesses and promoting the development of industry and commerce; as well as the City's residential components.
  - b. Working in conjunction with the Dayton Development Coalition, the Chamber of Commerce, and other relevant entities.
  - c. Reviewing zoning codes, comprehensive development plans, pending zoning cases or issues, and any recommendations from the Planning Commission.
  - d. Making reviews and recommendations regarding the Engineering Division, Public Works Division, capital improvement projects, buildings and grounds, parks and recreation, and related matters.
2. **Administration Committee:** This committee shall involve issues affecting the administration of the City including the Administrative Code and pertinent matters thereto. It shall also study, assess and analyze the needs and requirements for operation of the City by:
  - a. Making reviews and recommendations regarding budgets, appropriations, contracts, and purchases.
  - b. Making review of all pertinent regulations as required by the City Charter.
  - c. Acting as a liaison with all City boards and commissions, keeping memberships current through interviews and appointments, and other operational functioning.
  - d. Making reviews and recommendations regarding the Human Resources Department, the IT Division, the Economic Development Department and related matters.

- e. Responsible for the administration and management of the City Attorney.

3. **Public Services and Safety Committee:** This committee shall involve issues pertaining to the public safety and emergency preparedness of the City and pertinent matters thereto. It shall also study, assess and analyze the needs and requirements for operation of the City by:

- a. Making reviews and recommendations regarding the Public Safety Department (except the IT Division, the Public Works Division, and the Building and Grounds Division), the Fire Division, and the Police Division, including long-range planning for facilities, equipment and personnel.
- b. Making reviews and recommendations regarding public health emergencies, disaster and emergency preparedness, and related matters.
- c. Making reviews and recommendations regarding the general offense code, including, but not limited to, animal nuisance issues.

The Mayor shall be a non-voting ex-officio member of all committees.

All proposed legislation/motions and/or other matters of significance shall be reviewed initially through assignment to a committee or scheduled committee meeting. The Committee Chairs shall be responsible for approval of the agendas for all committee/subcommittee meetings.

Councilmembers who are not members of such a committee/subcommittee may attend and participate in a Council committee/subcommittee meeting provided that they do not vote on matters in the committee/subcommittee.

All committee/subcommittee meetings shall comply with the requirements of Ohio Revised Code Section 121.22 under Ohio's Open Meetings Act. It shall be the responsibility of each such Committee Chair to advise the Clerk of Council's office of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Clerk of Council's office to ensure and/or prepare written minutes of all such meetings and to maintain a copy in the Clerk of Council's office records.

B. **Special Committees:** The Mayor may appoint temporary special committees, with the approval of Council, as may be appropriate to gather information, conduct surveys, make findings and recommendations on proposed legislation, or perform other specified tasks. The work of the special committees shall be confined to specific assignments and these committees shall have only the authority granted by Council. These special committees shall be temporary and terminate upon presentation of their final reports to the Council. All special committees appointed



by the Mayor shall be advisory only. The Mayor shall be a non-voting ex-officio member of all special committees. The Special Committee Chair shall advise the Mayor of all committee meetings at the same time that members are notified of such meetings.

All special committee/subcommittee meetings shall comply with the requirements of Ohio Revised Code Section 121.22 under the Ohio's Open Meetings Act. It shall be the responsibility of each such Chair to advise the Clerk of Council's office of all scheduled meetings so that public notice can be given. It shall also be the responsibility of the Clerk of Council's office to ensure and/or prepare written minutes of all such meetings and to maintain a copy in the Clerk of Council's office records.

- C. **Outside Committees:** For those Councilmembers selected to serve as individual representatives of City Council on outside committees or organizations, a brief written report shall be provided to City Council in a timely manner. Representation of City Council on outside committees or organizations should be made by a motion of Council and approval by a simple majority vote.

## **VI. COMPENSATION AND EXPENSES**

Council may increase or decrease the compensation of its members by ordinance or resolution. However, no Councilmember shall benefit from any increase in compensation enacted during such Councilmember's current term of office (with the exception of increases or decreases in fringe benefits). Any ordinance or resolution changing the compensation of Council shall be adopted no later than June 1 of any odd numbered year (Section 4.10, City Charter).

Councilmembers shall be reimbursed their actual expenses incurred in the performance of authorized travel on official business of the City for approved training seminars, conferences, etc. The mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) for Council must first be approved by the Mayor before such expenses are reimbursable. The Mayor's mode of travel and types of expenses covered (meals, tips, lodgings, fees, materials, etc.) must first be approved by the Vice Mayor before such expenses are reimbursable. Those who use their own vehicles during the authorized travel will be reimbursed at the same rate as that authorized for City employees. Travel vouchers requesting reimbursement for approved travel expenses shall be submitted to the Clerk of Council's office after approval by the Mayor (or Vice Mayor for the Mayor's travel expenses) for processing by the Finance Department.

## **VII. IN-SERVICE TRAINING**

The Mayor and Councilmembers may avail themselves of educational opportunities by attendance at professional meetings, conferences, educational institutions, and purchases of information that enhance a Councilmember's ability to perform Council duties. Councilmembers shall be reimbursed for these expenses.

### **VIII. CITY ATTORNEY AND OTHER LEGAL COUNSEL**

No legal services shall be performed by the City Attorney except as authorized by the City Charter and City Council, or as requested by the City Manager and Senior City Administrators. The Administration Committee shall be responsible for the administration and management of the City Attorney. The primary contact with City Council however shall be through the Administration Committee. The Chair of the Administration Committee shall be consulted on all administrative matters involving the City Attorney. Conflicts of interest shall be resolved between City Attorney and City Council through the Administration Committee.

The City Attorney shall attend City Council meetings, including Executive Sessions, unless unable to do so because of a conflict in court scheduling or other business related to the conduct of his office. The City Attorney shall attend meetings of other City bodies when, in the City Attorney's judgment, the subject matter at those meetings is such that a presence is required or appropriate. The Chairs of boards, committees, and commissions generally should request, through the City Manager, the attendance of the City Attorney at their meetings, if necessary.

Preliminary drafts of legislation should be submitted to the City Attorney for review as part of the legislative process established in Section III of the Rules of Council. In addition, the City Attorney will draft legislation at the specific direction of the City Manager, Council committees/subcommittees, and the Clerk of Council and shall review all legislation for legal form and propriety.

The City Attorney will provide Council, the City Manager, and the Clerk of Council with copies of each significant legal document issued; however, entire briefs, etc. too bulky for reproduction will not be reproduced in their entirety except upon request or will be provided in electronic format.

The City Attorney will provide Council with a regular activity report, including a verbal update on all significant active legal actions (such as civil suits, etc.). Between these reports, the City Attorney will advise Council and the City Manager of any matters warranting immediate attention. Additionally, to ensure the City's best interest are always protected, the City Attorney will attend other City meetings, as requested, and coordinate day-to-day activities with the City Manager.

The Council may employ additional legal counsel to provide supplemental legal services and to represent the City. These services are to be paid for from the City's legal budget.

### **IX. COUNCIL/ADMINISTRATION COMMUNICATIONS**

Official communications between Council or its individual members and City officers and employees are to be conducted solely through the City Manager (Section 4.06(C), City Charter).



Requests to the City Manager for routine information, which involve minimal extra work by the staff, can be handled without approval of Council as a whole (for example; a copy of existing information, brief project status reports, opinions, etc.).

The City Manager may determine that a request for information is not routine or will require more than minimal effort, in which case the requesting Councilmember will be informed and has the option of taking the matter before the entire Council for consideration. Similarly, routine complaints or requests received by the City Manager from elected officials will be handled promptly without Council approval.

On matters pending before Council, any new information that is developed by the staff will be shared by the City Manager with all Councilmembers. Additionally, Councilmembers inquiries to the City Attorney for non-routine requests (greater than one hour of work) shall be approved by a majority of Council before the work begins.

If a request for new information on matters not presently before Council is received that would suggest the issue would be a policy matter for the entire Council to consider, the City Manager shall inform all members of Council and seek approval for the staff work necessary to respond to the request (with majority approval of Council necessary). Requests for information or reports which will interrupt the established day-to-day utilization of staff time must be approved and authorized by Council. If the request is approved, all information compiled will be shared with all Councilmembers.

In order to assure that the City Manager's time is directed to implementing a common agenda reflecting the wishes of Council, an annual goal setting session shall be held.

#### **X. INVESTIGATIONS**

Council may make investigations in coordination with the City Manager into the affairs of the City and the conduct of any City office, department, division, board, commission, or committee. Such investigations must be authorized by a majority of the Councilmembers. Councilmembers who request such investigations shall bring the request and the reasons for the request to Council in Executive Session. Such investigations shall be carried out within parameters established by the City Charter, Federal and State Law, and in consultation with the City Attorney.

#### **XI. BOARDS AND COMMISSIONS**

Council is empowered to create City boards and commissions, in addition to those established by the City Charter. Council also appoints members to City boards and commissions. A simple majority vote of Councilmembers holding office at the time of appointment is required to appoint. Appointments will be made in accordance with the process set forth in the City of Huber Heights Board and Commission Academy Handbook.

#### **XII. CONFLICTS OF INTEREST AND ETHICS**

Councilmembers are subject to all Ohio and local statutes and Federal and State Law regarding conflicts of interest, criminal misbehavior, ethics, and financial disclosure by



municipal officials (Section 13.09, City Charter). Members of Council shall abstain from voting on and the formal discussion of any motion or issue wherein the member might have a conflict of interest. Members having conflicts are expected to notify other members of the conflict as soon as such conflict becomes evident.

### ***XIII. COMPLAINTS***

Complaints against employees are to be made to the City Manager. Complaints against Councilmembers or members of City boards or commissions appointed by Council are to be made to the Mayor. Complaints against the Mayor are to be made to the Vice Mayor. Complaints are required to be in writing.

The City Manager, Mayor, or Vice Mayor will complete a response as soon as possible advising the initiator of the disposition of the complaint. In those cases where resolution requires longer than ten (10) business days, an interim response and target date for completion will be provided to the initiator of the complaint.

Oral complaints against individual employees by the public or Councilmembers at City Council Meetings are out of order. The presiding officer shall rule the complaint out of order and explain the proper procedure for filing complaints.

The above are not to be construed to deny the rights of the public to criticize, state dissatisfaction, or complain about Council or City services, but to protect individuals from public censure without the chance to answer specific complaints.

### ***XIV. EVALUATION OF CITY OFFICIALS***

It shall be the responsibility of Council to effect an evaluation of the performance of the City Manager, the City Attorney, the Clerk of Council, and the Assistant Clerk of Council annually. There shall be a formal Executive Session discussion of these evaluations by Council prior to these evaluations.