

RULES  
AND  
REGULATIONS  
OF  
CITY COUNCIL

CITY OF NAPOLEON, OHIO

#CRR-2001

## **HISTORY**

**Adopted - January 3, 1994 - Ordinance No. 1-94**

**Repealed In Entirety and Adopted - October 3, 1994 - Ordinance No. 85-94**

**Amended - November 21, 1994 - Ordinance No. 104-94**

**Amended - January 3, 1995 - Ordinance No. 1-95 - Repealed Ordinance No. 104-94**

**Amended - June 2, 1997 - Ordinance No. 53-97**

**Amended - September 15, 1997 - Ordinance No. 78-97**

**Amended - December 22, 1997 - Ordinance No. 123-97**

**Amended - March 29, 1999 - Ordinance No. 18-99**

**Amended - October 4, 1999 - Ordinance No. 71-99**

**Repealed In Entirety and Adopted June 4, 2001 - Ordinance No. 67-01**

**Amended – July 21, 2003 – Ordinance No. 70-03**

**Amended – January 19, 2004 – Resolution No. 122-03**

**Amended – October 6, 2008 – Ordinance No. 078-08**

**Amended – April 6, 2009 – Ordinance No. 028-09**

**Amended – January 16, 2012 – Ordinance No. 007-12**

**Amended – June 15, 2015 – Ordinance No. 029-15**

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**RULE 1 MEETINGS, PLACE, TIME OF CONVEYING, QUORUM, ORDER OF BUSINESS**

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**Rule 1.1** *Place of Meetings*

All meetings of the council shall be held in the place designated as council chamber in the city municipal building, unless otherwise ordered by the council.

**Rule 1.2** *Public Meetings*

Except as provided by Charter, Ordinance, Resolution, rule or statute, all meetings of the council or committees thereof shall be public, and, upon request of any citizen desiring to be heard on any matter then under consideration by the council, the council may hear the citizen or, on motion, send it to a committee and hear such citizen at such time and for such period as council or the committee may determine. Persons desiring to be heard by any committee of council on any matter then under consideration may by consent of such committee be given an opportunity to be heard thereon. All public comments, whether at council or at committee meetings, shall be limited to five (5) minutes per person, unless council president or committee chairperson grants an extension. Each extension shall be for an additional five (5) minutes, unless council president or committee chairperson states at the time of granting the extension any other increment. All minutes and the record of the council shall be open to the public at all reasonable times.

**Rule 1.3** *Regular Meetings*

The council of the city shall hold regular meetings at 7:00 p.m. on the first and third Monday of each calendar month at the municipal building. However, if the first or third Monday shall be an observed city holiday, the council shall meet on the following day.

**Rule 1.4** *Special Meetings*

Special meetings may be called by a vote of council taken at any meeting thereof, or by the clerk of council upon written request of the council president, the mayor or any three (3) council members. Any such request shall state the time, place, date and purpose of the meeting. Notice in writing of each special meeting called, except by approved motion of council, shall be given to each council member and the mayor not less than twenty-four (24) hours prior to the meeting by serving the same to each of them personally, by leaving a copy thereof at his or her usual place of residence, or by electronic mail or by facsimile transmission when the council member or mayor authorizes electronic or facsimile notice. Service of notice may be waived in writing and shall be deemed conclusively to be waived by attendance at the special meeting. If the mayor or any council member is absent, notice in writing of the special meeting and the results thereof shall be given promptly after such meeting to each absentee in the manner hereinbefore provided. Public notice of each special meeting shall be given pursuant to Chapter 103 of the Codified Ordinances.

**Rule 1.5**      *Emergency Meetings*

Emergency meetings may be called when a situation or situations requires immediate official action as determined in the sole and final judgment of the person or persons authorized above to call a special meeting. An emergency meeting shall be considered a “special meeting” of an emergency nature. For such meeting, any notice requirement as required for a special meeting shall be an immediate notice.

**Rule 1.6**      *Adjournment*

Any regular or special meeting of council may be reconvened after adjournment or recess to another time, date or place without giving additional notice, so long as the time, date or place is announced at the meeting prior to adjournment or recess.

**Rule 1.7**      *Quorum*

A majority of the current members of council shall constitute a quorum for the transaction of business at any council meeting, but a number less than a quorum may adjourn a meeting and compel the attendance of absent members in such manner and under such penalties as council may provide.

**Rule 1.8**      *Order Of Business*

Rule 1.8.1 The Clerk

The clerk shall note the attendance of the council members, the mayor and administrative staff at the call of the meeting.

Rule 1.8.2 Prayer

Rule 1.8.3 Pledge of Allegiance

Rule 1.8.4 Minutes

(In the absence of any objections or corrections, minutes shall stand approved, see Rule 2.1)

Rule 1.8.5 Citizen Communication

Rule 1.8.6 Report from Committees

Rule 1.8.7 Second Reading of Ordinances and Resolutions

Rule 1.8.8 Third Reading of Ordinances and Resolutions

Rule 1.8.9 Any Other Business As May Properly Come Before Council (Pay Bills), (Miscellaneous), Action/Discussion, etc.

Rule 1.8.10 Adjournment

Rule 1.8.11 Introduction of Items by the Presiding Officer

The presiding officer may, without objection, permit a member to introduce an ordinance, resolution, or motion out of the regular order or rearrange the agenda.

Rule 1.8.12 Payment of Bills

The city bills shall stand approved unless a bill or bills are otherwise disapproved by motion of council. The city finance director, in director's sole discretion, may pay bills prior to approval when deemed necessary. This rule is not to be construed in any way to limit council's authority to review bills.

**Rule 1.9** *Council Agenda*

Clerk shall set the council agenda with approval of the council president. Failure of the council president to approve within twenty-four (24) hours of the clerk sending the agenda constitutes approval. It shall be the duty of the clerk to have set aside conspicuously in the city record a portion to be entitled the "agenda". Under this title the clerk shall arrange and have printed in consecutive order by title ordinances and resolutions that are on for passage at the next meeting of council. When action upon any measure appearing upon the agenda is postponed to a day certain, such measure shall be considered on said day to which postponed whether or not it appears on the agenda of said day. The mayor or three (3) council members may add items to the agenda.

**Rule 1.10** *Agenda for the Organizational Meeting*

In addition to the normal agenda the agenda for the Organizational Meeting shall include, in this order:

1. Call to Order by Clerk of Council.
2. Prayer and Pledge of Allegiance.
3. Swearing in (Oath of Office) of Mayor and Council Members Elect.
4. Election of President of Council.
5. Election of President Pro-Tem of Council.
6. Seating Order of City Council.
7. Appointment of Standing Committees of Council.
8. Appointment of Personnel Committee.
9. Setting of Meeting Dates and Time for Regular Meetings of Council.
10. Setting of Meetings Dates and Times for Standing Committees of Council.
11. Appointment of Clerk of Council.

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## **RULE 2 OFFICERS AND EMPLOYEES OF COUNCIL**

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### **Rule 2.1**      *Presiding Officer*

The president of council, and in the president's absence, the president of council pro-tem, shall preside over the meetings of the council until the president arrives. In the absence of both the president and president pro-tem the city clerk shall call the council to order; and if after the roll is noted and a quorum is present, the council shall choose one of its members as "presiding officer" who shall preside until the president or president pro-tem of council arrives. The president pro-tem or presiding officer shall discharge all the duties and be cloaked with all the powers of the president of council during, but not beyond, that specific meeting, except as provided in the city charter. (In no case shall the president pro-tem possess the power and authority of the mayor when the council president is in the dual capacity of acting mayor and council president.) The presiding officer shall sign all documents (i.e. resolutions and ordinances) as the presiding officer. Except as provided above, the presiding officer shall call all meetings of the council to order at the hour appointed and shall proceed with the order of business. In any case, if a quorum is present, the presiding officer shall give the members an opportunity for correcting the journal of the previous meeting as delivered. In the absence of any objections or corrections, the minutes shall stand approved. The presiding officer shall preserve order and decorum, prevent personal attacks or the impugning of members motives, confine members in debate to the question under discussion, and decide all points of order subject to an appeal to the council.

### **Rule 2.2**      *Votes Necessary for Election of Officers and Employees*

Except as herein provided, no candidate for president or president pro-tem of council shall be declared elected unless the person shall have received a majority vote of all current members of council, and no person shall be employed by this council except pursuant to a majority vote of all current members of council. No vacancy that council is authorized to fill shall be filled except pursuant to majority vote of all current members of council. In the event of a tie vote of the current members of council when electing the president and/or present pro-tem as provided for in this Rule 2.2, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of council.

### **Rule 2.3**      *Roll Call Votes*

Upon the roll call for the election of president and president pro-tem of council, or employee of council, or for filling any vacancy in the membership of council, each member shall respond by stating the name of the candidate of their choice eligible for such office or appointment. Once a response is given by a member, a motion may be made for nomination for appointment or position. If the motion receives a second (2nd), said person shall become eligible for such office or position. A vote in the open shall be taken among all current members of council

for filling such office or position. Rule 2.2 shall control in determining who is elected.

**Rule 2.4**      ***Protocol for Election of President and President Pro-Tem***

In separate actions, the Clerk of Council shall request each member of Council for a name of a candidate for President of Council and a name of a candidate for President Pro-Tem of Council. This shall be asked by first in elected or appointed seniority order (Seniority Order defined as the number of total consecutive years served on City Council from the latest appointment or election date with no break in service), and then alphabetically by last name order for those with equal number of years.

When requested by the Clerk of Council for a nomination for President or President Pro-Tem of Council, each Council Member may: 1) state a name 2) may state their own name 3) may pass if name has already been previously stated and a motion made. Once a name is stated a motion will be requested for the stated name. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then that name will be eligible to be voted on. The Clerk of Council shall proceed to the next member of Council until all members have had their opportunity to state a candidate for President or President Pro-Tem of Council. Members of Council may nominate themselves for President or President Pro-Tem of Council. Once a given name is stated, and motion and second received, that given name does not need to be repeated by the next person in line.

A vote shall then be taken on each name given, starting with the first eligible name. Each Council Member will be asked to vote *Yes* or *No* on each name presented. The person receiving a clear majority of Yes votes shall be appointed to the office President or President Pro-Tem of Council. In the case of a tie vote on three (3) or more names, than a new vote shall be taken until one of those persons receives a clear majority vote. In the case of a tie vote on two (2) names only, the winner shall be decided by the flip of a coin, unless another method is approved by majority vote of all the current members of Council. Members of Council may Vote for themselves for President or President Pro-Tem of Council.

**Rule 2.5**      ***Seating Order for Council***

Seating Order shall be from President to President Pro-Tem to Seniority Order, as listed in the example below, unless modified by a majority vote of Council:

**COUNCIL SEATING ORDER**

Mayor	President
1st Senior	President Pro-Tem
3rd Senior	2nd Senior
5th Senior	4th Senior

A motion to approve to the Seating Order will be requested. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Seating Order of Council. If a simple majority is received, then Seating Order of Council stands approved.

## **Rule 2.4**

### ***City Clerk***

The council shall establish a procedure to select a name for clerk of council. Once a name is selected, if a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the Clerk of council. If a simple majority is received, then the appointment of the clerk of council stands approved. Failure to get approval by city council would require the city council to submit a different name for appointment and vote. The clerk shall keep the record of the council, and he or she shall be the editor of the city record. He or she shall keep a proper file of all papers and documents that are a part of the transactions of the council, of meetings of committees, and all orders of the council, and shall make such records available to the public when required by law. He or she shall cause to be kept minutes of each meeting, which shall be kept in record form and made available for public inspection when required by law. The record of meetings shall be kept electronically or in the form of loose sheet records and need not be printed in the city record nor copied in any other book. The city record shall contain attendance of members at the meetings. In addition, the clerk shall report to council the absence of members from council meetings and shall perform such other and further duties as may from time to time by charter, ordinance, resolution, rule or statute be required of him or her. The city clerk, as editor of the city record, shall see that the following rules are observed in the preparation and introduction of ordinances and resolutions and in the editing and printing of the city record the clerk is cloaked with the power and authority to correct clearly typographical errors in all minutes, ordinances, resolutions, motions, or other measures, without prior or subsequent action of council.

#### **Rule 2.4.1 Title of All Ordinances and Resolutions**

The title of all Ordinances and Resolutions shall be confined to a brief statement of the subject matter of the bill and shall be printed in bold face type.

#### **Rule 2.4.2 Preambles**

Preambles or “whereas” in ordinances and resolutions shall be restricted to one paragraph, except where a “whereas” is an essential part of the ordinance or resolution.

#### **Rule 2.4.3 Ordinances and Resolutions**

Ordinances and Resolutions shall, in their preparation, be divided into short sections, whenever practicable, in order to permit amendments being made without printing so much of the original ordinance or resolution.

#### **Rule 2.4.4 The Minutes**

The minutes, if any, proceedings and reports of any administrative boards or any committee, shall be prepared and kept in the clerk's office.

**Rule 2.4.5 Cumulative Subject Index**

Once each year the clerk shall prepare for distribution and print in the city record a cumulative subject index covering the ordinances and resolutions passed by council.

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## **RULE 3 COMMITTEES**

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### **Rule 3.1**     *Standing Committees of Council*

The following standing Committees of Council have been established by Charter:

Rule 3.1.1 Finance and Budget

Rule 3.1.2 Safety and Human Resources

Rule 3.1.3 Electric

Rule 3.1.4 Water, Sewer, Refuse, Recycling and Litter

Rule 3.1.5 Parks and Recreation

Rule 3.1.6 Technology and Communication

Rule 3.1.7 Municipal Properties, Building, Land Use and Economic Development

Rule 3.1.8 The Appointment of Standing Committees

The council president shall select and appoint the standing committees, subject to approval of council. If council fails to act by January 31<sup>st</sup> next following the organizational meeting of council, the selections and appointments of the council president shall become effective. Prior to selection or appointment to the standing committees, the council president may allow in an open council meeting for members of council to request committee appointments, first being for the chair thereof. Requests made shall be in accordance with elected or appointed seniority on council (number of total consecutive years served on city council from the latest appointment or election date with no break in service, and then alphabetically by last name order for those with equal number of years). After chair requests are completed, the members in accordance with seniority shall be given the opportunity to select a non-chair position of the standing committees; thereafter, junior members in reverse order shall be allowed to request remaining open seats on the standing committees.

Once Committee members are selected, the President of Council should declare appointments made. A motion to approve to the Appointment of Standing Committees will be requested. If a motion (1<sup>st</sup>) is made, a second (2<sup>nd</sup>) will be requested. If a second (2<sup>nd</sup>) is received, then a vote will be taken to approve the Appointment of Standing Committees. If a simple majority is received, then the Appointment of Standing Committees stands approved. Failure to get approval by City Council would require the procedure to be follow again until a simple majority vote of Council is received.

Each standing committee shall consist of three (3) council members. Each council member shall serve as chairperson of one (1) standing committee and shall serve on two (2) other standing committees. Each committee shall be governed by the rules and regulations of council. Each committee shall investigate and study matters referred to it for consideration and shall report its

findings and recommendations to Council as a whole. The mayor shall serve as an ad hoc member of the finance and budget committee, and the municipal properties, buildings, land use and economic development committee, with full voting rights in both committees.

In the event there is a lack of a quorum at any standing committee meeting, the most senior member of council who is not a member of the committee present at the meeting may act and continue to act as a pro-tem standing committee member thereto, with full voting rights therein, until such regular standing committee member arrives.

**Rule 3.2**      *Committee Meetings*

A majority of the members of a committee shall constitute a quorum for the transaction of business. Council President, Clerk of Council and Chair Person of standing committee shall set their respective regular monthly Date and Time of their standing committee. Once the regular monthly dates and times are set for the committee meetings, a motion may be made and a vote taken by council to approve and affirm the dates and times. The schedule shall be posted upon the bulletin board in the city's principal municipal building. Should the chairperson of a committee find it necessary to hold the meeting at another time or place, notice shall be provided pursuant to chapter 103 of the codified ordinances. All committee meetings shall be open, (except that, upon approved motion, an executive session may be entered into for a proper purpose) and committee report containing a record of the attendance of members of the committee and the action taken thereat shall be kept by the committee in a record provided for that purpose. Such record shall be kept on file with the clerk of council and open to public inspection as other public records. Absence of a member of a committee from three consecutive meetings, unless authorized by the chairman of the committee, may, upon the recommendation of the committee cause the removal of the member from the committee by the president of council (except that the mayor may not be removed by the council president from committees that the mayor serves pursuant to the city charter). No legislation shall be amended while in committee, and it shall be the duty of the committee to recommend to council the approval, disapproval, or amendment of any legislation under consideration by the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval, or amendment of any legislation pending before a committee. All other motions shall require only a majority vote of the members of committee present. Committee meetings may be called as study sessions whereupon, unless permitted by the chairman, no person from the audience will be given the floor to speak.

**Rule 3.3**      *Committee Rules*

Except in case of obvious inconsistency or inapplicability, committee hearings shall be governed by the rules applicable to council proceedings.

**Rule 3.4**      *Committee Reports*

No proposed ordinance, resolution, petition, or other matter shall be considered by a committee unless referred thereto by council, the council president or the mayor.

No ordinance, resolution, petition, or other matter which has been referred, except as provided for in Rule 6.12, shall be approved or disapproved and reported out until it shall have first been considered at a committee meeting called as provided for herein. The question of the recommendation for approval or disapproval on any matter shall be put by the chairman upon motion of any member, which shall not require a second. If a majority of the members of the committee vote affirmatively on such matter shall be reported forthwith to council as a non-adverse recommendation, but if a majority of the members of the committee vote negatively on the question, the matter shall be reported forthwith to council as an adverse recommendation. The vote on all matters before the committee shall be recorded in the committee minutes. When a majority of the committee has reported, recommending or not recommending action of the matter under consideration the minority may present a minority report. All such reports shall be in writing and signed by the members of the committee voting in favor of or against the report. Reports may merely consist of the recommendation of the committee, the body of council relying on the committee minutes for explanation. If a committee cannot reach an affirmation or negative recommendation after three (3) considerations, it shall be reported out as no recommendation, unless the time is extended by approval of council.

**Rule 3.5**      *Ad Hoc Committees*

When no committee exists to cover a given topic for consideration, the president of council may, upon approved motion, appoint an “ad hoc” committee made up of those members of council deemed appropriate by the president. The president shall appoint a chairman thereof.

**Rule 3.6**      *Committee Members*

Upon approved motion of council, committee members (except the mayor as a committee member on a committee he or she is required to serve on pursuant to the city's charter) at any time may be removed from any committee they are currently serving and be placed on a substitute committee.

**Rule 3.7**      *Council Members Ad Hoc Members of Committees*

The council president may at will appoint ad hoc committees, subject to approval of council, except as may otherwise be provided by the city’s charter, ordinance, or resolution regarding membership thereof. Notwithstanding the provisions of Chapter 121 of the Ohio Revised Code, council members may attend committee meetings as an ex-officio ad hoc member thereto without the necessity of calling for a committee of the whole; moreover, such gathering shall not constitute or be construed as a regular or special council meeting, as such meetings shall follow the rules applicable to committee meetings; however, any council person, who is not a regular member of the convened committee, serving as such ex-officio ad hoc member thereof, should be a mere passive observer in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed as to prohibit such council person from answering questions when inquired of by the committee, nor does it bar a council person from entering into discussions with the committee; however, no such council person, as an ex-officio

ad hoc member, (except as provided in Rule 3.1 that provides for a pro tem member) may make a motion, second a motion, or vote on any issue before the committee while in committee. Nothing contained herein shall be construed to bar such council person from participating in discussions, motions, voting or other action when the subject matter is considered by the council as a whole. This provision is not to be construed to prevent council persons appointed to ad hoc committees from carrying out their role as a committee member. Finally, (except as provided in Rule 3.1 that provides for a pro tem member) the absence or presence of an ad hoc ex-officio council member at a committee meeting shall not affect the number required for a quorum in order to function as a committee.

**Rule 3.8**     ***Joint Sessions of Committees, Boards, Commissions***

Notwithstanding the provisions of Chapter 121 of the Ohio Revised Code, council members, committee members, board members or commission members may attend meetings of each other; however, if attended for the purpose of a prearranged discussion of the public business by a majority of its members, it should be published as a joint session and called and conducted as such. Both bodies should call their respective body to order and have minutes taken and prepared for each. Visiting members of bodies, other than that body scheduled for an official session, may attend; however, if a quorum of the visiting body should happen to formulate, then those visiting attendees shall be mere passive observers in a ministerial fact gathering capacity or informational session. Nothing in this rule shall be construed to mean that council meetings are required to call “joint session” with committees of council while meeting as a council of the whole.

**Rule 3.9**     ***Personnel Committee***

A personnel committee, consisting of the mayor and two (2) council members appointed by the council president is established by the charter. Council President shall appoint two (2) Council members to the Personnel Committee. If a motion (1st) is made, a second (2nd) will be requested. If a second (2nd) is received, then a vote will be taken to approve the Appointment of Personnel Committee. If a simple majority is received, then the Appointment of the Personnel Committee stands approved. Failure to get approval by City Council would require the Council President to re-submit names for appointment and vote.

The personnel committee shall, when a vacancy exists for the office of City Manager, City Finance Director or City Law Director due to death, resignation, or removal, investigate and subsequently recommend in writing one (1) or more suitable persons for appointment. The members of the personnel committee shall select one (1) of its members as chairperson. All recommendations of the personnel committee shall be presented by the mayor to council as a whole.

**Rule 3.10**    ***Audit Committee***

Notwithstanding any rule to the contrary, the finance and budget committee of the City Council shall also serve as the “audit committee” of the city. The audit committee shall serve as a liaison between management and its auditors, where the primary functions of such committee shall be to monitor and review the city’s

accounting and financial reporting practices and to follow up on citations and recommendations made by its auditors. The audit committee meeting may but is not required to be published separate and apart from any finance and budget committee meeting; however, matters considered by the audit committee shall perform its functions at least quarterly each year; moreover, the committee should be made available to the auditors before and after each audit.

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**RULE 4 DUTIES OF MEMBERS**

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**Rule 4.1** *Duties, Privileges, and Decorum of Members*

## Rule 4.1.1 Attendance

The clerk shall publish in the city record the names of the members present and absent and if appropriate the time of arrival or departure.

## Rule 4.1.2 Duty to Vote

Every member present shall vote on all questions upon the call of the vote, except in case of conflict. A vote shall be yea or nay or an equivalent thereof. No member shall vote on any question in which such member is financially interested, unless otherwise permitted by law, or which in any way involves personal or private rights. The mere abstention does not vacate the seat nor reduce or enlarge the required number of votes required for passage or defeat of any motion, ordinance, resolution or other measure.

## Rule 4.1.3 Recording Votes

On the passage of every ordinance, resolution or motion and on the appointment of every officer, the vote shall be taken by yeas and nays or an equivalent thereof, entered in full upon the records, and published in the official journal. Upon the call of the yeas and nays the clerk shall call the names of members in the following manner:

- 1) The member immediately to the right of the member who voted first (1st) at the prior regular council meeting shall be called first (1st), then followed by the remaining member nearest to their right until every member has voted or otherwise abstained.

**Rule 4.2** *Right of Floor*

When any member is about to address the council, the member shall respectfully address themselves to the presiding officer, and when recognized by the chair shall confine themselves to the question under debate, avoid personalities and refrain from impugning the motives of any other member's argument or vote. When two (2) or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal under Rule 4.5.

**Rule 4.3** *Time Limits for Speaking*

No member shall be allowed to speak for a longer time than five (5) minutes at any one (1) time without permission of the council. No member shall speak more than once on the same motion until every other member desiring to speak on that motion shall have had an opportunity to do so, nor shall the mayor nor any manager or staff member speak longer than five (5) minutes upon the same motion, ordinance, or question without the consent of the council.

**Rule 4.4**      *Member Called to Order*

If any member, in speaking or otherwise, transgresses the rules of the council, the presiding officer shall call the offending member to order. The member so called to order shall refrain from further speaking unless permitted by the presiding officer to explain. Any member may, by raising the point of order, call the attention of the presiding officer to such transgression. The point of order shall be decided by the presiding officer without debate. Every such decision of the presiding officer shall be subject to appeal to the council by any two (2) members.

**Rule 4.5**      *Appeal from Ruling of Chair*

Any member may appeal to the council from a ruling of the presiding officer, the member making the appeal may briefly state his or her reason for the same, and the presiding officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote yea, the ruling of the chair is sustained; otherwise it is overruled.

**Rule 4.6**      *Reading from Written Matter*

Any member while discussing a question may read from books, papers, or documents, any matter pertinent to the subject under consideration without asking leave; provided, however, that such reading shall be subject to and included within the time limitation prescribed in Rule 4.3.

**Rule 4.7**      *Personal Privilege*

Any member may rise to explain a matter personal to himself and on stating that it is a matter of personal privilege, he or she shall be recognized by the presiding officer, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than five (5) minutes of time unless extended by consent of the council. Matters of personal privilege shall yield only to a motion to recess or adjourn.

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## **RULE 5 MOTIONS**

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### **Rule 5.1**     *Motions in General*

Council may take action by a motion approved by a vote of at least a majority of those attending the meeting, unless otherwise a greater majority is provided by charter provision, ordinance, resolution, or rule, and when action by ordinance or resolution is not otherwise required.

The use of a motion is ordinarily in the parliamentary procedure to expedite and control the deliberations of the legislative authority in the transaction of business. As a general rule, however, the council authority may act by motion where the legislative character of the action is not involved.

### **Rule 5.2**     *Purpose and Form of Motions*

Motions shall be used to expedite the orderly transaction of the business of council and shall not be substituted for resolutions or ordinances. A second (2nd) shall be required for any motion except as specifically provided for in a rule, but upon demand of any member any motion shall be reduced to writing. Any such motion may be withdrawn by the maker before it has been amended or voted upon. When a motion is made it shall be stated by the presiding officer before any debate shall be in order. All motions which have been entertained by the presiding officer shall be entered upon the minutes.

### **Rule 5.3**     *Precedence of Motions*

When a question is before the council no motion shall be entertained except the following:

Rule 5.3.1 To Enter Executive Session

Rule 5.3.2 To Adjourn

Rule 5.3.3 To Fix the Hour of Adjournment

Rule 5.3.4 For the Previous Question

Rule 5.3.5 To Lay on the Table

Rule 5.3.6 To Suspend Rules

Rule 5.3.7 To Refer to A Committee

Rule 5.3.8 To Amend

These motions shall have precedence in the order indicated. The Motion to adjourn and the motion for the previous question shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

- Rule 5.4**      *Questions*  
Any member may ask the presiding officer to call the main questions and it is up to the presiding officer to recognize or not the member's request.
- Rule 5.5**      *Motion to Lay on the Table*  
The motion to lay on the table shall dispose of the action unless removed from the table by the majority of all current members of council.
- Rule 5.6**      *Reconsideration by Motion of Council*  
After the decision of any question, any member who voted with the majority may move for reconsideration of any action at the same or the next succeeding meeting provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all current members of council. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the all current members of council (example for illustration only; to correct error).
- Rule 5.7**      *Reconsideration by Order of Mayor*  
Upon failure of any ordinance or resolution, the mayor may order a one (1) time reconsideration by council, so long as such order is made at the same council meeting when the ordinance or resolution failed. No motion is required of council upon an order of reconsideration and, the council shall immediately reconsider the proposed ordinance or resolution at that meeting.

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**RULE 6 ORDINANCES AND RESOLUTIONS**

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**Rule 6.1** *Character of Ordinance or Resolution*

The nature of the subject matter determines the character of the legislation as an Ordinance or Resolution and not the form or designation applied by council. If the substance of a legislative act is such that it should be an ordinance, and all the rules prescribed for the adoption or passage and publication of ordinances have been observed and complied with, it takes effect as an ordinance; and vice versa as to a resolution.

**Rule 6.2** *Ordinances and Resolutions*

Each proposed Ordinance or Resolution shall be introduced in writing and the adoption, effective date, revision, amendment and signing thereof shall be as provided by the laws of Ohio, except as otherwise provided by the city's charter or, where not so otherwise provided by the charter, then, as council may provide otherwise by ordinance or resolution. Nevertheless, where the charter or council may not be contrary to Ohio law as it relates to adoption, effective date, revision, amendment or signing of ordinances or resolutions, due to the subject matter, as determined in case law by a court of competent jurisdiction, it shall be as provided by the laws of Ohio.

**Rule 6.2.1 Presiding Officer to Present Legislation**

The presiding officer shall present the Ordinance and Resolution to open the floor for discussion. Introduction shall be by title in the same manner as prescribed for passage (see rule 6.3). At any time a motion may be entered to further or dispose of the ordinance or resolution.

An ordinance or resolution shall be introduced only by written introduction. Said ordinance or resolution shall receive first (1st) reading and a vote taken thereof. If approved after first (1st) reading, said ordinance or resolution shall receive a second (2nd) reading at the next meeting of council. If said ordinance or resolution is approved at the second (2nd) reading, said ordinance or resolution shall have a third (3rd) reading for passage or defeat at the next meeting of council. Second (2nd) and third (3rd) readings may be dispensed with by motion and approval of council (suspension of rules). A majority of current council members is required for first (1st) and second (2nd) readings, and for any final passage of any ordinance or resolution. Ordinances or resolutions which are amended on the third (3rd) reading shall automatically receive the status of second (2nd) reading and shall receive an additional reading at the next meeting, unless said rule is suspended.

Nothing in this rule shall be construed as to prohibit the reading in full of any ordinance or resolution, and if the same is read in full, it shall not affect the validity thereof.

#### Rule 6.2.2 Law Director Review

Every ordinance and resolution shall be reviewed by the city's department of law before its enactment.

#### **Rule 6.3** *Passage Requirements/Suspension of Rules/Emergency Clause*

Except as may otherwise be provided in the Charter and/or Rule 6.2 regarding certain subject matter legislation, all Ordinances, Resolutions, motions or other actions, except procedural matters, shall be valid and effective when enacted or passed by the affirmative vote of a majority of the current members of council. Each Ordinance and Resolution shall be read on three (3) separate days, unless this requirement is dispensed with by an affirmative vote of at least two-thirds (2/3) of the current members of council. Readings shall be by title only, unless the council requires readings be taken in full by an affirmative vote of its members. Council may pass an Ordinance or Resolution as an emergency measure by the affirmative vote of two-thirds (2/3) or more of the current members of council. Except as may otherwise be provided in the charter, council may take action upon any other procedural matter by the affirmative vote of a majority of those council members present at the meeting. Motions may not be a substitute for an Ordinance or Resolution; however, the reverse is acceptable. Approval of appointments may be by motion. Removals may be by motion, regardless if the appointment was made in the form of an Ordinance or Resolution.

If such emergency measure fails to receive the affirmative two-thirds (2/3) vote or more of all current members, but receives at least a majority vote of all current members, the Ordinance or Resolution shall be considered approved for the current reading as a non-emergency measure. An emergency clause may be added at any time by proper amendment.

#### **Rule 6.4** *Signing and Delivery to Mayor; Veto*

Upon passage, every Ordinance and Resolution of council shall be signed by the presiding officer and shall be presented promptly to the Mayor for his or her approval. If the Mayor approves the Ordinance or Resolution as presented, he or she shall sign it. If the Mayor does not approve the Ordinance or Resolution presented, in whole, he or she shall, during the same meeting when the Ordinance or Resolution was passed, veto such Ordinance or Resolution and during such meeting make a statement of his or her objections. Upon receipt of the Mayor's veto and objections, council may reconsider its vote by approved motion utilizing any reconsideration process established. Upon reconsideration, if council approves the Ordinance or Resolution by two-thirds (2/3) of the current members of council, it shall take effect the same as if it had received the Mayor's approval and signature. In the event the Mayor is unable to attend a council meeting where an Ordinance or Resolution is being considered for passage, and the Mayor has prior notice thereto, the Mayor may exercise his or her veto by filing the same in writing, along with his or her objections, with the clerk of council prior to the meeting. If the Ordinance or Resolution is passed, the council clerk shall present the written veto and objections to the presiding officer on the Mayor's behalf. The

presentment of the same shall be treated as a valid veto and the procedure herebefore provided shall be followed as though the Mayor was present. In the event that the Mayor is absent from a council meeting and an Ordinance or Resolution is presented for passage without prior notice to the Mayor, the Mayor shall be permitted ten (10) calendar days from the date of passage to exercise a veto which may be exercised in writing in the manner herebefore provided. The failure of the Mayor to strictly follow the veto procedure as contained herein shall constitute a complete waiver thereof and the Ordinance or Resolution shall stand enacted; moreover, the mere failure or refusal of the Mayor or presiding officer to sign an Ordinance or Resolution shall not invalidate the Ordinance or Resolution.

**Rule 6.5**     ***Publishing of Ordinance and Resolutions***

All Ordinances and Resolutions shall be published one (1) time after passage in a newspaper of general circulation in the city, and/or council may determine that publication shall be by other electronic media. Ordinances or Resolutions containing words in excess of one word may be published merely by summary. Council may establish criteria for what constitutes an adequate summary. In the event of the publication of Ordinances or Resolutions by summary, there shall be a notice in such publication that a copy of the complete Ordinance or Resolution is on file in the office of the clerk of council for inspection during business hours and that copies of such Ordinance or Resolution shall be furnished to any person, upon request, for a reasonable fee. The City Law Director shall review all proposed summary for publication for legal accuracy and sufficiency prior to publication. The clerk of council shall cause the Ordinance or Resolution to remain posted in the principal municipal building for a period not less than ten (10) calendar days immediately following the notice. Nothing in this section shall be construed as to prohibit publication in accordance with the laws of Ohio; moreover, in the event there is no newspaper of general circulation in the city, or there are no electronic media available, council may provide some other method of publication or giving notice of Ordinances and Resolutions, which may include, but not necessarily be limited to, posting copies in two (2) public places within the city.

**Rule 6.6**     ***A Resolution Enacting Clause May Be***

“Be it resolved by the council of the City of Napoleon, Ohio, with two-thirds (2/3) or more of its current members thereto concurring.”

or

“Be it resolved by the council of the City of Napoleon, Ohio.”

The above are merely suggested enacting clauses and are in no way to be construed as conclusive.

**Rule 6.7**     ***An Ordinance Enacting Clause May Be***

“Be it ordained by the council of the City of Napoleon, Ohio.”

or

“Be it ordained by the council of the City of Napoleon, Ohio, with two-thirds (2/3) or more of its current members thereto concurring.”

or

“Be it enacted by the council of the City of Napoleon, Ohio.”

The above are merely suggested enacting clauses and are in no way to be construed as conclusive

**Rule 6.8**     ***Except Those Submitted By Initiative Petition, Which Shall Be***  
“Be it ordained by the people of the City of Napoleon, Ohio.”

**Rule 6.9**     ***Form and Amendments***

All Ordinances before introduction shall be in typewritten form. When practical, no Ordinance or Resolution or section thereof shall be revised or amended unless the new Ordinance or Resolution contains the entire Ordinance or Resolution, or section or subsection revised or amended, and the original Ordinance, Resolution, section, or sections or subsections so amended shall be repealed. A section shall be construed as a section number or individual letter or subsection of a larger section thereof. A strikeout feature is an acceptable procedure to demonstrate change or modification in legislation.

**Rule 6.10**    ***Reference to Committee Regarding Legislation***

Any Ordinance or Resolution referred to committee shall, after due consideration and at least one (1) meeting, report the same back with or without recommendations for approval or disapproval for introduction and/or action; if introduced then or previously, it shall be acted upon in accordance with these rules.

**Rule 6.11**    ***Committee Referrals***

Any pending Ordinance, Resolution, petition, or other matter of a non-emergency status may, be referred by the council president to any committee to which previously referred under these rules, or to any appropriate committee so designated for purpose of study and/or recommendation. Unless otherwise objected to by approved motion of council the referral shall be deemed approved. Any Ordinance, Resolution, petition or other matter of an emergency status may be referred by the council president or mayor without necessity of approval of council. In any case, when referred back to the council, such ordinance, resolution, petition, or other matter shall have the same standing as it had at the time when referred. Nothing in this rule shall be construed as limiting the authority of council as a whole to refer any ordinance, resolution, petition or other matter to a committee. (See also Rule 3.4)

**Rule 6.12**    ***Relieving Committee***

Upon vote of the majority of the current members of council a committee may be relieved of its duties to consider an Ordinance or Resolution and the council as a whole may proceed with the steps of passage or defeat of such Ordinance or Resolution.

**Rule 6.13**    ***Advance Production of Ordinances and Resolutions***

When practical, copies of all first (1st) reading of Ordinances and Resolutions to be introduced for passage and adoption under suspension of the rules (without

reading on three (3) separate days) shall be delivered to each member of the council for viewing at least twenty-four (24) hours prior to the date of introduction. No objection to this rule by the affected council member shall be a waiver thereof.

**Rule 6.14**     ***Ordinances Appropriating Money***

No money shall be appropriated except by Ordinance or Resolution.

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**RULE 7 DEPARTMENT HEADS**

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**Rule 7.1**     *Attendance of Department Heads*

The heads of all departments, unless excused by the department director or president of council, shall be required to attend the regular and special meetings of council. Further, the City Manager, City Finance Director and City Law Director, unless excused by the president of council or the body of council, shall be required to attend the regular, special meetings and emergency meetings of council and shall be provided with seats on the floor of the council chambers. They shall be required, at any such meeting, to answer such questions relating to the affairs of the city under their respective supervision and control as may be put to them by any member of the council. The Mayor shall be entitled to take part in the discussion on all questions before the council.

**Rule 7.2**     *Clerk's Report on Pending Measures*

The city clerk shall keep the members of council informed regarding the status of pending Ordinances and Resolutions. All Ordinances and Resolutions to be acted upon by committees or the council on Monday should, as a general rule, be in the hands of the clerk not later than the preceding Thursday at 11:00 a.m.

**Rule 7.3**     *Approval of Mayor's Appointments*

Whenever the approval of council is required for appointments by the Mayor, the president of council, upon request of the Mayor for approval of any appointment, may forthwith appoint an ad hoc committee to which shall be referred the name of each person whose appointment is submitted for approval of council. If referred to an ad hoc committee, then not later than the second (2nd) meeting of council following such reference, the committee shall report to council its recommendation thereon. Thereupon council as part of the appropriate order of business shall proceed to vote upon the approval of each appointment, the question being "Shall the council approve the appointment by the Mayor?" If a majority of all current members of council vote yea, the appointment shall be deemed approved. If the matter is not referred to a special committee pursuant to this rule, then council shall act upon the approval no later than the next council meeting.

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**RULE 8 COUNCIL CHAMBER AND RULES**

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**Rule 8.1** *Use of Council Chamber*

The council chamber shall generally be used for meetings of the council or committees thereof. The city conference room may be used for committee meetings.

**Rule 8.2** *Rules, Suspension, Amendment, and Other*

## Rule 8.2.1 Suspension of Rules

Any provision of these council rules may be suspended at any meeting of the council, by a majority vote of all the current members, except when a greater number is required by law or by the rules. The vote on any such suspensions shall be taken by yeas and nays and entered upon the records.

## Rule 8.2.2 Amendment of Rules

These rules may be amended or new rules adopted by Ordinance or Resolution, by a majority vote of all the current members to council.

## Rule 8.2.3 Other Rules

The proceedings of the council shall be governed by the City Charter and the Ordinances and Resolutions of the City of Napoleon, Ohio, including these rules. Where no local law or local rule exists, then the state law shall control. If no local or state law or local rule exists, then Robert's Rules of Parliamentary Practice shall control. It shall be the duty of the presiding officer to adhere to and enforce such laws and rules.

## Rule 8.2.4 Executive Session

Council or its committees may, by entering into executive session, exclude members of the public and staff from a portion of a public meeting to discuss matters as stated below and other matters as authorized by law. Only members of the public body, its invited staff and invited guests may attend. Council or any given committee shall not exclude any of its members or the mayor from an executive session.

1) Personnel

To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official or (to consider) the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the employee, official, licensee, or regulated individual request a public hearing; however, this provision does not allow the public body to consider the discipline of an elected official for conduct related to the performance of the person's official duties or to consider the person's removal from office.

- 2) Property  
To consider the purchase of property (real or personal property, whether it is tangible or intangible). Also, to consider the sale of property by competitive bid (real or personal property) if disclosure of the information would result in a competitive advantage to the other side. No member may use this exception as subterfuge for providing covert information to prospective buyers or sellers.
- 3) Court Action  
To discuss pending or imminent court action with the council or committee's attorney. Court action is pending if a lawsuit has been commenced; court action is imminent if it is on the point of happening or is impending.
- 4) Collective Bargaining  
To prepare for, conduct, or review collective bargaining strategy.
- 5) Confidential Matters  
To discuss matters required to be kept confidential by federal law, federal rules, or state statutes; or as otherwise determined by ordinance or resolution declaring the necessity of confidentiality.
- 6) Security Arrangements  
To discuss specialized details of security arrangements where disclosure might reveal information that could be; used to commit, or avoid prosecution for a violation of the law.
- 7) Advice from Attorney  
To obtain general legal advice from the public body's attorney.
- 8) Protect Utility  
To discuss matters of a competitive nature relating to any city owned or operated utility.
- 9) Economic Development  
To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:
  - (1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715, 725, 1724, or 1728 or Sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility

services that are directly related to an economic development project.

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project.

- 10) Any other matters allowed by City Charter or by the laws of State of Ohio No decision-making (formal action including actual voting) is permitted in executive session. Further, intertwined non-excepted matters are prohibited from discussion while in executive session. Minutes shall not be taken in executive session.

An executive session must always begin and end in open session. First there shall be a motion that states the purpose for the executive session, and the motion must be specific as to the matters to be discussed (i.e. to discuss the dismissal of a public employee), it is not sufficient to state “personnel”. Second, after the motion, there must be a second and a roll call vote taken, with a majority of a quorum of the public body. The vote shall be recorded in the minutes. When the executive session has concluded, a motion and second should be received with a roll call vote taken to adjourn the executive session. It should be reported if any action or no action was taken. The adjournment and reporting of action or no action shall be recorded in the minutes.

### **Rule 8.3**      *Presumption of Validity*

A general presumption exists in favor of the validity of enactment by a municipal legislative body and continues until bad faith or abuse of legislative discretion by its members is clearly proven, or it is manifest that the legislative authority has exceeded its powers, or if the legislation bears no reasonable relation to the public health, safety, welfare, or morals. The burden of proving the invalidity of a municipal legislative enactment rests upon the one challenging its validity.

The general presumption of validity of municipal legislation extends to the validity of the procedure for its passage, the proper reason for its enactment, and the public purpose and necessity. The presumption of validity continues until the contrary is shown beyond a reasonable doubt.

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**RULE 9 COUNCIL BUSINESS EXPENDITURES/COMPUTERS**

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**Rule 9.1** *Expenditure of Funds by Council Members*

Subject to budgetary constraints, a council person may expend funds, not to exceed two hundred (\$200.00) dollars, for a proper public purpose, without prior approval of the body of council. Except as otherwise may be permitted by Ordinance, Resolution, or other applicable measure, any expenditure(s) in excess of the above stated amount shall be pre-approved by motion, or when required by law, legislation of council.

**Rule 9.2** *Travel Expenses*

Travel policies and reimbursable expenses applicable to city employees pursuant to the city's policy manual and/or personnel code shall apply to council persons while on official city business.

**Rule 9.3** *Computer Use*

The Mayor and Council Members shall be required to follow all policies contained in the city's policy manual and/or personnel code applicable to computer and software use except as follows: to encourage the Mayor and Members of Council to utilize city furnished laptop computers while away from the work site in order to maintain communication with the city and its citizens, the Mayor and Council Members may utilize the computers for de minimis non official use at no charge. Holders of laptop computers that are used off premises are encouraged to maintain a log of use to minimize any tax exposure. Any tax liability associated with this Rule is that of the user of the laptop computer.

**Rule 9.4** *Internet Access*

Internet access for internal e-mail, external e-mail, receiving and transmitting council packets and correspondence will be furnished to the Mayor and Council Members by way of modem, wireless cable, cable service or other technology at no charge. Except as provided, no personal use is permitted.

In the event that a recipient of this policy whose term commenced prior to the Year 2010 desires unlimited personal use of the city provided internet service, the recipient shall pay to the city the previously established flat monthly fee of \$15.00 per month until their term expires or until internet service is otherwise discontinued by the recipient.

Persons elected or appointed to the respective office for the term commencing in or after the Year 2010 that desires unlimited personal use of the city provided internet service shall pay a flat monthly fee to the city an amount as determined by the Finance Director to be one half the average cost of service. Said amount shall remain consistent through the end of a term of office. The Mayor or Council Member shall be responsible for any tax liability.

**Rule 9.5**      ***Business Meeting Expenditures***

From time to time council as a whole or its committees may incur legitimate expenses while on or during city business (example: meals during a business meeting, work session or city sponsored activity), in the event of expenditure of funds, it will be reimbursed or payable by the city upon approval by council in the same manner as approval for payment of other bills that are authorized for a proper public purpose. Under no circumstances will alcoholic beverages be found to be a legitimate business expense for the purpose of this Rule and Rule 9.1.

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**RULE 10 GENERAL AND MISCELLANEOUS RULES**

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**Rule 10.1**     ***Continuity of Legislative Authority***

The municipal legislative body, unlike the general assembly or the congress, is a continuing body. This is true regardless of the changing membership and reorganization of that body after each regular municipal election. As a continuing body it may complete unfinished business lawfully commenced by the preceding local legislative body. Contracts that are not signed during the term for which all the members of the legislative authority are elected are invalid. However, a succeeding council may ratify the acts of prior council by motion.

**Rule 10.2**     ***Council Action***

The legislative power of the City of Napoleon, Ohio, is exercised by the enactment of an ordinance or adoption of a resolution, and by approval of proper motions.

**Rule 10.3**     ***Expectations of Council***

Rule 10.3.1: It is expected that Council members shall act in a professional and respectful manner to all appointing authorities, department heads, employees of the city of napoleon and citizens of the city of napoleon.

Rule 10.3.2: Council members shall respect the chain of command of the City of Napoleon and if approached by an employee other than an appointing authority the council member shall inquire as to whether the employee has followed the proper chain of command.

Rule 10.3.3: Council members shall maintain confidentiality of discussions, writings, or other forms of media or modes of communication that the council member knows or should know said matter should be kept confidential, subject to any public record Statues, Sunshine laws, or any other duty to report.

**Rule 10.4**     ***Anonymous Complaints against City Employees and Personnel***

For Council to be able to properly respond to complaints it is imperative that they have a Verifiable Valid Name, Phone Number and Address. Any non-verifiable Letters or Other Communications given to or sent to Council May be discarded pursuant to the proper records retention schedule, without further inquiry.