

Sponsor: City Council
This is a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2024-028

INTRODUCED BY: John J. Kudley, Jr.

SECONDED BY: Brad Dugan

AN ORDINANCE AMENDING CHAPTER 121 "COUNCIL RULES" OF AURORA'S CODIFIED ORDINANCES, SUBSTANTIALLY IN THE FORM ATTACHED HERETO AND DECLARING AN EMERGENCY IN ORDER TO BE IN PLACE BEFORE THE FIRST CITY COUNCIL MEETING IN MARCH, 2024

WHEREAS, City Council desires to amend Chapter 121 "Council Rules" of Aurora's codified ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby amends Chapter 121 "Council Rules" of Aurora's Codified Ordinances, substantially in the form attached hereto.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: February 26, 2024

Approved: Feb 27, 2024

Effective: February 27, 2024

By: Ann Womer Benjamin

Ann Womer Benjamin, Mayor

Attest: Marie Lawrie

Marie Lawrie, Clerk of Council

Approved as to legal form by: Dean DePiero

Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six (6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

- 1) City Hall
- 2) Heinen's Grocery Store, Barrington Town Square
- 3) Fire Station No. 2
- 4) Aurora Memorial Library
- 5) U.S. Post Office, Village Commons Shopping Center
- 6) City Website

Such posting was for a period of fifteen (15) days commencing on the 27 Day of February, 2024.

Signed this 27 Day of February, 2024.


Clerk of Council
City of Aurora

CHAPTER 121
Rules of the City Council

2024-028

121.01 General	121.07 Motions
121.02 Meetings	121.08 President of Council
121.03 Agendas	121.09 Vice President of Council
121.04 Legislation	121.10 Clerk of Council
121.05 Voting	121.11 City Council Standing Committees
121.06 Rules of Conduct	121.12 Additional Council Responsibilities

121.01 GENERAL

(A) The City of Aurora Rules and/or Bylaws of the City Council are to be adopted by the first meeting in March following the organizational meeting. These rules may be amended or rescinded at any point in time, provided there is a concurrence of at least two-thirds a majority of the members of the City Council or of a majority of the City Council provided that previous notice of a motion to amend was included with the call to meet. (Charter 3.06)

(B) The City Council Assembly shall first and foremost be governed by the Charter of the City of Aurora and the laws of the State of Ohio. When either of the aforementioned entities is silent, and a provision is not listed in the following rules, the current edition of Robert's Rules of Order shall prevail.

(C) Under Robert's Rules of Order, Aurora's City Council sessions are defined as a "Deliberative Assembly" and a "Legislative Body for Structured Dialog."

(D) All references to the Charter and the Ohio Revised Code are references only, included for continuity of the document, and are not to be amended by the City Council. The Law Department will be responsible for making the necessary corrections to the rules, whenever a Charter amendment or a change in the Ohio Revised Code has occurred. This change will not be subject to vote for amendment by the City Council. The changes will go into effect as soon as a new Charter or law becomes effective. (Amended 3-13-2006)

REVISED

2.26.2024

121.02 MEETINGS

(A) **General** The following meetings shall have minutes taken, and these minutes shall be approved by a majority of the City Council and filed with the Clerk of Council.

(B) **Organizational Meeting**

- (1) The City Council organizational meeting is to be held in January of each year following a regular municipal election. The City Council shall meet in the Council Chambers for the purpose of organization. No gathering of persons elected as members of the City Council, prior to the start of their term, shall be considered a meeting of City Council. *(Charter 3.06) (Amended 12-5-2011)(Amended 02-24-2020)*
- (2) The President of Council, the Vice President of Council, the Planning Commission representative, and the Clerk of Council and any deputies shall be elected by the members of the City Council at this meeting.
- (3) The Chairman and Vice Chairman of the Committee of the Whole shall be elected by the members of the City Council at this meeting.
- {3}(4) Committee, Board and Commission assignments shall be based on the seniority of the Members of the City Council. City Council members shall list their top three (3) choices in order of preference. In order of seniority, each City Council member will be assigned his/her top choice. *If the member's top choice is not available, then the member's next choice in order of preference shall be considered.* The appointments made by the City Council shall be valid until the next organizational meeting or as otherwise determined by the City Council. *(Amended 12-5-2011; 03-24-2014; 12-7-2015)*
- {4}(5) Seniority for the selection of assignments shall be determined by the length of uninterrupted councilmanic service only. *(Amended 12-7-2012)*
- {5}(6) No meeting of a Committee of Council, Board or Commission shall convene during January of an even

- (2) Landmark Commission, Planning Commission, Tree Commission
- (3) Aurora Schools, Chamber of Commerce, Library Board *(Amended 2-22-2010)*

2024-028

REVISED

2.26.2024

and possess such additional authority as may from time to time be designated or delegated by the Mayor or **the City Council**. (Amended 3-13-2006; 12-7-2015)

- (10) Additional committees may from time to time be appointed by the Mayor subject to confirmation of **the City Council** for the exercise of such authority and performance of such duties as may be determined to be necessary or advisable for proper operation of the City. (Amended 3-13-2006; 12-7-2015)
- (11) In the event that the Mayor fails to appoint anyone to a committee vacancy for a period of time exceeding forty-five (45) days from the date of official notification of the vacancy by the committee chairman to the Mayor, **the City Council** shall make the appointment. **The City Council** shall be informed of all vacancies and appointments to committees as they occur. (Amended 3-13-2006; 12-7-2015)

(C) Meetings (Enacted 12-5-2011)

- (1) **The** Committee of the Whole meetings shall be in **the** Council Chambers at City Hall prior to the regular **City Council** meetings, or as otherwise scheduled, and shall operate as a **City Council worksession. work session.** (Amended 3-12-2012)
- (2) All other committees shall meet only as needed to consider matters directed to them by the Committee of the Whole. (Amended 12-7-2015)
- (3) All other boards and commissions shall meet on the designated dates established and approved by **the City Council** on the meeting calendar.

121.12 ADDITIONAL COUNCIL RESPONSIBILITIES

(A) Assignments Each **City Council** member shall be required to accept and fulfill a minimum of one (1) assignment on the following boards, commissions, liaisons and committees: (Amended 12-7-2015)

- (1) Firemen's Dependency Board, Recreation Advisory Committee, Audit Committee, Economic Development Board **Treasury Investment Board** (Amended 12-20-2004; 3-13-2006; 3-24-2008; 12-5-2011)

numbered year, prior to the Organizational Meeting of **the City Council**. (Amended 12-7-2015)

(C) Regular Meeting All meetings of the **City Council** shall be held in **the** Council Chambers in City Hall unless otherwise ordered by the **City Council**. In December of each year, **the City Council** shall vote to set the Regular **City Council** Meeting Calendar for the following year. (Amended 12-5-2011; 12-19-2016)

(D) Special Council Meetings Special Council meetings may be called by the Mayor, President of Council, or any three (3) members of **the City Council**. Unless an emergency exists requiring a shorter notice confirmed by at least two-thirds of the members of **the City Council**, there shall be given at least twenty-four (24) hours' notice in writing of such special meeting served personally on each member of **City Council** or left at their usual place of residence. Such notice shall state the subjects to be considered at the meeting and no other matter shall be considered except on the approval at that meeting by at least two-thirds of the members of **the City Council**. City officials requested to attend the Special Council meeting shall also be notified in the above manner. (Charter 3.07) (Amended 3-13-2006; 2-22-2010)

(E) Worksessions Work Sessions ~~Worksessions~~ **Work sessions** may be called by the President of Council, three (3) members of **the City Council**, or by a motion of **the City Council**. There shall be given at least twenty-four (24) hours' notice in writing of such ~~worksession~~ **work session** served personally on each member of **the City Council** or left at their usual place of residence. Such notice shall state the subjects to be discussed at the meeting and no other matters shall be discussed except on the approval at that meeting by at least two-thirds of the members of **the City Council**. City officials requested to attend the ~~worksession~~ **work session** shall also be notified in the above manner. No legislative deliberation is to take place during a ~~worksession~~ **work session**. Citizens' comments may be permitted at ~~worksessions~~ **work sessions**. (Amended 2-25-2002; 5-26-09; 12-5-2011)

(F) Public Hearings

- (1) Public hearings offer citizens an opportunity to express their opinion on a particular issue or piece of legislation in front of **the City Council** before final consideration. Public hearings may be a separate meeting or may be held before, during, or after a

regular or special meeting. No legislative deliberation is to take place during a public hearing. **The City Council** will not approve the legislation the same night as the hearing. In the event that the timeline necessitates earlier approval, this provision may be waived. *(Amended 2-23-2004; 3-13-2006; 12-5-2011)*

(2) Public hearings in front of **the City Council** must be held for the following issues:

- (a) Zoning Map and Regulation Changes
- (b) Budget Commission Tax Rate and Levy Certification
- (c) Annual Tax Budget Approval
- (d) Other issues as advised by the Law Director
- (e) Upon the request of the majority of Council
- (f) Building Regulation Changes

(Amended 2-23-2004)

(3) Notification

- (a) Date of hearing must be set by a motion of **the City Council**
- (b) Hearing must be advertised in at least one newspaper of general circulation
- (c) Hearing advertisement must occur at least thirty (30) days prior to the public hearing
- (d) Advertising must state the title of the legislation, the time, date, and place of the hearing
- (e) All "Aurora reporting" press should be notified

(G) Quorum A majority of the members of **the City Council** shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by **the City Council** rules and regulations duly adopted. *(Charter 3.08)*

In the absence of a quorum at the hour appointed for the meeting the members present may, by majority vote of those present, recess for a period not exceeding thirty minutes.

disruptive to the committee either by his action or inaction. The chairman of the committee shall request, in writing, that **the City Council** consider the removal of the offending citizen representative. *(Amended 8-28-2006; 12-7-2015)*

(4) Any **City Council** representative serving on a committee shall be appointed by **the City Council**. *(Amended 12-7-2015)*

(5) All non-councilmanic appointments to the Planning Commission, the Board of Zoning Appeals, the Civil Service Commission, the Tree Commission, the Landmark Commission, the Master Plan Review Commission, the Audit Committee, the Architectural Board of Review, the Building Board of Appeals, and the Charter Review Commission shall be made by the Mayor and confirmed by **the City Council** via resolution. *(Amended 3-13-2006; 8-28-2006; 3-24-2008; 3-12-2012; 12-7-2015)*

(6) No **City Council** member shall be elected or selected to chair more than one (1) committee, commission, or board of the City. Only under the most extraordinary condition may a **City Council** member chair two (2) committees, boards, or commissions. *(Amended 12-7-2015)*

(7) The **City Council** members needed for approval of an action for any committee, commission, or board, not otherwise governed by **the Charter**, ~~charter~~, ordinance, or its own rules, shall be the majority of the total number of **the City Council** committee members at the meeting, providing a quorum is present. *(Amended 2-25-2002; 12-7-2015)*

(8) Each committee, board, or commission not governed by its own rules shall allow for citizens' comments, the length of which can be determined by the committee, board, or commission, which shall be no less than two (2) minutes per citizen. *(Amended 2-25-2002; 12-7-2015)*

(9) Such committees, when appointed, shall exercise supervisory and advisory jurisdiction over subjects normally included within the scope of each such committee, and shall perform such additional duties

2.26.2024

REVISED

mandated duties, as determined by an action of the City Council. (Ord. 2006-049; Passed 3-13-06)

121.11 COUNCIL COMMITTEES, BOARDS AND COMMISSIONS (Amended 12-5-2011; 12-7-2015)

(A) General The establishment of all council committees, boards and commissions of Council, ~~boards and commissions~~, and any changes in configuration of the same are subject to the approval of the City Council. (Amended 12-5-2011; 12-7-2015)

(B) Rules of Committees

- (1) The City Council committees that contain in their membership a majority of the City Council members, or if the committee has a membership greater than seven (7), other than the Committee of the Whole, then only four (4) City Council members need be in said membership. Boards and commissions are not normally considered council City Council committees, as all members (in some cases except one (1) City Council member, who is chosen by the City Council) are appointed for definitive terms by the Mayor. (Amended 12-5-2011; 12-7-2015)
- (2) The Committee of the Whole shall be composed of all nine (9) members of the City Council. A Chairman and Vice Chairman will be elected at the Organizational meeting and will serve for two (2) years. The Committee of the Whole shall be the only committee of the City Council, except for ad-hoc committees as determined and created from time-to-time by a majority of the members of the City Council. The Committee of the Whole shall act in a deliberative capacity rather than legislative capacity for informal debate, discussion, and preliminary consideration of matters awaiting legislative action. The Committee of the Whole may recommend legislation to the City Council for its consideration. (Amended 12-5-2011; 12-7-2015)
- (3) The City Council may remove any citizen representative from any committee upon a finding that the citizen representative has failed to abide by the rules of the committee or is otherwise found to be

2024-028

(H) Time Limit City Council meetings shall not exceed three (3) hours, not including executive sessions and the Mayor's Report, unless the City Council suspends the Rules of the City Council to continue the meeting. The questions and answers regarding the Mayor's Report are to be considered as a part of the report. (Amended 11-13-2000; 2-23-2004)

The Mayor's Report shall be limited to seven (7) minutes, not including questions and answers, unless a longer period of time is approved by the Chair. (Amended 2-23-2004)

(I) Executive Session

- (1) All meetings of the City Council shall be public. However, the City Council may go into executive session to consider only those subjects permitted by Ohio law. (Amended 2-23-2004; 3-13-2006; 2-22-2010)
- (2) The City Council must return to open session prior to the consideration of any order of business. (O.R.C. 121.22)
- (3) Executive sessions are privileged and confidential, and information shall not be shared with anyone other than the participants. (Amended 2-25-2002; 3-13-2006)

121.03 AGENDAS

(A) Posting The agenda prepared for any regular meeting of the City Council shall be posted at City Hall, the Post Office, the Public Library, and in no less than two (2) other of the most public places in the City, as determined by the City Council, at least seventy-two (72) hours prior to the commencement of said meeting by the Clerk of Council or any deputies. (Charter 3.06) Please refer to Section 121.04(c) of this document for listing of posting locations.

(B) Order of Business (Amended 4-9-2001; 11-13-2001; 1-5-2002; 2-23-2004; 3-13-2006; 12-5-2011)

- (1) Call to Order
- (2) Pledge to Flag
- (3) Roll Call
- (4) Reconsideration of Prior Action
- (5) Consideration of Minutes
- (6) Public Hearings and/or Executive Session(s), if applicable

REVISED
2.26.2024

2024-028

- (7) Mayor's Report
- (8) Law Director's Report
- (9) Council President's Report
- (10) Citizen Comments – Legislation
- (11) Councilman Remarks – Legislation
- (12) Legislation
- (13) Citizen Comments – General
- (14) Councilman & Committee Remarks
- (15) Miscellaneous, *if applicable*
- (16) Adjournment

- (f) Performs any other related duties or as requested by a majority of **the City Council** or outlined in the **Aurora Charter of City Council Rules-Charter of the Municipality of Aurora, Ohio.**
- (g) In order to maintain continuity, in the event the Council President is not able to perform any of his duties, he shall promptly inform the Vice President of Council.

(C) Agenda Items

- (1) Ordinances and resolutions may be placed on the legislative agenda when sponsored by committees, boards, and commissions, the Mayor with the endorsement of two (2) members of **the City Council**, at least three (3) **City Council** members, or by a motion of **the City Council**. Those ordinances and resolutions pertaining to the legislative powers of the municipality may be sponsored by the President of Council. *(Amended 2-25-2002; 2-23-2004; 3-13-2006)*
- (2) **The City Council** agenda items must be submitted to the Clerk of Council no later than noon Thursday immediately preceding the **City Council** meeting. A request to add an item to the agenda after the deadline will be deferred until the next meeting, unless extenuating circumstances exist to which consent to said request should not be unreasonably withheld. *(Amended 2-24-2020)*
- (3) Committee of the Whole **agenda items** must be submitted to the Clerk of Council no later than noon Wednesday immediately preceding the **City Council** meeting. A request to add an item to the agenda after the deadline will be deferred until the next meeting, unless extenuating circumstances exist to which consent to said request should not be unreasonable withheld. *(Ord. 2020-017; Approved 2-24-2020)*
- (4) Any items requiring legislative action must be submitted in ordinance or resolution form pursuant to Section (c) (1) listed above.

121.09 VICE PRESIDENT OF COUNCIL

At its organizational meeting, or once this provision is adopted, **the City Council** shall elect a Vice President of Council. During any period when the President shall be absent, inaccessible or unable for any cause to perform the President's duties, the Vice President of **the City Council** shall be the President Pro Tem, and shall continue to enjoy all of the powers as a member of **the City Council**, including the right to vote. In the event that a vacancy occurs in the position of the President of Council, this position will succeed the President of Council.

121.10 CLERK OF COUNCIL

(A) General **The City Council** shall appoint a Clerk of Council and such assistants as it shall determine from time to time, all of whom shall serve at the pleasure of **the City Council**. *(Charter 3.10)*

(B) Duties of the Clerk of Council

- (1) The Clerk of Council shall have custody of the records of the Municipality and shall keep ~~an~~ accurate and complete ~~journal~~ **minutes and actions** of all proceedings of the **City Council**, and shall perform such other duties as the **City Council** may require from time to time. *(Charter 3.10)*
- (2) During the absence or disability of the Clerk of Council, **the City Council** may appoint someone to perform temporarily all the duties of that office. *(Charter 3.10)*
- (3) The Clerk of Council shall perform the duties of the position outlined in the Ohio Revised Code, the City Charter, and the job description approved by **the City Council**. The duties of the job description may be modified by the addition or subtraction of non-

REVISED
2-26-2024

Council, and any deputies, shall still serve at the pleasure of **the City Council**.

- (5) EDITOR'S NOTE: Former subsection (b)(5) hereof was repealed by Ordinance 2008-033, passed March 24, 2008.
- (6) Job Description: The President of Council's job description shall be as follows: *(Enacted 2-23-2004; Amended 3-24-2008)*
- (a) The Council President is elected by the members of **the City Council** pursuant to Aurora's Charter and City Council Rules.
 - (b) The Council President is the presiding officer at all meetings of the **City Council**, which includes preserving order and decorum in the Council Chambers at all times. The Council President observes and enforces all rules adopted by the **City Council** for its government; decides all questions on order, in accordance with the "~~City Council Rules~~ **Rules of the City Council**;" and recognizes other members of the **City Council** in the order in which they request the floor. The Council President's position is an integral part of the City's legislative operations; however, it is not administrative in nature and function.
- (7) Illustration of Functions:
- (a) Supervises the Clerk of Council and his/her staff.
 - (b) Approves **the City Council** staff timesheets, as well as **the City Council** staff vacation and sick leave approval slips.
 - (c) Maintains regular contact with the Clerk of Council to remain current on any concerns and issues of special and/or significant interest.
 - (d) Maintains regular contact with the Mayor and/or Law Director to remain current on any concerns and issues of special interest.
 - (e) Maintains knowledge of all significant issues which impact the City of Aurora.

2024-028

(D) **Adding to the Agenda** Any ordinances or resolutions which were not placed on the agenda prior to distribution and posting need to be added to the agenda via motion and approval by a majority of **the City Council**. (**The City Council** reserves the right to determine the appropriateness of the request for immediate consideration.)

(E) **Removing from the Agenda** Any ordinances or resolutions which have been placed on the agenda, and deemed inappropriate for consideration by **the City Council**, shall be removed from the agenda via motion and approval by a majority vote of **the City Council**.

121.04 LEGISLATION

(A) **General** All legislative action shall be done by ordinance or resolution, except when otherwise required by the Constitution or the laws of the State of Ohio, but departmental procedure and administrative matters may be transacted by motion recorded ~~on the journal~~ **in the minutes and actions**.

(B) **Format**

- (1) All legislation is to be prepared and/or submitted by the Law Department.
- (2) Every resolution and ordinance shall contain one (1) subject only, which subject shall be clearly expressed in its title. *(Charter 3.11)*
- (3) Every resolution and ordinance shall reflect, somewhere on its first page, who initially sponsored it for **the City Council's** consideration. *(Charter 3.11)*
- (4) Every resolution and ordinance shall be fully and distinctly read by title only on three (3) different days, unless at least two-thirds of the members of **the City Council** vote to suspend this rule. If this rule is suspended, then the resolution or ordinance shall be so read by title at least once before passage. *(Charter 3.11) (Amended 3-12-2006)*

(C) **Posting** All ordinances, resolutions, statements, orders, proclamations, notices, and reports required by law, or by the Charter, to be published, shall be posted at City Hall, the Public Library, the Post Office, the City Website and in no less than two (2) other of the most public places in the City, as determined by Council. (Charter 3.11) Please refer to Section 123.01 of Aurora's Codified Ordinances

2.26.2024

REVISED

for a listing of posting locations. The documents listed above shall be posted for a period of not less than fifteen (15) days prior to taking effect, except as may otherwise be provided in the Charter or applicable Ohio law. If legislation was passed as an emergency, it shall be posted for fifteen (15) days after passage by the City Council. (Amended 3-12-2006; 12-5-2011; 11-4-2014)

(D) Passage

- (1) No ordinance, resolution, measure, or other action shall be passed without the concurrence of at least a majority of the members of the City Council, unless a different number is required by the provisions of the Charter or applicable Ohio law. (Charter 3.11) (Amended 3-13-2006; 12-5-2011)
- (2) If the competitive bid process has been ~~by-passed~~, **bypassed** then approval by at least two-thirds of the members of Council is needed for passage. (Charter 6.02) (Amended 2-22-2010; 12-5-2011)
- (3) On the passage of every ordinance, resolution, measure, or other action the votes shall be taken by yeas and nays and each City Council member's vote shall be ~~entered upon the journal~~ **included in the minutes**. (Charter 3.11)
- (4) All legislation must be presented to the Mayor no more than forty-eight (48) hours after passage by the City Council, for approval or disapproval. If the Mayor approves the legislation, he/she must sign it and file it with the Clerk of Council within ten (10) days. If the Mayor does not return it within this time period, it shall become effective in the same manner as if it were signed. (Charter 4.06)
- (5) All legislation shall go in effect thirty (30) days after the signing of the Mayor, unless the legislation contains an emergency clause.
- (6) Any legislation with an emergency clause must state the reason for the emergency and be approved by a vote of at least two-thirds of the total members of the City Council, to go in effect immediately upon the signing of the Mayor. If the ordinance passes by less than the required number of votes to become an

functions, obligations, and rights of any other member of the City Council, including the right to vote. (Charter 3.16)

(B) Duties of the President of Council

- (1) At each of its organizational meetings, the City Council shall select one of its members to serve as President of Council. (Amended 1-5-2004)
- (2) During any period when the Mayor shall be temporarily unable to perform the Mayor's duties, the President of Council shall be the acting Mayor, and shall continue to perform his/her duties as President of Council, and as a member of the City Council, and shall continue to enjoy all of the powers as President of Council and as a member of the City Council, including the right to vote. For each day or portion thereof that the President of Council serves as Mayor or acting Mayor, he/she shall receive per diem compensation based upon the elected Mayor's established annual salary. (Charter 3.16) (Amended 11-4-2014)
- (3) If the office of the Mayor shall become vacant for any reason, the President of Council shall thereupon become Mayor, and that person's position as City Council Member shall become vacant and shall be filled by the City Council as soon as possible as provided in Section 3.03 of the Charter. In the event that more than two (2) years remain in the Mayor's term, a successor shall be elected to complete the unexpired term at the next regular municipal general election. The individual who as President of Council became Mayor in the interim may be a candidate for the office of Mayor at that election. (Charter 4.07) (Amended 11-4-2014)
- (4) The President of Council shall be responsible for the ongoing supervision of the Clerk of Council and the Office of the Clerk of Council. However, the President of Council shall advise and present for the City Council discussion or approval any modifications in the duties of the Clerk of Council, evaluations or any developments concerning the position. The Clerk of

REVISED

2.26.2024

- (a) Prior to the adoption of legislation, when any non-typographical changes need to be made. *(Amended 12-5-2011)*
- (b) If typographical, then the changes need to be cited by the Chair, with no necessary action of **the City** Council required.
- (c) This motion may be made when there is a motion for approval on the floor.

(6) Miscellaneous Motions

- (a) Call the Question – end debate and take a vote on the question on the floor. It requires a two-thirds vote. *(Amended 3-13-2006; 4-9-2007)*
- (b) Challenge the Chair – the polling of **City** Council members to challenge a decision made by the Chair. This does not indicate the agreement or disagreement of the decision. A separate motion will need to be made. It requires a simple majority vote.
- (c) Adjournment – closing the meeting requires a simple majority vote.
- (d) Recess – requires a simple majority vote.
- (e) Executive/Open Session – requires a simple majority vote, and a roll call vote.
- (f) Motion for Discussion – a motion is not on the floor, and a **City** Council member would like to discuss an issue before **the City** Council. It requires a simple majority vote. *(Amended 2-23-2004; 3-13-2006)*
- (g) Table – sets aside the main motion temporarily in order to take up something of immediate urgency. The motion ends debate and requires a simple majority vote. **A tabled agenda item is to be considered later in the same meeting and should not be confused with postponement. (See Postpone – Types of Motions (2)).** *(Amended 4-9-2007)*

121.08 PRESIDENT OF COUNCIL

(A) General The President of Council shall preside over all meetings of the **City** Council, and shall have all the powers, duties,

emergency, then it shall go in effect after thirty (30) days. *(Amended 12-5-2011)*

(E) Reconsideration

- (1) A motion to reconsider can only be made by a member who voted on the prevailing side. It may be seconded by any member.
- (2) A majority vote is required to pass a motion for reconsideration.
- (3) Reconsideration of legislation can only occur prior to the approval of the minutes from the meeting where the adoption or defeat of the legislation occurred. *(Amended 3-13-2006)*
- (4) No legislation shall be reconsidered after going into effect. *(Amended 2-25-2002; 2-23-2004)*

(F) Veto

- (1) If the Mayor disapproves a piece of legislation, the Mayor shall return it, with the objections, in writing to the Clerk of Council within ten (10) days after it is presented to the Mayor by the Clerk, which objections shall be entered in full ~~on the journal~~ **in the minutes and actions of the City Council.** *(Charter 4.06)*
- (2) For the next meeting of **the City** Council, the Clerk of Council shall place on the agenda, immediately following the roll call, the question of whether **the City** Council wishes to sustain or override the veto of the Mayor.
 - (a) Sustain – If the **City** Council agrees with the veto of the Mayor, it will be sustaining the veto. This agreement must be indicated by either no motion for reconsideration, or a motion for reconsideration with a failing vote for passage.
 - (b) Override – If the **City** Council does not agree with the veto of the Mayor, it will be overriding the veto. This disagreement must be indicated by a motion for reconsideration, followed by passage of the legislation.
 - (c) **The City** Council may choose to reconsider a vetoed piece of legislation at its next

meeting. This motion will require a majority vote of **the City** Council. If reconsidered, a two-thirds or more vote will be required for passage of the ordinance and overriding of the veto.

- (d) A vetoed piece of legislation, which has been overridden by **the City** Council, shall not be forwarded for the Mayor's signature. The legislation shall take effect based on the rules of the Charter. *(Amended 3-13-2006)*

121.05 VOTING

(A) Roll Call Votes A roll call vote is taken by the Clerk of Council by calling each individual member of Council and recording the member's vote accordingly. Roll call votes shall be taken and recorded by the Clerk of Council by first calling the person who initiated the motion, then, the roll shall be called alphabetically, beginning with the person who seconded the motion.

(B) Voice Votes A voice vote is a vote taken by the chair asking, "all in favor." If all members respond in the affirmative, and there is no objection, then the issue has passed. If there is any objection **or an abstention**, then a roll call shall be taken.

(C) Abstention

- (1) To "abstain" means not to vote on a question. The "abstain" response shall not be counted as either a "Yes" or "No" vote to decide an issue. *(Amended 12-5-2011)*
- (2) Although it is the duty of every member who has an opinion on a question to express it in a vote, the member can abstain, since the member cannot be compelled to vote. *(Amended 12-5-2011)*
- (3) No **City** Council member should vote on a question in which the member has a direct personal interest. The member should respond: "I abstain." *(Amended 12-5-2011)*
- (4) No **City** Council member shall vote on approval of the minutes of any meeting in which the member was not in attendance. When the vote is taken (whether voice or roll call), the member should respond: "I abstain." *(Amended 12-5-2011)*

2024-028

veto. Then concurrence of at least two-thirds of the members of **the City** Council is needed for affirmation of the passage of the original legislation. *(Amended 3-12-2006; 2-22-2010; 12-5-2011)*

- (c) Such other matters requiring an affirmative vote of more than two-thirds of the members of **the City** Council as may be required by the Charter, the Codified Ordinances of the City of Aurora or by law. *(Amended 2-23-2004; 2-22-2010; 12-5-2011)*
- (2) **Postpone** - Requires a simple majority vote by roll call. *(Amended 3-13-2006; 4-9-2007)*
- (a) Delays legislation or a discussion until the next meeting or a certain time.
- (b) If legislation is postponed before third reading, the legislation will immediately proceed to the next reading when the motion to postpone has expired.
- (c) The readings of postponed legislation shall not proceed while the items remain "postponed."
- (3) **Reconsider** - please refer to Section 121.04(e) of this document. The same guidelines apply to an issue that applies to legislation. This motion can be made at any time during the meeting in which a motion or piece of legislation has been passed. It may only be made thereafter if the minutes from the meeting in which it was adopted have not yet been approved.
- (4) **Suspension of the Rules (Suspend)** - please refer to Section 121.04(d) of this document. This motion requires a two-thirds vote. Approval of a piece of legislation on first or second readings may occur, once this motion has been passed.
- (5) **Amend** - This motion requires a simple majority vote; unless, a recommendation submitted by the Planning Commission is being amended. Then concurrence of more than two-thirds of the members of **City** Council is needed for passage of the amendment. *(Charter 13.04) A motion to amend is necessary: (Amended 2-22-2010; 12-5-2011; 11-4-2014)*

REVISED

2.26.2024

2024-028

121.07 MOTIONS

(A) Rules of Motions

- (1) A second shall be required for all motions. If there is no second, then the motion shall be considered "dead."
- (2) As approved, the motion shall only represent those matters included by the movant, along with any duly made, seconded and approved amendments. While the motion is pending consideration on the floor, the movant may modify the motion, so long as the modification is approved by the member who seconded approval of the motion, and so long as the modification is clearly stated on the record. *(Amended 3-16-2006)*
- (3) The Chair, the movant, or the Clerk of Council shall restate the motion on the table, in these cases:
 - (a) If the discussion eventually results in a "so moved" motion
 - (b) If the vote on the motion has been delayed because of discussion
 - (c) If the motion on the floor has been amended
 - (d) At the request of any **City Council person member**
- (4) Once a motion has been made and seconded, the movant may choose to withdraw the motion at any time, prior to a vote, by notifying the Chair.
- (5) Discussion while a motion is pending shall be limited to the motion on the floor. *(Charter 6.03)*

(B) Types of Motions

- (1) Adoption/Approval – Requires a simple majority vote by roll call, unless: *(Amended 3-12-2006)*
 - (a) The expenditure involves more than \$10,000 **\$20,000** and has not been competitively bid and is not a contract for professional services. Then the concurrence of at least two-thirds of the members of **the City Council** is needed for passage of legislation. *(Amended 3-13-2006; 2-22-2010; 12-5-2011,)*
 - (b) The legislation has been vetoed by the Mayor, and **the City Council** wishes to override the

121.06 RULES OF CONDUCT

(A) Addressing the Assembly

- (1) The "Chair" is properly addressed as Mr. or Madam President or Mr. or Madam Chairman. *(Amended 12-5-2011)*
- (2) Customs of formality are followed by the presiding officer. Members of the assembly are addressed as Mr. or Madam Mayor, Law Director, Finance Director, etc. All present in attendance shall be addressed as Mr., Mrs., Ms., or Miss.
- (3) No member of **the City Council** or member of the assembly may speak, unless they are first recognized by the ~~chair~~ **Chair**.
- (4) All members of the assembly, or any other individuals addressing the assembly, ~~cannot~~ **may not** address one another directly, but must address all remarks through the ~~chair~~ **Chair**.
- (5) **City Council** members may direct discussion ~~at~~ **to** other **City Council** members with approval of the ~~chair~~ **Chair**.
- (6) Council Rules apply to the **City Council members**, as well as all other speakers addressing the **City Council**. Violators of these rules will be warned one time by the ~~chair~~ **Chair**, that "these are the rules by which we function." Said violators will be requested to comply. No second warning will be made, only the request to surrender the floor (the privilege of speaking) at this time. Failure to comply during the rest of the meeting may lead to expulsion from the room, when determined appropriate by the Chair, or by a majority of **the City Council**. *(Amended 3-12-2012)*

(B) Discussion

- (1) When a question is pending, a member of the assembly can condemn the nature or likely consequences of the proposed matter in strong terms but must avoid personalities and under no circumstances attack the motives of another member.
- (2) Inflammatory statements will not be tolerated. *(Amended 12-5-2011)*

REVISED
2.26.2024

- (3) Profane language is prohibited. *(Amended 12-5-2011)*
- (4) In structured dialog, a member's remarks must be germane to the question before the assembly - that is, his or her statements must have bearing on whether the pending question shall be adopted. The "wandering" into other non-pending areas shall be considered "out-of-order" by the Chair. *(Amended 3-12-2012)*
- (5) Polling - Although not a motion, if a question is asked of the City Council, then the City Council shall be polled either by the President Chair or the Clerk of Council. If a poll is not conducted, and no objections are voiced, then the recommendation from the vocal portion of the City Council will be deemed as the wish of the City Council as a whole. Polling is done by roll call only.
- (6) "Point of Order" may be called for by any City Council member, if the Chair has neglected a rule, or neglected to enforce a rule of the meeting. The City Council member does not need to first be recognized in this instance.
- (7) "Personal Privilege" may be requested by a City Council member to speak on a particular matter of personal interest. The City Council member must explain the nature of the request. The personal privilege must be approved by the Chair. Personal privilege shall not be used for political purposes. *(Amended 3-12-2012)*
- (8) The President of Council may request comments from Council Committee Chairmen or representatives regarding each pertinent piece of legislation without a motion for discussion. *(Amended 2-25-2002)*

(C) Citizen Participation

- (1) In general, citizens will not be recognized by the Chair to enter the debate on pending legislative matters. There are exceptions, such as zoning issues, development issues, etc. The Chair will determine when a citizen shall be recognized during the legislative process. The decision of the Chair may be overridden by the majority vote of the City Council.

2024-028

- (2) Citizens may comment on any legislative item on the City Council agenda during "Citizens Comments - Legislation." *(Amended 1-5-2002; 3-13-2006)*
- (3) Citizens may comment on any issue, not limited to the City Council agenda during "Citizens Comments - General" at the end of the meeting. *(Amended 1-5-2002; 3-13-2006)*
- (4) When the rules requiring an ordinance to be read on three separate occasions have been suspended, and there has been a motion for adoption, then the President of Council shall recognize citizens who wish to speak on the ordinance or resolution. *(Amended 2-23-2004; 12-5-2011)*
- (5) Citizen participation shall be directed to the Chair, and shall otherwise be done in conformance with all Rules of Conduct outlined in Section 121.06 of this document.
- (6) There is a five (5) minute time limitation for citizens to speak during "Citizens Comments - Legislation". There is a two (2) minute limitation for each other opportunity a citizen has to speak. The citizen may speak once under each order of business where citizen comments are allowed. *(Amended 1-5-2002; 3-13-2006)*
- (7) Citizen comments are allowed at special meetings only regarding any legislation to be discussed, and prior to the City Council entering into the Legislative portion of the agenda. The time limitations shall be concurrent with the limitations established for regular meetings. *(Amended 2-25-2002)*
- (8) Citizen comments during a public hearing are limited to three (3) minutes. However, additional time may be permitted subject to the decision of the Council President. The decision of the Council President may be overridden by a majority vote of the City Council. *(Ord. 2020-010; Adopted 2-24-2020)*
- (9) Citizen comments, during the Committee of the Whole Meeting, may be permitted subject to the discretion of the Chair. *(Ord. 2016-016; Adopted 2-8-2016, Amended 2-24-2020)*

REVISED

2.26.2024