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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 74 - 2012

6  
7 AN ORDINANCE AMENDING SECTIONS 111.03 and  
8 111.05 OF TITLE ONE, PART ONE OF THE CODIFIED  
9 ORDINANCES, RELATING TO THE RULES OF CITY  
10 COUNCIL, AND DECLARING AN EMERGENCY.

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12  
13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,  
14 and State of Ohio, that:

15  
16 Section 1. Sections 111.03 and 111.05 of the Codified Ordinances of the City of  
17 Cuyahoga Falls are hereby amended to read in full as follows (new text underlined;  
18 deleted text in ~~strikethrough~~):

19  
20 111.03 MEETINGS.

21 (a) Council Meetings. The regular meetings of Council shall be held on the first,  
22 second, third and fourth Mondays of each month, except that Council shall not  
23 be in session during the month of August. At regular meetings held on the first  
24 and third Mondays of each month, the Order of Business for Regular Council  
25 Meetings shall be dispensed with when there is Standing Committee business.  
26 However, the Mayor, President of Council, or any three (3) members may require  
27 that the Order of Business for Regular Council Meetings be observed if any of  
28 them provide at least twenty-four (24) hours written notice of a request therefor  
29 to each member of Council, served personally or left at their usual place of  
30 residence. Notwithstanding the foregoing, at any meeting where the Order of  
31 Business has been dispensed with, upon a motion duly made and seconded  
32 followed by the affirmative vote of a two-thirds majority of all members of  
33 Council requesting that the Order of Business be observed, the Presiding Officer  
34 shall conduct the meeting in accordance with the Order of Business as provided  
35 herein. All meetings of Council shall be held at the place periodically designated  
36 as Council Chambers at 6:30 p.m. When the first, second, third, or fourth  
37 Monday of any month falls on a day the Municipal offices are closed for a  
38 holiday, the regular meeting of Council shall be held on the next day that the  
39 Municipal offices are open for regular business. By the vote of two-thirds (2/3)  
40 of the members, Council may cancel, reschedule, or designate any other another  
41 place and time for the holding of any regular meeting or meetings. Notice to the  
42 public of such actions shall be provided pursuant to subsection (f) of this  
43 Section. Except as provided in Paragraph (e) below, all meetings of Council are  
44 declared to be public meetings open to the public at all times. All resolutions,  
45 rules, regulations and/or formal actions shall be considered by Council at  
46 meetings open to the public.

47  
48 (b) Council Committee Meetings. Council Committee Meetings are meetings of  
49 City Council wherein the business of the Standing Committees is conducted in  
50 the presence of the Council. Regular Council Standing Committee meetings may  
51 be held during any regular or special Council meetings held on the first and  
52 third Mondays of each month, or at such other times as may be when notice  
53 thereof is announced during a regular or special council meeting, or provided  
54 pursuant to subsections (d), (f), (g) and (h) of this Section. provided, however,

55 ~~that it shall take a two-thirds (2/3) vote of Council to recess into a Committee~~  
56 ~~meeting during a regular or special Council meeting.~~

57  
58 (c) Special Council Meetings. The Mayor, President of Council, or any three (3)  
59 members may call a special meeting of Council with at least twenty-four (24)  
60 hours written notice to each member of Council, served personally or left at their  
61 usual place of residence and at least twenty-four (24) hours written notice to the  
62 news media that have requested notice, except in the event of an emergency  
63 requiring immediate official action, in which case the individual(s) calling the  
64 meeting shall orally notify each member and the news media requesting notice  
65 immediately of the time, place, and purpose of the meeting. The notice of the  
66 special meeting required herein shall contain a statement of the business for the  
67 transaction of which such special meeting may be called. No business shall be  
68 transacted at any special meeting of Council except the particular business for  
69 which said meeting was called.  
70

71 (d) Special Committee Meetings. The Chairman or any two (2) members may  
72 call a special meeting of a Committee with at least twenty-four (24) hours written  
73 notice to each member, served personally or left at their usual place of residence  
74 and at least twenty-four (24) hours written notice to the news media that have  
75 requested notice, except in the event of an emergency requiring immediate  
76 official action, in which case the individual(s) calling the meeting shall orally  
77 notify each member and the news media requesting notice immediately of the  
78 time, place, and purpose of the meeting. The notice of the special meeting  
79 required herein shall contain a statement of the business for the transaction of  
80 which such special meeting may be called. No business shall be transacted at  
81 any special meeting of a Committee except the particular business for which  
82 said meeting was called.  
83

84 (e) Executive Sessions. The Council may hold an Executive Session, from which  
85 the public is excluded, for any of the following purposes:

86 (1) Personnel matters, including the appointment, employment, dismissal,  
87 discipline, promotion, demotion or compensation of one or more public  
88 employees or officials;

89 (2) Purchase, sale, or the development of real property where premature  
90 disclosure of information would give an unfair competitive or bargaining  
91 advantage to a person, or otherwise adversely affect the general public interest;

92 (3) Imminent or pending litigation;

93 (4) Preparing for, conducting, or reviewing negotiations or bargaining  
94 sessions with public employees concerning their compensation or other terms  
95 and conditions of their employment;

96 (5) Matters required to be kept confidential by Federal law or rules of State  
97 statutes;

98 (6) Specialized details of security arrangements where disclosure of the  
99 matters discussed might reveal information that could be used for the purpose  
100 of committing, or avoiding prosecution for, a violation of the law;

101 (7) The employment of, or discussions with, legal counsel or concerning  
102 confidential reports or proposals submitted by such counsel.

103 An Executive Session may be held upon the determination by a majority of a  
104 quorum of the Council, by a roll call vote, to hold such a session, setting forth  
105 the general purpose or purposes for which such session will be held. All formal  
106 action of Council, such as the enactment of legislation or the adoption of rules  
107 or recommendations, shall be taken in an open meeting. All Executive sessions,  
108 and the reasons therefore, shall be noticed in the minutes of Council.  
109

110 (f) Notice of Meetings. The Clerk shall post a copy of Section 111.03 and shall  
111 check periodically to ensure the Rule remains posted. The Clerk shall promptly  
112 post a statement of the time and place of any organizational meeting, special  
113 meeting, regular meeting scheduled at a time or place other than as provided  
114 herein, or any adjournment or recess of a regular or special meeting to another  
115 day. Notices of all meetings shall be posted on the City's website, as well as at  
116 City Hall and at the Natatorium Health & Wellness Center.  
117

118 (g) Requested Advance Notice of Meetings by the Public. The Clerk shall provide  
119 to any person, upon written request, reasonable advance notice, as provided in  
120 section 107.05 of the Codified Ordinances, of all meetings at which any specific  
121 type of public business is to be discussed. Requests for such advance  
122 notification of meetings shall specify: 1) the name, address and phone number of  
123 the person making the request; and 2) the method in which notices can be  
124 delivered, whether via email, mail or fax. Any such requests shall be effective for  
125 one year from the date of filing with the Clerk or until the Clerk receives written  
126 notice from such person canceling or modifying such request, whichever is  
127 earlier.  
128

129 (h) Meeting Information Made Available. Any person may visit or telephone the  
130 Law Department (330-971-8190) during the office's regular business hours to  
131 determine, based on information then available at that office: the time and place  
132 of regular meetings; the time, place and purposes of any then known special  
133 meetings; and whether the agenda of such future meeting(s) states that any  
134 specific type of public business, identified by such person, is to be discussed at  
135 such meeting.  
136

137 (i) Order of Business for Regular Council Meetings. At all regular meetings the  
138 business of Council shall be transacted in the following order and, except as  
139 provided in subsection (a) hereof, no deviation shall be made without the  
140 approval of a two-thirds (2/3) majority vote of Council.

- 141 (1) Roll Call.
- 142 (2) Invocation.
- 143 (3) Pledge of Allegiance to the Flag.
- 144 (4) Additions, Corrections or Deletions in Council Minutes of the Previous  
145 Meeting.
- 146 (5) Reading of Petitions, Claims, Communications and Reports of City  
147 Officials, As Presented.
- 148 (6) Introduction of New Ordinances and Resolutions.
- 149 (7) Public Hearings, As Scheduled.
- 150 (8) Reports of Special Council Committees, As Scheduled.
- 151 (9) Reports of Council's Standing Committees.
- 152 (10) Announce Schedule of Council Committee Meetings.
- 153 (11) Miscellaneous Business.
- 154 (12) Adjournment.

#### 155 111.05 LEGISLATION.

156 (a) Request for Legislation and Delivery to Council.

157 (1) Unless a request for the Regular Order of Business is made pursuant to  
158 Section 111.03(a), new legislation shall be accepted for introduction only at  
159 Council meetings regularly scheduled for the second or fourth Monday of any  
160 month, except August, or at a Special Meeting of Council. All material for  
161 legislation shall be in the hands of the Director of Law by noon on the  
162 Wednesday preceding such meetings. ~~a regularly scheduled meeting of Council.~~  
163 The Director of Law or assistant shall review all proposed legislation prior to  
164

165 submission to the Clerk of Council for placement on the agenda to be in the  
166 manner prescribed by law.

167 (2) The Department of Law shall cause to have delivered to all Council  
168 members all legislation to be introduced at the regularly scheduled Council  
169 meetings by the Friday before the regularly scheduled Monday meetings. Council  
170 shall not consider any ordinance or resolution that has been in the hands of the  
171 Council members less than forty-eight (48) hours preceding a Council meeting.  
172 This rule may be suspended by a vote of two-thirds (2/3) of all Council  
173 members, provided, however, that the legislation to be considered must be read  
174 by the Clerk in its entirety.

175  
176 (b) Presenting Ordinances and Resolutions to Council. Proposed ordinances  
177 and resolutions shall be introduced in written or printed form. Each one shall  
178 contain only one subject, which shall be clearly stated in the title. The exception  
179 is a general appropriation ordinance, which may contain the various subjects  
180 and accounts for which money is to be appropriated.

181  
182 (c) Legislation Numbering, Sponsorship and Title. All ordinances and  
183 resolutions shall be known by their temporary number, sponsor and title.  
184 Ordinances and resolutions adopted by Council shall be numbered  
185 consecutively, beginning with the number one (1) each year and the number  
186 shall be followed by the year of passage.

187  
188 (d) Emergency Measures. When an emergency measure is presented to Council,  
189 the nature of the emergency shall be stated and defined. Ordinances  
190 appropriating money may be passed as emergency measures. Emergency  
191 ordinances and resolutions must receive a two-thirds (2/3) majority vote of all  
192 members of Council in order to retain emergency status.

193  
194 (e) Reading of Legislation. All ordinances and resolutions shall, before  
195 adoption, be read once by title only, any law of the State of Ohio to the contrary  
196 notwithstanding. Provided, however, that upon a motion duly made and  
197 seconded followed by the affirmative vote of a majority of all members of Council  
198 requesting that any ordinance or resolution be read in full prior to being  
199 submitted to a vote on adoption, the Clerk shall read said ordinance or  
200 resolution one time in full.

201  
202 (f) Legislation Assignment to Committee. On the day the ordinance or  
203 resolution is introduced, the measure shall be referred by the President to the  
204 appropriate Committee. Once the measure is referred to a Committee, the  
205 Committee shall report as soon as the Committee has had an opportunity to  
206 study the measure and make a recommendation, unless at that time a motion to  
207 table to the next regular meeting is supported by a majority of those members  
208 present and voting.

209  
210 Section 2. Existing Sections 111.03 and 111.05 of the Codified Ordinances, as  
211 enacted by Ord. No. 94-2010, passed September 13, 2010, are hereby repealed.

212  
213 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions  
214 inconsistent herewith are hereby repealed, but any ordinances and resolutions not  
215 inconsistent herewith and which have not previously been repealed are hereby ratified  
216 and confirmed.

217  
218 Section 4. It is found and determined that all formal actions of this Council  
219 concerning and relating to the passage of this ordinance were taken in an open meeting

220 of this Council and that all deliberations of this Council and of any committees that  
221 resulted in those formal actions were in meetings open to the public, in compliance with  
222 all requirements including Chapter 107 of the Codified Ordinances.

223

224 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
225 for the preservation of the public peace, health, safety, convenience and welfare of the  
226 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the  
227 affirmative vote of two-thirds of the members elected or appointed to Council, it shall  
228 take effect and be in force immediately upon its passage and approval by the Mayor;  
229 otherwise it shall take effect and be in force at the earliest period allowed by law.

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Passed: 7-30-12

Mark Shamy  
President of Council

Cathleen J. Meacham  
Clerk of Council

Approved 7/31/12

D. Robaut  
Mayor

6/25/12

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