



TO: Gahanna City Council

FROM: Jeremy A. VanMeter, Clerk of Council

DATE: March 8, 2024

SUBJECT: Discussion on Motion to Amend Council Rules (COTW 3.11.2024)

ACTION ITEMS

ACTION ITEM #1: A MOTION TO AMEND VARIOUS SECTIONS OF THE RULES OF PROCEDURE OF THE COUNCIL OF THE CITY OF GAHANNA

The following is a summary of the sections and reasons for proposed changes that have been redlined in the Rules attached for Council's consideration:

Section(s)	Rationale for Proposed Amendment
1.11	Less need for future amendment whenever Roberts Rules' edition is updated.
2.12, 4.11 (J), 7.10(b), 9.12, Article XI	Grammar, punctuation, stylistic clean-up.
3.20 (K) – new	Language moved from 14.50 (Miscellaneous) for better fit under duties of the President of Council.
5.35	Flexibility for changes in Committee meeting schedule.
6.20	Brings the regular meeting Order of Business (Agenda template) into conformance with current practice.
8.11 – remove	This is addressed in Charter Section 4.05 Duties of Council, the power to "originate, <i>introduce</i> , and pass ordinances and adopt resolutions"; Charter Section 4.12 stipulates, "Any formal resolution or ordinance must be <i>introduced</i> in written or printed form."
8.13	Allows for proposed or recommended legislation which has not yet been formally introduced to be assigned to a Committee.
8.14 – remove	Committee reports were part of an older structure prior to Committees of the Whole.
8.20, 8.21, 8.22, 8.40, 8.41	1) Charter never refers to or defines what a "statutory" resolution is, only <i>resolutions</i> . Charter only requires <i>ordinances</i> to be read by title twice unless waived. This change is akin to the "motion resolutions" issue with previous forms of Council actions. There are <i>motions</i> . There are <i>resolutions</i> . There are no <i>motion resolutions</i> . 2) <i>Reading of ordinances</i> is a Charter requirement regardless of where it is placed on the agenda – consent or regular. The only exception to <i>reading</i> is through the waiver of second reading. (Charter Section 4.12: "Every ordinance shall be read by title at two (2) different Council meetings, unless Council votes to suspend this rule. ")

	See flowchart attachment on the legislative process: Resolutions, Ordinances, and Vetoes.
9.11, 9.13	This takes a different view on structuring public hearings, which is modeled after Planning Commission's public comment rule 7.4.5. Instead of having assumed categories of <i>proponents</i> and <i>opponents</i> , this permits the public to have just general comments and be in either category or no category.
9.20.1 – remove	Brings consistency to the process for holding any public hearing, rather than create separate rules for a “finance hearing”.
14.40 – remove	The temporary chair role for Council reorganizational purposes is the Mayor. (Charter Section 4.10: <i>“The Mayor, or one appointed by the Mayor, shall preside as temporary chairperson only until the President of Council is elected.”</i>)
14.50 – moved	Language moved to 3.20 (K) for better fit (under duties of the President of Council).

For Charter references, please see

https://library.municode.com/oh/gahanna/codes/code_of_ordinances?nodeId=CH

Conclusions based on the foregoing:

Consent Agenda:

Current Committee of the Whole and Finance Committee models would not enable recommended placement on the Consent Agenda for items that have “**Waiver**” or “**Waiver and Emergency**” requested, since Charter prescribes a vote must be taken to suspend the rule for two required readings.

Items with “**Emergency**” **only** requested could be recommended for the Consent Agenda, but still requires the affirmative vote of six (6) if all members present or five (5) if one or more members are absent in order for the emergency to take effect.

- Emergency should appear in the title.
- The Ordinance’s preamble and enactment sections should address the reasons for emergency in accordance with Charter 4.15
- Still needs to be read.

Advantages:

- Clarity for the public on the actual desirability for waiver/suspension of the rules, as it is a recorded vote.
- More rationale for votes:
 - Option A – member supports Waiver, but does not support final adoption (Yes to Waiver, no to adopt) or
 - Option B – member does not support Waiver, but if Waiver does pass, member can still vote to support its adoption (No to Waiver, yes to adopt)

Readings:

- All *ordinances* must be read by title at two (2) different Council meetings. If this rule is suspended (through Waiver), then the ordinance shall be read by title once before the passage. (Consent Agenda or otherwise).
- No Charter requirement on readings of *resolutions*.

Importance of Meeting Attendance and Votes:

- Absences can create different trajectories for legislation (one or more absences and combinations of “no” votes for waiver and/or emergency).
- Abstentions due to Conflict of Interest – also impact trajectories, especially combined with absence situations. Disclosures of Conflicts of Interest should be made in advance of agenda placement recommendations.

Postponements to a Date Certain:

- Could still consider votes for Waiver and/or Emergency when the ordinance comes back to Council.
- A postponement at first reading delays the first reading and subsequent reading.
 - Waiver could be added when it comes back from postponement.
- A postponement at second reading delays the second reading.
 - Waiver would be moot.
 - Emergency, however, might be necessary depending on the situation and the length of the postponement.

Attachments:

Rules of Procedure Amended 12.18.23 - CLERK REDLINE 3.11.24

Flowchart on Legislative Process - Resolutions, Ordinances, Vetoes