



RULES OF PROCEDURE FOR SESSIONS OF THE CLERMONT COUNTY BOARD OF COUNTY COMMISSIONERS

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I. PURPOSE

The purpose of the Rules of Procedure (hereinafter referred to as "Rules") is to guide the Clermont County Board of County Commissioners (hereinafter referred to as "Board"), staff and the public in preparing for and conducting sessions of the Board.

II. DEFINITIONS

The following definitions shall apply with regard to these Rules:

- **Member** - a member of the Clermont County Board of County Commissioners.
- **Regular Agenda** - a list of items to be acted upon and matters to be considered.
- **Consent Agenda** - part of the *regular agenda*. A listing of items that are considered non-controversial which do not generally need explanation nor debate, such as approval of budget amendments, personnel actions, training and travel, minutes, etc. and other items that may be routine. A consent agenda may be presented at any *regular session* of the Board. The intent of the consent agenda is to expedite processing for repetitious or routine items of business.
- **Regular Session** - a regularly scheduled and advertised session of the Board with which to conduct public business.
- **Executive Session** - a portion of a session where only certain permitted subjects may be discussed. Executive session is authorized for only those limited purposes set forth in Ohio Revised Code 121.22 (G). Executive sessions of the Board are not open to the public or media and only individuals requested or ordered to attend are permitted to attend.
- **County Staff / Elected Official Discussion** - a *regular session* or *special session* agenda item, as needed, wherein the Board and county staff or elected officials discuss specific topic(s) but no formal action will be taken by the Board. The topic(s) will be specified on the agenda along with the name of the staff, department or elected official. Other than security video, this agenda item will not be video recorded.
- **Special Session** - the Board must establish, by rule, a reasonable method that allows the public to determine the time, place, and purpose of special sessions.
 - The Board must provide at least 24 hours advance notification of special sessions to all media outlets that have requested such notification, except in the event of an emergency requiring immediate official action (see *emergency sessions*).
 - When the Board holds a special session to discuss particular issues, the statement of the session's purpose must specifically indicate those issues, and the Board may only discuss those specified issues at that session. When a special session is simply a rescheduled *regular session* occurring at a different time, the statement of the session's purpose may be for "general purposes."
- **Emergency Sessions** - An emergency session is a type of *special session* that the Board convenes when a situation requires immediate official action. Rather than the 24-hours advance notice usually required, a public body scheduling an emergency session must notify all media outlets that have specifically requested such notice of the time, place and purpose of the emergency session. The purpose statement must comport with the specificity requirements discussed above.

III. AGENDA PREPARATION

The Clerk of the Board, with the assistance of the Board's staff, shall prepare a draft agenda for each session. Department Heads, Elected Officials, or designated staff, must send a Motion and Topic Paper detailing their request to the Clerk's Office with backup data (as required) at least ten (10) days prior to the session. The County Administrator can waive the ten (10) days prior submission requirement, as needed.

The draft agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. Large extensive documents may be placed in the Clerk's office, for the public to review. A copy of the draft agenda and attached materials shall be available for public inspection as soon as they are completed. Each *Member* shall receive a copy of the draft agenda for *regular sessions* at least three (3) days prior to the *regular session*. Upon a majority vote at any *regular session* of the Board, other than a *special session* or *emergency session*, any *Member* or the County Administrator may request that an additional item be placed on the agenda for Board consideration.

IV. BOARD SESSIONS

With the exception of *executive sessions* (i.e. "closed sessions"), all sessions of the Board are open to the public and to representatives of the media. No person shall disturb a lawful session nor obstruct the official business of the Board. During Board sessions, only the business of Board will be addressed. If not within the purview of the Board's responsibilities, the Board will attempt to direct that individual or group of individuals to the appropriate person or agency or will direct staff to do so.

A. Duties of the President

The Board President shall preside at all sessions of the Board. The Board President shall have the following duties and powers:

1. To rule motions in or out of order including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
2. To control debate among *Members* unless relinquishing control to another *Member*;
3. To determine whether a speaker's remarks, utterance, gesture, or display obstructs or interferes with the session or outrages the sensibilities of the Board and to entertain and rule on objections from other *Members* on this ground;
4. To ensure compliance with the Rules and refer questions on the Rules and session procedures to the County Prosecuting Attorney;
5. To call a brief recess at any time;
6. To call a recess with a specific date, time and location of reconvening.
7. To adjourn in an emergency; and
8. To ensure these Rules are followed and the discretion to vary from them.

B. Duties of the Vice-President

The Vice-President of the Board shall perform the duties of the President in the absence of the President.

Upon request by the President, the Vice-President may perform the duties of the President. Should the Vice-President be absent or refuse the request from the President, the remaining *Member* may perform the duties of the President.

C. **Member to be Excused**

Any *Member* who leaves a session without being excused by majority vote of the *Members* present, shall subject his/her vote to being counted with the prevailing side on any issue. If the *Member* is excused by majority vote, no vote shall be counted for the excused *Member*.

D. **Order of Business**

Items may be placed on the agenda according to the "Order of Business." By general consent of the Board, items may be considered out of order.

1. Determination of a Quorum
2. Call to Order with the Pledge
3. Excusing *Member* not present
4. Approval of the Minutes
5. Proclamations, if any
6. Scheduled Public Hearings, if any (at published time)
7. Presentations, if any
8. *Consent Agenda* Items, if presented
9. *Non-Consent Agenda* Items
10. Additional Agenda Items, if any
11. *Executive Session*, if requested and granted
12. Return to *Regular Session* from *Executive Session*
13. Public Participation, if requested and granted
14. County Staff / Elected Official Discussion
15. *Member* Comments
16. Adjournment

E. **Actions by the Board**

1. Motions:
 - a. Any *Member* may make a motion.
 - b. One motion may be made and seconded at a time. A second is required on all motions. A motion will not be considered by the Board should it fail to receive a second.
 - c. The *Member* who makes the motion is entitled to speak first.
 - d. The Board President shall restate the motion and then open the floor to discussion.
 - e. A *Member* who has not spoken on the issue shall be recognized before a *Member* who has already spoken on the issue.
 - f. To the extent possible, the debate among *Members* shall alternate between the opponents and the proponents of the issue.
 - g. No *Member* shall interrupt another while speaking, except to raise a point of order, to ask a question or for information only. The point should be briefly stated to the presiding officer.
 - h. A *Member* may **amend** a motion by moving to amend the main motion and stating the proposed amendments.
 - i. A *Member* may **defer** a motion to a certain date.
 - j. A *Member* may **table** a motion for a future date uncertain.
 - k. A calling for the vote is not in order until there has been an opportunity for every *Member* desiring to speak, to speak one time. The vote may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation on a pending matter.
 - l. A *Member* may **approve** a motion by voting for it, or **disapprove** a motion by voting against it.

- m. A *Member* may **abstain** from voting on an issue. Any *Member* who abstains for cause, as defined by state law, on any motion coming to a vote before the Board shall not be counted in determining the number of votes needed for a majority.
 - n. A *Member* may make a motion to **adjourn** the session. A motion to adjourn takes precedence over all other motions or matters. A motion to adjourn is not in order until there has been an opportunity for all agenda items to be addressed. A majority vote is required.
2. *Consent Agenda*:
The *consent agenda* shall be introduced by a motion to "Approve the *consent agenda*," and shall be considered by the Board as a single item. Approval of the motion to approve the *consent agenda* shall constitute approval, adoption or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually. There shall be no debate or discussion by any *Member* regarding an item on the consent agenda, beyond asking questions for clarification. By request of any *Member*, an item shall be removed from the *consent agenda* for discussion and voted upon individually. Items removed from the *consent agenda* shall be considered individually, immediately after the vote on the *consent agenda* has been taken, and in the order in which they appeared on the *consent agenda*.

F. Executive Session

The Board may only hold *executive sessions* as provided by Ohio Revised Code Section 121.22 (G). The President shall cite the ORC Statute and the statutory reason authorizing *executive session* prior to going into *executive session*, and ask for the proper motion to do so. The Board shall commence an *executive session* by a majority vote to do so and terminate an *executive session* by the President stating the Board's return to *regular session*. No formal action may be taken by the Board in the *executive session*.

G. Public Conduct

1. The public is expected to remain seated except when entering or leaving the room, or unless specifically requested by the Board President to approach the podium.
2. The Board President may remove any person who prevents or disrupts a session by doing either of the following:
 - a. Any act which obstructs or interferes with the due conduct of such meeting; or
 - b. Make any utterance, gesture, or display which outrages the sensibilities of the Board.A majority vote by the Board may overrule the President if a vote is requested.
3. The Board President may remove any person who prevents, obstructs, or delays the Board by any act that hampers or impedes the Board in the performance of its official, lawful duties. A majority vote by the Board may overrule the President if a vote is requested.

V. PRESENTATIONS

The Board, an individual *Member* or County Administrator may invite an individual, group of individuals or organization to make a presentation to the Board on a specific topic. The topic shall be placed on the agenda identifying the topic as well as the presenting group, organization and/or individual.

VI. PUBLIC PARTICIPATION

These rules establish the standard of conduct for the public who are granted permission to speak during the public participation section of the agenda. No public participant shall disturb a lawful session nor obstruct the official business of the Board. The Board reserves the right to refuse the request to speak if the topic is not within the purview of the Board's responsibilities. If not within the purview of the Board's responsibilities, the Board may attempt to direct that individual or group of individuals to the appropriate person or agency, or will direct staff to do so.

- A. Each speaker must be recognized by the Board President before speaking. A majority vote by the Board may overrule the President if a vote is requested.
- B. Each speaker (or a speaker representing a group of individuals or an organization) who appears before the Board shall be limited to a maximum of five (5) minutes to speak. Unless otherwise directed by the Board President, each speaker shall speak from the podium. The speaker shall state their name, address and organization (if applicable) for the record.
- C. The maximum time for the public participation section of the agenda, regardless of the number of speakers wishing to address the Board, shall be limited to thirty (30) minutes.
- D. The Board may, by majority vote, modify the time allocations described in Sections B and C above.
- E. Unless otherwise permitted by the Board, each speaker shall only speak once on a particular item.
- F. All comments are to be directed to the Board and not individuals in the audience.
- G. Public participation shall be comment only. The public and the Board will not engage in a debate. Questions from the Board shall be limited to points of clarification. The Board President may limit the discussion if necessary to maintain order and adherence to these Rules.
- H. Any documents or other materials presented by a speaker during public participation will not be accepted by the Board and will only be included in the minutes by reference. The speaker will be given the option to submit the documents or other materials to the office of the Clerk of the Board.
- I. The Board will not act on issues initially raised by the public. The Board may direct staff to research the subject matter and to report necessary and relevant information to all *Members*.
- J. A personnel complaint against an individual County employee shall not be heard initially at a Board session. Personnel complaints shall be submitted to the Board in writing through the County Administrator's office. Complaints regarding the County Administrator shall not be heard initially at the Board session, but must be submitted in writing to the Board President.
- K. The Board President may prohibit a speaker from continuing if a speaker's comments are not within the Board's purview. A majority vote by the Board may overrule the President if a vote is requested.
- L. When deemed necessary because of time constraints or exigent circumstances, the Board President may request that persons who wish to speak at a session return and speak at the next scheduled session, or submit correspondence to the Board President.

VII. AMENDMENT OF RULES

These Rules may be amended or repealed by a vote of the majority of the Board. Rules shall become effective at the next *regular session* after approval. A rule may be temporarily suspended by a majority vote of the Board.

VIII. STATUTORY CONFLICT

In the event any of the foregoing Rules are determined to be in conflict with statutory provisions, then only that part in conflict shall be null and void. The remainder shall remain in full force and effect.

IX. POSTING OF THE RULES

There shall be a copy of these Rules posted for public review in the office of the Board and on the County Website.