



Rules of Council

EFFECTIVE: 12/07/2011

**Adopted by the Council Under
The Authority of the Charter of the
City of Cincinnati**

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RULES OF COUNCIL

- 1.1 Effective date.
- 1.2 Amendment and Suspension of Council Rules.
- 1.3 Procedure in Absence of Rule.
- 1.4 Rules of Courtesy and Decorum.

1.1 Effective Date.

The following rules shall be in effect upon adoption by the council and until such time as amended, rescinded or the end of the two-year term of council. These rules are hereby established by council pursuant to Article II, Section 5a of the Charter to govern the conduct of council. Such rules shall only be enforceable amongst members of council and the mayor as provided for herein.

1.2 Amendment and Suspension of Council Rules.

Rules may be amended, rescinded or adopted by the favorable vote of two-thirds of the members elected to council. The amendment, rescission or new rule shall go into effect immediately unless a different effective date is specified. Except where the Charter otherwise provides, any rule may be suspended at a council meeting by a favorable vote of two-thirds of the members of council without debate.

1.3 Procedure in Absence of Rule.

The use of sticks, poles or supports made of wood, metal, plastic or any rigid material is strictly prohibited in council chambers.

Any sign, placard, poster or other item brought into council chambers containing obscene or profane language, personal attacks, slander, defamation or threats of physical violence, which the chair determines is intended as a disruption of the meeting, shall be subject to removal at the discretion of the chair.

At the request of the chair, violators must remove from council chambers any sign found to be in violation of this rule. The chair has the discretion to order the removal of persons who continue to violate this rule following a warning.

PUBLIC ACCESS

- 2.1 Meetings Open to the Public.**
- 2.2 Notice of Meeting.**
- 2.3 Journal of Proceedings.**
- 2.4 Copies of Documents.**
- 2.5 City Bulletin.**
- 2.6 Citizens' Forum.**
- 2.7 Public Comment at Committee Meetings.**
- 2.8 Regular Meetings.**
- 2.9 Removal of Disruptive Individuals from Council Chambers.**

2.1 Meetings Open to the Public.

All meetings of the council and standing committees shall be open to the public. All meetings of the city council and its standing committees shall be open to the news media and shall be subject to recording by radio, television and photographic services at any time provided that such arrangements do not interfere with the orderly conduct of the meeting.

2.2 Notice of Meeting.

Notice of the time and place of regularly scheduled meetings of council and council committees shall be posted in the office of the clerk of council, room 308, City Hall. If council or a committee by motion adopts a different day or hour for its regularly scheduled meetings than that provided in these rules, notice shall be posted in the office of the clerk of council and shall be published in the city bulletin.

Special meetings of council, may be called at the request of the mayor or two members upon 24 hours notice to each member and be posted on the City's Website. Notice to the council members shall be communicated to them by a written notice delivered to their place of residence or to any location designated by a council member in writing and filed with the clerk of council; provided, however, that no additional notice need be served on any member present at a meeting of council at which the presiding officer gives at least 24 hours oral notice of the time and purpose of the meeting. The news agencies that have requested notification shall be given at least 24 hours advance notice of the time, place and purpose of the meeting by the clerk of council.

To obtain notification, a news agency shall submit a written request to the council at the office of the clerk of council at room 308, City Hall. Such request shall include the name and address of the news agency making the request and a telephone number for use by the council. The notification required by this rule shall be made by telephone call or facsimile to the number included in the news agency request. The responsibility for keeping the required information current shall be that of the news agency making the request.

Any person who wishes to obtain advance notification of all council or committee meetings at which any specific type of public business is to be discussed shall submit a written request for such notification to the council at the office of the clerk of council at room 308, City Hall. Such request shall include the name and address and telephone number of the person making the request and shall be

(g) The chair may order the removal of any person causing a disturbance of a citizens' forum or failing to comply with any lawful decision or order by the chair for the duration of the citizens' forum or such lesser period as the chair may determine. Following a request to cease and desist disruptive behavior as set forth in O.R.C. 2917.12, the chair may order the removal of persons who continue to disrupt meetings from council chambers for the duration of the meeting or such lesser period as the chair may determine. In cases of excessive disruptive behavior as set forth in O.R.C. 2317.12, the chair may ban individuals from all council and committee meetings for a period of 60 days, in addition to any other penalties incurred at law. The clerk of council shall be responsible for notifying suspended individuals of the duration of their suspension.

(h) The citizens' forum shall not be considered part of the business portion of a council meeting.

(i) If the mayor is not present to call the citizens' forum to order five minutes after the scheduled starting time, the vice-mayor shall call the meeting to order. If neither the mayor nor the vice-mayor is present, the president pro-tem shall call the meeting to order. If the mayor, vice-mayor or the president pro-tem are not present, a council member may call the meeting to order, as long as a quorum is present.

(j) It is the duty of the chair to enforce these rules.

2.7 Public Comments at Committee Meetings.

Members of the public are encouraged to discuss and debate relevant issues during meetings of the various committees of council. Each committee meeting will begin with a greeting by the chair and a brief summary of the rules of council related to courtesy and decorum and speaking before council. During committee meetings, persons may be granted the privilege of the floor as follows:

(a) Persons who wish to speak on any item on a committee agenda may be granted the privilege of the floor for two minutes, unless in the discretion of the chair, circumstances dictate a longer or shorter period for all speakers on a particular item. The length of speaking periods for public comment must be uniform for a particular item.

Further, it is the discretion of the committee chair whether persons speaking on agenda items speak before or after committee members have had the opportunity to discuss the item. After the business portion of committee meetings has concluded, persons who wish to speak on any issue may be granted the privilege of the floor for three minutes.

(b) At the discretion of the committee chair, public comments may be limited to three persons in support and three persons in opposition of any issue. All speakers are limited to one appearance per committee meeting.

(c) All persons who wish to speak before a committee of council must complete a speaker card and file it with the clerk. Speaker cards must be completed with the speaker's name, organization (if applicable) and subject, and submitted along with any material or information to be distributed. On the face of each completed speaker card, the clerk shall indicate the time of receipt and the order in which speaker cards are received.

(d) Each committee's chair will recognize and introduce speakers in the order in which their speaker cards were received by the clerk.

(e) Only the speaker is permitted at the lectern when addressing council or one of its committees, unless the chair or any member of council has invited two or more persons to the lectern for information or ceremonial purposes.

(f) The chair shall provide a warning to a speaker whose comments are not directly relevant to a committee agenda item. Following a warning, the chair may require a speaker who continues to make irrelevant comments to relinquish the remainder of his or her three minutes. Failure to comply will constitute a disturbance.

(g) The use of obscene or profane language, personal attacks, slander, defamation, physical violence or the threat thereof, which the committee chair determines is intended as a disruption of the meeting, shall constitute a disturbance as set forth in O.R.C. 2917.12.

for the protection of city property, the preservation of order, the transaction of public business of the city, or other sufficient reason.

3.2 Seating of Members.

Except as otherwise directed by a majority of council, members shall occupy the seats in the council chamber assigned to them by the mayor, but any two or more members may exchange seats by giving joint written notice to the mayor.

3.3 Officers of the Council.

A vote of a majority of the members elected to council shall be required to select a president pro-tem at the first meeting in December following the regular municipal election.

3.4 Clerk of Council and Staff.

The clerk of council shall be appointed as an unclassified legislative employee of the city by vote of a majority of the members elected to council and shall serve at the pleasure of council. The appointment shall be for a two-year term coinciding with the term of council. Appointment and removal of the clerk of council during the two-year term shall be made only upon an affirmative vote of two-thirds of the members elected to council.

Prior to original appointment the qualifications of the proposed appointee shall be presented to council.

The clerk's staff shall be appointed as unclassified legislative employees of the city by the clerk of council. The clerk shall have supervision and control of the staff.

3.5 Appointment by the Mayor.

Within the first 30 days of a council term the clerk shall provide council with a list of those positions appointed by the mayor with the advice and consent of council which will expire during the two-year council term then beginning.

When the mayor submits a proposed appointment to council, the name of the proposed appointee shall be published in the city bulletin and consideration of the appointment shall be deferred until the next meeting.

3.6 Allocation of Office Space.

When any office occupied by a member of council (excluding the mayor) becomes vacant for any reason including death, resignation or defeat in an election, the vacant office space shall be offered to the other members of council in order of seniority based upon total consecutive time served on council, and room 356 shall be given to the Vice Mayor.—The clerk of council shall administer the assignment of vacant office space in accord with this rule.

3.7 Ban on Weapons and Items Resembling Weapons.

Weapons and any items that the chair determines resemble weapons (i.e., a plastic gun), are strictly banned from council chambers unless wielded by a member of the Cincinnati Police Department. Any person carrying such items will be immediately removed from chambers and banned from all council and committee meetings for a period of 60 days, in addition to any other penalties incurred at law.

MEETINGS

4.1 Regular Meetings.

4.2 Special Meetings.

4.3 Adjourned Meetings.

4.1 Regular Meetings.

within such person's control that may beep, buzz or make any noise that may be audible to other persons in the area.

The clerk or the clerk's designee shall serve as the parliamentarian, with the assistance of the solicitor's office, at every council session or council committee meeting.

5.4 Appeals from Decisions of the Chair.

The chair shall decide all questions of order subject to appeal. Upon appeal, the chair shall be sustained unless overruled by a majority vote of council.

5.5 Questions Stated.

Questions must be stated through the chair and shall not count toward the time limit on debate during council session. Said questions may be limited at the sole and absolute discretion of the chair or presiding officer.

5.6 Presiding Officer Leaving Chair.

The presiding officer at a meeting may call any other member to take the presiding officer's place in the chair but the substitution shall not extend beyond adjournment.

5.7 The Clerk.

The clerk and other officers and employees of the clerk of council's office shall be under the control and direction of the chair during council and committee meetings.

5.8 Addressing the Chair.

Every member speaking to a question or making a motion shall address the chair of council as "Mr. President" or "Madam President," and the chair of a committee as "Mr. Chair" or "Madam Chair." The chair shall thereupon state the name of the member entitled to the floor. Members addressing council shall confine themselves to the question under debate.

MEMBERS

6.1 Duty to Vote.

6.2 Right to Floor.

6.3 Limitation of Debate.

6.4 Separation of a Question.

6.5 Roll Call Vote.

6.6 Tie Vote.

6.7 Change of Vote.

6.8 Personal Privilege and Character Attacks.

6.9 Censure.

6.10 Dissents and Protests.

6.11 Attendance at Meetings.

6.12 Excusal During Meeting.

6.1 Duty to Vote.

Every member present shall vote on all questions unless excused by a majority vote of council; except that no member shall vote on any question in which he or she is financially interested or which in any way directly involves the council member's personal or private rights. A member wishing to be excused or excepted shall state the reason for excusal or exception.

Any member, who has a personal or professional conflict with any item that appears before a committee or the council, shall strictly adhere to the requirements of the Ohio Ethics Commission as contained in Ohio Ethics Commission Advisory Opinion No. 90-008, May 25, 1990. (See attached.)

question of personal privilege. A member shall be granted permission to address council for up to two minutes, but the chair may call that member out of order if the chair determines no grounds exist for the question of personal privilege.

6.9 Censure.

If a member of council assails, questions, or impugns the integrity, character, or motives of another member of council, a member may make a motion to censure the member for the character attack. The motion shall pass by a three-fourths vote. If the motion to censure passes, the motion shall be published in the City Bulletin.

6.10 Dissents and Protests.

Any member shall have the right to express dissent from or protest against any ordinance, motion or resolution of council and have the reason therefore entered upon the journal. To be entered upon the journal, such dissent or protest must be filed in writing and presented to council not later than the end of the next regular meeting following the date of passage of the ordinance or resolution.

6.11 Attendance at Meetings.

Each member of the council shall be present within the chambers of the council during the entirety of each meeting of council, including the citizens' forum, unless excused by the presiding officer or necessarily prevented from attending.

6.12 Excusal During Meeting.

Any member desiring to be excused while council is in session shall obtain such permission from the presiding officer.

CONDUCT OF BUSINESS

- 7.1 Order of Business.**
- 7.2 Call to Order.**
- 7.3 Roll Call.**
- 7.4 Quorum.**
- 7.5 Filing of the Journal.**
- 7.6 New Business.**
- 7.7 Announcements.**
- 7.8 Council Calendar.**
- 7.9 Council Referrals.**
- 7.10 Referrals of State and Federal Joint Proposals.**
- 7.11 Referrals to City Manager.**
- 7.12 Assignment of Agenda Items.**
- 7.13 Deliberative Policymaking.**
- 7.14 Sunset of Prior Legislative Matter.**

7.1 Order of Business.

Council shall transact business in the following order at all regular meetings. The order may be altered at special meetings and at any other meeting by consent of a majority of council.

Council Procedure:

- Roll Call
- Prayer and Pledge of Allegiance
- Filing of Journal
- Special Orders (guests, proclamations, resolutions, etc.)
- Regular Agenda (action items)
- Supplemental Agenda

meeting. The supplement shall be made available by **11:00 AM** of the day of the meeting. With exception to meetings where a committee meeting is held the evening prior, the supplement will be due at **1:00 PM**.

The supplemental calendar shall contain action agenda items received by the clerk after the printed calendar deadline.

Items shall appear on the calendar in substantially the following order:

- (a) Reports and communications from the mayor, members of council, city manager, city boards and commissions, and department directors.
- (b) Second reading of ordinances held from previous meeting.
- (c) Third reading of ordinances held from previous meeting.
- (d) Other matters received by the clerk.
- (e) Reports of standing committees.

Anonymous communications shall not be placed on the agenda or introduced into council.

7.9 Council Referrals.

Items on the calendar, which have not been previously referred to committee, shall be referred to the appropriate committee by the mayor. Items shall be referred to the planning commission where required by the charter or law. Planning commission items shall be initially referred to the commission and to committee. When returned to council by the planning commission, the items shall be placed on the committee agenda with the initial referral. An item may be considered immediately and then acted upon only upon an affirmative vote of two-thirds of the members of council.

7.10 Referrals of State and Federal Joint Proposals.

All proposals for projects which contemplate cooperation with, or financial participation by, the state or federal government, shall be transmitted to council by the city manager. If a city board or commission desires to propose such a project, the proposal shall be filed with the city manager.

All proposals shall be in approved form and accompanied by proper plans and specifications conforming to the requirements of the respective state or federal government.

~~Council~~ ~~The mayor~~ shall refer all proposals to ~~the budget and finance committee and to the chair of any other appropriate committee~~. The committees shall report their recommendations to council. If council approves the proposal, it shall authorize the city manager to make application to the proper authority.

7.11 Referrals to City Manager.

Communications from council members must be directed to the city manager's office for follow-up. Requests for information from council members, other than for the resolution of routine constituent matters, shall go to the city manager instead of directly to the department heads. Basic information that does not involve or require a memorandum or a report may be requested directly by a council member to the city manager or his or her office. ~~The city manager may require that a request~~ Request for a written report or information shall be signed by the committee chair with jurisdiction on that matter, the vice chair, and any other member of council.

Notwithstanding the above, committee chairs may have direct contact with department directors or their supervisory staff regarding matters related to the committee's jurisdiction.

7.12 Assignment of Agenda Items.

The mayor shall assign all legislative matters to the appropriate committee for consideration; however, no matter shall be assigned to more than one committee for consideration in addition to the budget and finance committee, consistent with council's approved committee jurisdictions.

7.13 Deliberative Policymaking.

(b) Motion for Vote on Current Item.

Approval by a majority of council of a motion for vote on the current item shall close debate and council shall immediately proceed to a vote on the current question. The motion is not debatable.

(c) Motion to Amend.

A motion to amend may only be amended once. An amendment once rejected may not be moved again substantially in the same form.

(d) Motion to Postpone Indefinitely.

An affirmative vote of two-thirds of council is required to approve a motion to postpone indefinitely. If a motion to postpone an item carries, the item is considered lost without a vote on the merits.

8.4 Motion to Reconsider.

A motion to reconsider a proposal that has been acted upon favorably must be made before adjournment of the meeting of council or committee at which the vote was taken. A motion to reconsider any other action taken by council or committee may be made at any time at any meeting held within 10 business days after the vote of council thereon. A motion to reconsider may be made only by a member who voted with the prevailing side. A majority of council shall be sufficient for reconsideration of a vote. If a motion to reconsider is lost, it shall not again be entertained.

8.5 Motion to Take Recess.

Council may move to take a recess to a specified time. The motion is debatable and amendable. At the appointed time the meeting shall be called to order and business will proceed the same as if no recess had been taken.

8.6 Motion to Adjourn.

A motion to adjourn shall be in order at any time, except as follows:

- (a) When repeated without intervening business or discussion.
- (b) When made as an interruption of a member while speaking.
- (c) When the previous question has been ordered.
- (d) While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

ORDINANCES AND RESOLUTIONS

- 9.1 Ordinances Drafted.**
- 9.2 Reading of Ordinances.**
- 9.3 Suspension of Three Readings.**
- 9.4 Amendments.**
- 9.5 Improper Amendments.**
- 9.6 Adoption of Ordinances.**
- 9.7 Emergency Ordinances.**
- 9.8 Publication of Ordinances.**
- 9.9 Legislative Resolutions.**
- 9.10 Resolutions.**
- 9.11 Adoption of Resolutions.**

9.1 Ordinances Drafted.

Ordinances shall be drawn by the city solicitor at the request of the mayor, or a request made by the committee chair with jurisdiction on that matter, the vice chair, and any other member of the

approve an amendment of the zoning ordinance or of the zone map or location of a public improvement or other matter on which the charter requires planning commission advice. An ordinance creating, combining, abolishing or decreasing the powers of any department, division or board, shall require a vote of three-fourths of the members elected to the council (Art. II, Sec. 7, Charter).

For purposes of the following, a majority vote of council is required. Council shall pass no ordinance pass no ordinance providing for an expenditure of City funds except as a part of the approved annual City budget unless the Ordinance at the same time provides for specific offsetting expenditure reductions or revenue increases. In the absence of the declaration of a genuine emergency by the City Manager, offsetting expenditure reductions shall not include funds taken from the Reserve for Contingencies, from any surplus, or from the previous year's Carryover Balance. Spending increases in the operating budget must be offset by reductions in the operating budget.

9.7 Emergency Ordinances.

In order to take immediate effect, an emergency ordinance must receive an affirmative vote of five members of council on the ordinance and six affirmative votes on the emergency clause. Each vote shall be taken separately by yea and nay vote.

In the event the ordinance receives an affirmative vote of five members, but does not receive six affirmative votes on the emergency clause, the emergency clause shall be stricken and the ordinance shall go into effect as otherwise provided by law.

The journal of the clerk shall show the yeas and nays of the roll call vote separately on the ordinance and the emergency clause.

9.8 Publication of Ordinances.

Every ordinance shall be published once within fifteen days after its passage in the city bulletin or another newspaper of general circulation in the city of Cincinnati. In the publication of every ordinance or resolution relating to improvements, the advertisement shall contain simply a statement of the title, number and the date of the ordinance and resolution, a concise description of the private property affected, a summary of the nature of the improvements, the rate of any assessment levied or to be levied, and a reference to a copy of the ordinance or resolution, which shall be on file in the office of the clerk of council. In the publication of all other ordinances or resolutions the advertisement shall contain a statement of the title, number and date of the ordinance or resolution, the complete text or a brief statement of the nature of the ordinance or resolution and a reference to a copy of the ordinance or resolution, which shall be on file in the office of the clerk of council.

9.9 Legislative Resolutions.

Legislative matters that are required by the constitution or state law to be in resolution form shall be adopted and published in the same manner as ordinances.

9.10 Resolutions.

Resolutions shall be drawn by the city solicitor at the request of the mayor, any member of council, a council committee, the city manager, a board or commission, or department director.

9.11 Adoption of Resolution.

All resolutions except legislative resolutions shall be adopted by an affirmative vote of a majority of council.

COMMITTEES

10.1 Appointment of Committees.

10.2 Standing Committees.

10.3 Special Committee.

10.4 Committee Meetings.

10.5 Secretary to Committees.

earlier committee shall adjourn to another committee room or adjourn to another time. The chair of the later committee may waive this rule at his or her sole discretion.

Council members shall attend the scheduled standing committee meeting over the standing committee meeting that is running over its scheduled time. Failure to attend the scheduled standing committee at its allotted time shall be recorded as an unexcused absence by the clerk.

If a committee member fails to attend a committee meeting without properly informing the committee chair, the absence will be treated as an unexcused absence and recorded as such by the clerk. The clerk is required to publish the unexcused absence in the City Bulletin.

Committee chairs shall have the authority to schedule meetings and set the agenda for committee hearings. Once items have been referred to committee, the chair shall set the agenda for each meeting. Referred items are not to be placed on committee agenda without the consent of the chair. However, items referred to committee shall be placed on the committee agenda for consideration within 30 days of referral. Members may not speak on an item unless it is on the committee agenda, or upon recognition of the chair. The chair or presiding officer, in his or her sole and absolute discretion, has the authority to direct security personnel to enforce council rules for purposes of civility and decorum.

Council recognizes that council members may not always agree with the view of some or all of the members of council. Nonetheless those views should be heard respectfully without reproach, admonition or interruption. In any debate of public issues, differences of opinion are to be expected and civil airing of those differences is encouraged as it helps to test ideas and develop consensus. Debate, however, should never become a personal attack which criticizes the character of the speaker rather than the wisdom of his or her ideas. Once the chair gives a member the floor, that member shall speak without interruption by the chair or other members, unless provided by Section 6.8 of the Rules of Council. Any member with the floor must yield to a motion to close debate, call the previous question or yield the floor after a minimum of five minutes.

If a committee member requests recognition for the purpose of asking a question, upon recognition of the chair, the member shall ask the question through the chair.

Any amendments or modifications to proposed action items currently pending on a committee agenda must be filed with the committee chair at least one (1) hour prior to the committee meeting in order to be discussed at said meeting. Any amendments introduced after the deadline shall be filed with the chair and will be considered at the discretion of the chair.

Items not appearing on the agenda may be presented through the committee chair at his or her sole discretion.

A committee may consider any matter concerning the city which falls within the area of responsibility assigned to that committee. A committee may initiate legislation within its area of responsibility for submission to council and such legislation, when accompanied by a committee report, may be acted upon immediately and need not be referred to another committee.

10.5 Secretary to Committees.

The clerk or the clerk's designee shall act as secretary and parliamentarian, with the assistance of the solicitor's office, to each committee, and keep a record of attendance and business transacted at committee meetings.

10.6 Committee Quorum / Prompt Start of Committee Meetings.

A majority of the members appointed to any committee of council shall constitute a quorum.

If a quorum is not present at a special or regularly scheduled meeting, the chair or presiding committee member may permit persons present to speak on agenda issues; however, no referrals or reports to council may be made or action taken on any matter in the absence of a quorum, but shall be held in committee until the next meeting. The chair of the committee shall report to council that there was no quorum at its regularly scheduled meeting or that a scheduled meeting was not held. Should action be required on any matter referred to the committee before the committee's next scheduled meeting, council may relieve the committee from further consideration of the matter.

case may speak more than five minutes at one time. The one primary maker of the motion shall have the right to make a final two-minute summation before the vote. There shall be no remarks on a subject once the matter has been acted upon. The chair of the meeting shall indicate when the speaker is approaching the end of his or her allotted time and when his or her time has ended. The chair or presiding officer has the authority to limit debate in his or her sole and absolute discretion.

LEGAL OPINIONS FOR COUNCIL MEMBERS

11.1 Legal Opinions for Council Members.

Council members may, individually or jointly, request legal opinions and legal work from the city solicitor. When appropriate, they may specify that such opinions be delivered confidentially under the attorney-client privilege, and be delivered only to the council member(s) who requested the legal opinions.

If the "Rule 11" legal work the council member(s) requests involves an item to which the administration has already established a position or generated a legal analysis, the council member(s) may request an independent opinion conducted by a city lawyer not involved in the prior decision making or analysis.

When the council member(s) has requested a confidential/privileged and independent opinion or analysis, only the council member(s) can disclose the legal opinion to others within or outside the administration. Consistent with Ohio rules of legal ethics, the attorney must conduct his or her analysis independently and provide a neutral and confidential opinion or analysis to the requesting council member(s).

Council members who jointly request a confidential legal opinion or analysis must respect their joint attorney-client privilege for legal opinions given to them in confidence by the Solicitor's Office or other attorneys of the city.