

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

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PURPOSE

The purpose of these rules is to guide the Clermont County Board of County Commissioners (hereinafter referred to as "Board") and citizens in conducting Board meetings.

Rule I. DEFINITIONS

The following definitions shall apply with regard to these Rules of Procedure:

- **Agenda** – a list of items to be acted upon and matters to be considered.
- **Consent 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 may be routine.
- **Regular Session** – a regularly scheduled and advertised meeting of the Board with which to conduct public business.
- **Executive Session** – a portion of a meeting 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 allowed to attend.
- **Special Session** - A “special session” is any meeting other than a regular session. The Board must establish, by rule, a reasonable method that allows the public to determine the time, place, and purpose of special meetings.
 - The Board must provide at least 24 hours advance notification of special meetings to all media outlets that have requested such notification, except in the event of an emergency requiring immediate official action (see “Emergency Meetings”, below).
 - When the Board holds a special meeting to discuss particular issues, the statement of the meeting’s purpose must specifically indicate those issues, and the Board may only discuss those specified issues at that meeting. When a special meeting is simply a rescheduled “regular” meeting occurring at a different time, the statement of the meeting’s purpose may be for “general purposes”.

- **Emergency Meetings** – An emergency meeting is a type of special meeting 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 meeting must notify all media outlets that have specifically requested such notice of the time, place and purpose of the emergency meeting. The purpose statement must comport with the specificity requirements discussed above.

Rule II. BOARD MEETINGS

With the exception of executive sessions (i.e. "closed meetings"), all meetings of the Board are open to the public and to representatives of the media. During the Board meetings the business of Clermont County will be addressed and may involve members of the County staff, elected officials, department heads, consultants, experts and members of the public. The public is invited to attend all open meetings as an observer. The Board may request a member(s) of the public to participate in a Board meeting. A member(s) of the public may request, in accordance with the rules set forth below, to address the Board. The Board may only address issues that are posted on the agenda. By a majority vote of the Board issues that are/were "unexpected/emergent" and require "immediate/timely" disposition may be addressed.

Order of Business

Items will be placed on the agenda according to the "Order of Business".

Regular Session:

1. Determination of a Quorum
2. Call to Order with the Pledge
3. Excusing member not present
4. Proclamations, if any
5. Scheduled Public Hearings, if any (At published time)
6. Administrative reports, Department Spotlights
7. Committee reports or scheduled presentations
8. Consent Agenda, if presented
9. Agenda Items
10. Executive Session, if requested and granted
11. Return to Regular Session from Executive Session
12. Additional Agenda Items, if any
13. Public Addresses to the Board, if requested and granted
14. Commissioners' Comments
15. Approval of the Minutes
16. Adjournment

By general consent of the Board, items may be considered out of order.

Action by the Board

Motions

The Board shall proceed by motion. Any member, may make a motion.

1. One Motion may be made and seconded at a time.
2. An Amendment to the main motion may be handled two ways:
 - A. An amendment may be offered by any commissioner and accepted by the motion maker, as well as accepted by the person who seconded the main motion, or
 - B. An amendment to the main motion may be made by another motion and seconded. An amendment to a motion is voted on prior to the main motion, and, if passed; is added to the main motion for a final vote. No more than one amended motion may be made to the principal motion, at one time. This rule stands for the basic principle of parliamentary procedure that distinct issues will be considered and dealt with, one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.
3. A Substitute Motion may be made with the intention of totally changing the content of the main motion. A substitute motion is voted on before the main motion, and if passed, eliminates the need to vote on the main motion.
4. A second is required on all motions, amended motions or substitute motions.
5. 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.
6. A motion may be made to divide a complex motion and consider it by paragraph.
7. A motion may be made which allows a matter to be postponed until a time certain. No further action by a member is necessary to ensure that it will be placed on a future agenda on that date.
8. To recess or postpone the meeting to a time certain.

Procedural Motions

1. To approve the consent agenda
2. To adjourn the meeting. 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.
3. To take a recess.
4. To table for reconsideration at a time certain.

Limitations

1. The Board will not act on issues initially raised by a member of the public. Commissioners are expected not to comment on matters brought to the Board during this time, but to delay action or comment until staff has had an opportunity to research the subject matter and to report necessary and relevant information to all members of the Board. Commissioners may direct questions to the presenter.
2. A personnel complaint against an individual County employee may not be heard initially at a Board meeting. Personnel complaints may be submitted to the Board in writing through the County Administrator's office. Complaints regarding the County Administrator may not be heard initially at the Board meeting, but must be submitted in writing to the Board President.

Debate by the Board

The Board President shall control debate unless relinquishing control to another member while the Board President is involved in active debate on a particular issue. The Board President must recognize each person who wishes to speak. No member shall speak for more than three (3) minutes on the question under debate, except by a majority vote of the members present, and no more than once on the same question until all who wish to speak have the opportunity to do so. In all meetings each member, before speaking, shall be recognized by the President of the Board. The speaker shall confine him/herself to the question under debate. 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. No

person, not a member of the Board, shall speak on any matter pending before the Board without the consent of the Board President.

The Board President shall preside over the debate according to these general principles:

The Board President shall restate the motion and then open the floor to debate.

1. The introducer, the member who makes the motion, is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken on the issue.
3. To the extent possible, the debate shall alternate between the opponents and the proponents of the measure.
4. Any member has the right to appeal the ruling of the Board President.
5. Any ruling shall stand unless overruled by majority vote of the members present.

Regular Agenda

The Clerk of the Board with the assistance of the Board's staff, shall prepare the agenda for each meeting. A written request to have an item of business placed on the agenda should be received by the Clerk's Office at least ten (10) days before the meeting, when practical. Department Heads or Elected Officials 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 meeting. In extreme circumstances the County Administrator can waive the ten (10) days prior submission requirement.

The 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 agenda and attached materials shall be available for public inspection as soon as they are completed. Each Commissioner shall receive a copy of the agenda for regular meetings at least three (3) days prior to the meeting. Upon a majority vote at any meeting of the Board, other than a special or emergency meeting, any Board member or the County Administrator may request that an additional item be placed on the agenda for Board consideration.

Consent Agenda

A Consent Agenda may be presented at any Session of the Board. The intent of the Consent Agenda is to expedite processing for repetitious or routine items of business. There shall be no debate or discussion by any member of the Board regarding any item on the Consent Agenda, beyond asking questions for clarification. By request of any Board member any 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.

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.

Executive Session

The Board may only hold Executive sessions as provided by law. 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.

Rule III. PUBLIC PARTICIPATION IN BOARD MEETINGS

An individual or group of individuals of the public may make a request to participate in a Board Meeting. The request must be submitted in writing (Email is acceptable) to the County Administrator detailing the subject matter to be presented, the length of time requested, and the number of people who may be speaking. The Board reserves the right to refuse the request in whole or in part. If the request is granted, the Board may limit the amount of time a member(s) of the public may speak on the subject. If a request is granted, that member(s) of the public shall be assigned a date and time to appear before a Regular Session of the Board.

Rules Regarding Public Participation

These rules establish the standard of conduct for those members of the public who are granted permission to participate in the Board meeting.

1. Each member of the public who appears before the Board shall be limited to a maximum of five (5) minutes to make his/her presentation on a particular item.
2. A speaker representing a group of individuals will be limited to a maximum of five (5) minutes to make his/her presentation on a particular item.
3. The maximum time for the public to make a presentation on a particular item, regardless of the number of members of the public wishing to address the Board on that item, shall be limited to thirty (30) minutes.
4. In matters of exceptional interest the Board may, by majority vote, modify or suspend the time allocations.
5. Each speaker shall only speak once on a particular item during the session.
6. Each speaker must be recognized by the Board President before speaking.
7. All comments are to be directed to the Board and not to members of the audience.
8. Only presenters listed on the agenda or recognized by the Board President will be called to the podium to address the Board.
9. 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.
10. The Board President may recognize any citizen to speak to the Board during the course of any meeting. A majority vote by the Board may overrule the President if a vote is requested.
11. Public participation during the session shall be comment only. The public and the Board will not engage in a debate. Questions from Commissioners shall be limited

to points of clarification. The Board President may limit the discussion if necessary to maintain order and adherence to these rules.

12. No member of the public may comment about a matter that is not within the purview of the County's responsibilities.
13. If it is determined that a speaker's comments are not contributing to the orderly and efficient conduct of County business because the comments are not germane to that business, the Board President may prohibit the speaker from continuing.
14. No person, with purpose to prevent or disrupt a Board meeting shall do either of the following:
 - (1) Do any act which obstructs or interferes with the due conduct of such meeting;
 - (2) Make any utterance, gesture, or display which outrages the sensibilities of the Board.
15. The Board President may cause any disorderly person to be removed from the meeting.
16. When deemed necessary by the Board President, because of time constraints or exigent circumstances, the Board President may request that persons who wish to speak at a meeting return and speak at the next scheduled meeting, or submit correspondence to the Board President.

Rule IV. DUTIES OF THE BOARD PRESIDENT

The Board President shall preside at all meetings 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 determine whether a speaker's remarks, utterance, gesture, or display obstructs or interferes with the meeting or outrages the sensibilities of the Board and to entertain and rule on objections from other Board members on this ground;
3. To entertain and answer questions on the Board's Rules of Procedure, or to defer same to the County Prosecuting Attorney;
4. To call a brief recess at any time;
5. To call a recess with a specific date, time and location of reconvening.
6. To adjourn in an emergency;
7. To ensure these Rules of Procedure are followed and the discretion to vary from them.

Rule V. DUTIES OF VICE-PRESIDENT

Vice-President of the Board presides and acts in the absence of the Board President, or when the Board President is physically unable to attend the meeting or to attend to his responsibilities as Board President.

Rule VI. PRESIDING OFFICER WHEN THE PRESIDENT IS IN ACTIVE DEBATE

The Board President shall preside at meetings of the Board unless he becomes actively engaged in debate on a particular issue, in which case, the Board President shall designate the Vice President of the Board to preside unless the Vice President of the Board is in the debate. If this occurs, then another Board member may be appointed to preside until the debate is concluded. The Board President shall then resume the duty to preside as soon as action on the matter is concluded.

Rule VII. COMMISSIONERS TO BE EXCUSED

Any Commissioner who leaves a meeting without being excused by majority vote of the members present, shall subject his 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.

Rule VIII. ABSTENTION

Any Commissioner 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.

Rule IX. AMENDMENT OF RULES

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

Rule X. ROBERTS RULES OF ORDER

All matters not covered in these rules or state law, shall be governed by the latest edition of Roberts Rules of Order. The Board President, with Board approval, shall appoint a parliamentarian. The parliamentarian shall either be a member of the Board or a representative of the County Prosecuting Attorney. If the parliamentarian is a Commissioner, the parliamentarian shall be allowed the same rights to debate and vote on motions as any Commissioner.

Rule XI. 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.

Rule XII. POSTING OF THESE RULES

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