

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

**Chris Martin,**  
c/o First Amendment Clinic  
CASE WESTERN RESERVE UNIVERSITY  
SCHOOL OF LAW  
11075 East Blvd.  
Cleveland, Ohio 44106

*Plaintiff,*

v.

**Cleveland City Council**  
and **Cleveland City Council President**  
**Blaine Griffin** (in his official and  
individual capacities),  
601 Lakeside Ave., Room 220  
Cleveland, Ohio 44114.

*Defendants.*

**COMPLAINT FOR DAMAGES,  
DECLARATORY & INJUNCTIVE  
RELIEF  
(WITH JURY DEMAND)**

**Preliminary Statement**

1. This case is about Cleveland City Council (“City Council”) and Cleveland City Council President Blaine Griffin (“Council President Griffin” or “Defendant Griffin”) using City Council’s unconstitutional public comment policies to silence the free speech of members of the public seeking to petition their government officials – rights guaranteed by the United States and Ohio Constitutions. On September 25, 2023, Defendant Griffin used Council’s written policies and his discretion as City Council President to unlawfully censor Plaintiff Chris Martin while Mr. Martin recited some of the donations Councilmembers accepted from a Political Action Committee known as

the Council Leadership Fund during the public comment period. Defendants' policies invidiously discriminate against particular viewpoints and chill protected speech—particularly speech that criticizes public officials. Moreover, the policies are unmoored from any reasonable governmental interest. This lawsuit seeks damages for Defendants' violations of Mr. Martin's First Amendment rights, to end ongoing constitutional violations, and for other relief as described below.

### **Nature of the Claims**

2. This Complaint is brought under 42 U.S.C. § 1983 and the First and Fourteenth Amendments of the U.S. Constitution. Mr. Martin seeks damages, injunctive relief, declaratory relief, and attorneys' fees and costs related to Defendants' violation of Mr. Martin's speech rights.

### **Parties**

3. Plaintiff Chris Martin is a concerned, civically engaged citizen residing within Cleveland city limits.

4. Cleveland City Council is, and at all relevant times was, the elected legislative body of Cleveland with its principal place of operation in Cleveland, Ohio. The Council is elected pursuant to Chapter 5 of the Charter of the City of Cleveland, as authorized by Article XVIII § 3 of the Ohio Constitution.

5. Defendant Council President Blaine Griffin is the current City Council president, elected by Council pursuant to Chapter 5, Section 30 of the Charter of the City of Cleveland.

6. Defendant City Council has enacted “Rules of Order Governing the Council of the City of Cleveland 2022-2025,” which govern City Council Meetings (the “Rules of Council”). These Rules provide that “any person may be heard during that portion of a regular meeting set aside for public comment.” A true and accurate copy of the Rules of Council is attached as Exhibit 1.

7. Defendant City Council has enacted “Procedures for Public Comment at Cleveland City Council Meetings” which govern speech during the public comment portion of Council Meetings (the “Public Comment Policies” or “Policies”). A true and accurate copy of the Public Comment Policies is attached as Exhibit 2.

### **Jurisdiction and Venue**

8. This Court has subject-matter jurisdiction over Mr. Martin’s claims that arise under the United States Constitution under 28 U.S.C. § 1331. Further, 28 U.S.C. § 1343(a)(3) provides this Court with jurisdiction over deprivations of civil rights.

9. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events which give rise to the claims occurred within the Northern District of Ohio.

## Factual Allegations

### *The Public Comment Policies*

10. Although at one time Cleveland's City Charter mandated public comment, before 2021 Cleveland City Council had not allowed public comment for decades.<sup>1</sup>
11. Pursuant to its Rule that "any person may be heard during that portion of a regular meeting set aside for public comment" (see Exhibit 1), Cleveland City Council enacted the Public Comment Policies on September 20, 2021. Exhibit 2.
12. The Public Comment Policies, among other things:
  - a) prohibit "conduct that is disruptive or distracting";
  - b) require speakers to "only address the topic they registered to speak as stated on their registration form";
  - c) prohibit "indecent or discriminatory language";
  - d) prohibit addressing "individual council member[s] or other person[s]";
  - e) prohibit "electioneering for any candidate or specific ballot issue";
  - f) prohibit "endors[ing] or promot[ing] any product or service";
  - g) prohibit speakers from "wear[ing] anything that promotes any candidate, campaign, issue, product or service" including but not limited to "visible logos, slogans, messages, words";
  - h) prohibit "signs, posters, banners, placards and similar items" in the Council Chamber; and
  - i) require speakers to state whether they are "being paid to speak and/or representing any organization."
13. Since Cleveland City Council amended its rules to allow public comment, Mr. Martin has appeared before Council to make public comment on multiple occasions.

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<sup>1</sup> See generally Doug Breehl-Pitorak, *A guide to public comment at Cleveland City Council*, Signal Cleveland (Oct. 7, 2022) <https://signalcleveland.org/a-guide-to-public-comment-at-cleveland-city-council/>

14. Mr. Martin intends to continue making use of City Council's public comment period to address Council about matters that affect him as a Cleveland resident.

15. Before the September 25, 2023 Council meeting, Mr. Martin submitted a form to Cleveland City Council, requesting the opportunity to make public comment at the next meeting. On this form, Mr. Martin indicated he intended to make a public comment on "matters of public concern."

*Defendants Unlawfully Censor Mr. Martin  
at the September 25<sup>th</sup> City Council Meeting*

16. On Monday, September 25, 2023, Mr. Martin attended the weekly Cleveland City Council meeting having pre-registered to make a public comment. Cleveland City Council's video recording of the September 25, 2023 Cleveland City Council Meeting is available at <https://www.youtube.com/watch?v=p0i-KEHxLNc> (hereinafter the "September 25<sup>th</sup> Meeting").

17. While introducing the public comment period on September 25, Council President Griffin asked all the public commenters to not "impugn" the character of anybody in the audience. He stated that Council would be "cutting mics for anyone that insults or impugns the character of any official in this body, whether it be the administration or Council." *Id.* at 8:52 *et seq.*

18. Council President Griffin's purported rule for insulting or impugning the character of "any official" does not appear in Defendant City Council's Public Comment Policies. *See Exhibit 2.*

19. Mr. Martin’s comment at the September 25 meeting sought to ask Councilmembers why they were not opposing Ohio Senate Bill 158, which would have, as a matter of State law, limited the ways in which Defendant City Council could appropriate and distribute funds—specifically, S.B. 158 targeted “participatory budgeting” legislation similar to Cleveland Issue 38, which was hotly debated in Council at the time. Mr. Martin’s comment juxtaposed the Councilmembers’ lack of opposition to Senate Bill 158 and the Councilmembers’ receipt of contributions from a Political Action Committee known as the “Council Leadership Fund,”<sup>2</sup> reportedly controlled by Defendant Griffin.<sup>3</sup>

20. When Mr. Martin approached the podium to give public comment on September 25, he began by asking the councilmembers if “any of [them] submitted written testimony against Senate Bill 158” and “if any of [them] would be in Columbus tomorrow to speak against it [at the Senate Bill 158 debate].” See [September 25<sup>th</sup> Meeting](#) at 19:57 *et seq.*

21. Mr. Martin then said, “In 2022, Councilor Joe Jones accepted \$2,500 from the Council Leadership Fund. Councilor Kevin Bishop accepted \$3,000 from the Council Leadership Fund. Councilor Kerry McCormack accepted \$1,500 from the Council Leadership Fund. Councilor Deborah Gray accepted \$3,000 from the Council Leadership Fund. Councilor Richard Starr accepted —” *Id.*

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<sup>2</sup> Nick Castele, *What is the Council Leadership Fund, the political action committee opposing Issue 38?*, SIGNAL CLEVELAND, (Oct. 18, 2023), <https://signalcleveland.org/what-is-the-council-leadership-fund-the-political-action-committee-opposing-issue-38/>

<sup>3</sup> See *id.*

22. At that moment, Council President Griffin interrupted Mr. Martin's public comment, saying, "Sir, the rules are that you are not supposed to address individual leaders" while Mr. Martin tried to continue his comment. *Id.*

23. Mr. Martin replied, "I am not impugning the character of any councilor. I am simply stating the facts of who has accepted money from the Council Leadership Fund." During Mr. Martin's statement, Council President Griffin spoke over Mr. Martin saying, "The rules say that you are not supposed to invoke any councilor." *Id.*

24. Council President Griffin then told Mr. Martin he would be "remove[d] from the mic if [Mr. Martin] mention[ed] one more councilmembers' name." *Id.*

25. Council President Griffin then asked Mr. Martin to "Please proceed, sir, without mentioning any councilpersons' name. Thank you." *Id.*

26. Mr. Martin responded, "I will proceed without impugning the character of any councilor. Councilor Stephanie Howse accepted \$3,000 from the Council Leadership Fund. Councilor Michael Polensek accepted \$1,000 ..." *Id.*

27. Defendant Griffin then banged his gavel while Mr. Martin was still speaking and said, "Please remove [Mr. Martin] from the mic. He is violating any rules. Sir. Please cut his mic. He is violating the rules of order and if you're going to speak you have to follow the rules. Thank you, sir." *Id.*

28. Defendant City Council, acting at Council President Griffin's instructions, turned off Mr. Martin's microphone, making his comment inaudible and preventing Mr.

Martin from giving his full public comment in violation of Mr. Martin's First Amendment rights. *Id.*

29. As Mr. Martin tried to finish his public comment with his mic turned off, Defendant Griffin repeatedly said, "Thank you, sir" over Mr. Martin so his public comment could not be heard. *Id.*

30. Following Council's censorship of Mr. Martin and another commenter, Council President Griffin said, "We are not going to allow this platform to be utilized for people to insult or impugn the character of individuals in this body, nor are we going to allow you to impugn race and gender and sexual orientation or anything else ... So those things will swiftly be eliminated."<sup>4</sup>

31. The next day, City Council, through a spokesperson, released a statement saying, "Cleveland City Council supports public comment. However, we will not support any comments that demean or single out any group on the basis of race, gender, sexual identity, religion, or any other reason."<sup>5</sup>

32. In comments to the media, Council President Griffin said, "People have to use a sense of decorum ... Just because you have a microphone don't mean you can be abusive and make wild accusations about people."<sup>6</sup>

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<sup>4</sup> *Id.*, see also Abbey Marshall, *Cleveland City Council's public comment policy under fire after cutting resident microphones*, IDEASTREAM PUBLIC MEDIA, (Sept. 29, 2023), <https://www.ideastream.org/government-politics/2023-09-29/cleveland-city-councils-public-comment-policy-under-fire-after-cutting-resident-microphones>

<sup>5</sup> Sam Allard, *Public commenters silenced at Cleveland City Council meeting on questionable grounds*, AXIOS, (Sept. 27, 2023), <https://www.axios.com/local/cleveland/2023/09/27/public-commenters-silenced-cleveland-city-council-meeting>

<sup>6</sup> See Marshall, *supra* note 4.



33. Defendant City Council's Public Comment Policies are facially invalid under the First Amendment to the U.S. Constitution because they are impermissibly vague, they are not supported by valid governmental interests, and they unlawfully discriminate based on the speaker's viewpoint.

34. Two days after Defendants censored Mr. Martin, the Ohio Senate passed Senate Bill 158. Accordingly, Defendants' censorship ensured that Mr. Martin was not able to publicly address City Council about their positions on S.B. 158 prior to its passage.<sup>7</sup>

35. Although the relevant time has passed for Mr. Martin's September 25 comment to have any impact on Council's actions, Mr. Martin intends to continue addressing Cleveland City Council regarding matters that affect him as a Cleveland resident.

***Counsel for Mr. Martin Attempts to  
Address the Unconstitutional Policies***

36. On October 6, 2023, Mr. Martin, through counsel and in writing, raised concerns to the City Law Department about the unconstitutionality of the Policies. In response, City Law Department attorneys represented that Defendants would not be enforcing the Public Comment Policies "to the letter."

37. Defendants have not consistently enforced their purported policies since the September 25 meeting at which Defendants censored Mr. Martin.

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<sup>7</sup> See Press Release from Ohio State Senator Jerry C. Cirino, *Cirino Bill To Secure Local Budgetary Security Passes Ohio Senate* (Sept. 27, 2023), <https://ohiosenate.gov/members/jerry-c-cirino/news/cirino-bill-to-secure-local-budgetary-security-passes-ohio-senate>

38. The unconstitutional Public Comment Policies have not been repealed, and Defendants continue to display the Policies on the website where public commenters sign up to speak, thus chilling constitutionally protected speech.

39. Council President Griffin began the October 30 City Council Meeting stating that commenters could not “impugn” the character of any individuals with their comments, a standard that City Law Department attorneys said Defendants would not enforce.

40. Defendants City Council and City Council President Griffin have not only unconstitutionally censored Mr. Martin, but they continue to threaten to enforce unconstitutional policies, and have proposed revisions to those policies that are seemingly motivated by impermissible viewpoint discrimination.<sup>8</sup>

**COUNT 1:**  
**Unlawful Deprivation of Free Speech**  
**Under the First and Fourteenth Amendments to the U.S. Constitution**  
**(facial challenge)**  
*Against Defendant Cleveland City Council*

41. Mr. Martin realleges all of the above paragraphs as if fully rewritten herein.

42. Defendants’ Public Comment Policies are not connected to any valid government interests.

43. Defendants’ Public Comment Policies are overbroad and unconstitutionally vague.

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<sup>8</sup> Since Defendants have not enacted any of their proposed revisions to the Policies, none of those Policies are currently at issue in this action.

44. Defendants' Public Comment Policies impose facially unconstitutional restrictions on the speech of Mr. Martin and others.

45. The facially unconstitutional restrictions contained in the Public Comment Policies include the Policies': a) prohibition on "indecent or discriminatory language"; b) prohibition on addressing "individual council member[s] or other person[s]"; c) prohibition on "endors[ing] or promot[ing] any product or service"; d) prohibition on "electioneering for any candidate or specific ballot issue"; and e) prohibition barring speakers from "wear[ing] anything that promotes any candidate, campaign, issue, product or service" including but not limited to "visible logos, slogans, messages, words." Exhibit 1.

46. Even if it appeared in the Public Comment Policies, Council President Griffin's purported rule against "insult[ing] or impugn[ing] the character" of City officials violates the First Amendment.

47. The unconstitutionality of Defendants' Public Comments Policies affects not only Mr. Martin's rights as a speaker, but also his rights to receive information from other public commenters free from unconstitutional government censorship.

**COUNT 2:**  
**Unlawful Deprivation of Free Speech**  
**Under the First and Fourteenth Amendments to the U.S. Constitution**  
**(as-applied challenge)**  
***Against All Defendants***

48. When Defendants censored Mr. Martin on September 25, 2023, he was engaged in political speech clearly protected by the First Amendment.

49. Defendants' cutting off Mr. Martin's microphone during the September 25<sup>th</sup> Meeting, purportedly for mentioning the names of individual Councilmembers and/or "impugn[ing] the[ir] character," targeted Mr. Martin's speech solely for its viewpoint.

50. Defendants' cutting off Mr. Martin's microphone violated the First Amendment rights of Mr. Martin and the public at large by imposing viewpoint-based restrictions on Mr. Martin's speech.

### **Injunctive Relief**

51. Mr. Martin realleges all of the above paragraphs as if fully rewritten herein.

52. As a direct and proximate result of Defendants' violation of Mr. Martin's First Amendment rights as described herein, Mr. Martin has been irreparably injured with no adequate remedy at law.

53. Injunctive relief is particularly appropriate in this action because (a) Mr. Martin is likely to prevail on his claim; (b) Mr. Martin continues to suffer irreparable harm without immediate injunctive relief; (c) an injunction would cause no harm to anyone; and (d) the public would benefit from an injunction.

54. Indeed, "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347 (1976).

### **Jury Demand**

Mr. Martin hereby demands a trial by jury on all claims raised within this Complaint.

### **Prayer for Relief**

Mr. Martin requests that this Court:

- (1) Declare Defendants' censorship of Mr. Martin's public comment at the September 25, 2023 City Council Meeting unconstitutional;
- (2) Declare Defendants' public comment policy facially unconstitutional;
- (3) Preliminarily and permanently enjoin Defendants from enforcing their unconstitutional Public Comment Policies and using the Council President's discretion to censor particular viewpoints;
- (4) Award Mr. Martin damages against Defendants together with attorneys' fees, costs, expenses, and any other relief to which Mr. Martin may be entitled or that the Court finds is appropriate or equitable.

Dated: December 4, 2023

/s/ Andrew Geronimo

ANDREW GERONIMO (OH# 86630)

[andrew.geronimo@case.edu](mailto:andrew.geronimo@case.edu)

/s/ Sara Coulter

SARA COULTER (OH# 96793)

[sara.coulter@case.edu](mailto:sara.coulter@case.edu)

/s/ Siobhan Gerber

SIOBHAN GERBER (OH# 101563)

[siobhan.gerber@case.edu](mailto:siobhan.gerber@case.edu)

**First Amendment Clinic\***

MILTON & CHARLOTTE KRAMER LAW CLINIC

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW

11075 East Boulevard

Cleveland, Ohio 44106

Telephone: (216) 368-2766

*Attorneys for Plaintiff Chris Martin*

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\* Fall 2023 First Amendment Clinic Certified Legal Interns Jacob Cohen, Patrick Elliott, Nneka Onyekwuluje, Hannah Scifres, and Brooke White played a substantial role in representing Mr. Martin in this matter, including as the primary drafters of this Complaint. Counsel thanks these dedicated students for their efforts.

**RULES OF COUNCIL**  
**Rules of Order**  
**Governing the Council of the City of Cleveland**  
**2022-2025**

The following rules of order shall govern the procedures of the City Council and the conduct of its members.

**I. MEETINGS: PLACE, TIME OF CONVENING,  
 QUORUM, ORDER OF BUSINESS**

- Rule 1. Meetings – Place.** All meetings of the Council shall be held in the Council Chamber in the City Hall, unless otherwise ordered by the Council.
- Rule 2. Meetings – Public.** All meetings of the Council or its committees shall be public, and, in accordance with rules and procedures established by the Clerk of Council and approved by a majority vote of Council, any person may be heard during that portion of a regular meeting set aside for public comment. Persons desiring to be heard by a committee of Council on a matter to be considered by that committee may request the committee Chair, in advance, for the opportunity to be heard. Approval of such request is at the discretion of the committee Chair. All minutes and records of the Council shall be open to the public at all reasonable times, upon request.
- Rule 3. Regular Meetings.** After the Council has been organized pursuant to Section 28 of the Charter, regular meetings of the Council shall be held in the Council Chamber every Monday evening at 7:00 o'clock P.M., unless otherwise ordered by motion, resolution or ordinance. Whenever the regular meeting falls on a legal holiday or a special election day, or the day preceding a legal holiday or primary or other election day, the meeting shall be held on a day to be fixed by the Council.
- Rule 4. Summer Schedule.** During the months of July and August, the Council shall be on summer schedule and shall meet at times and dates set forth in the resolution of Council establishing the summer schedule.
- Rule 5. Special Meetings.** Special meetings may be called at any time by the Mayor, the President of Council, or any five members upon at least twelve (12) hours written notice to each member of the Council served personally on each member or left at his usual place of residence; provided, however, that no notice need be served on any Councilmember present at a meeting of Council at which the President of Council gives oral notice of the time and purpose of a special meeting. Any special meeting notice shall state the subjects to be considered at the meeting, and no other subjects shall be considered at the special meeting.
- Rule 6. Quorum; Professionalism.** A majority of all the members elected to Council shall be a quorum to do business, but a less number may adjourn

from day to day and compel the attendance of absent members in the manner and under the penalties that are prescribed by these rules.

All members shall conduct themselves professionally and with civility, and shall attend all official meetings of Council in appropriate professional attire. Appropriate professional attire means: for men: suit and tie; for women: dresses or skirts no more than 4 inches above the knee; dress slacks or pants; blouses or dress shirts; for men and women: hose or socks, dress shoes, dress boots or loafers. All clothing must appear neat, pressed and clean.

Inappropriate attire includes: denims or jeans of any color or style; sweat pants; jogging suits; shorts; sweatshirts; spandex; tank tops; halters or other bare midriff or bareback apparel; any shirt with company logo; T-shirts; sheer or see-through blouses or dresses; beach-type or workout clothing; cut-offs; running or athletic wear; baseball caps; fashion hats; frayed, patched, torn (holes) or stained clothing or shoes; tennis shoes; and clothes that appear too tight or too short.

**Rule 7. Order of Business.** The business of all regular meetings of the Council shall be transacted in the following order, unless the Council by a two-thirds vote, suspends the rules and changes the order.

1. Roll call of members.
2. Prayer.
3. Pledge of Allegiance.
4. Disposal of the journal of the preceding meeting.
5. Public Comment.
6. Reports and communications from the Mayor.
7. Reports and communications from departments, commissions and other public officers.
8. Other communications, petitions and memorials.
9. Reading and passage of emergency ordinances and resolutions
10. Introduction of ordinances and resolutions.
11. Second reading of ordinances and resolutions.
12. Third reading of ordinances and resolutions.
13. Miscellaneous business shall be permitted at the direction of the chair.
14. Report of the clerk of absent members.
15. Adjournment.

The presiding officer may, at any time without objection of the members of Council, permit a member to introduce an ordinance, resolution or motion out of the regular order; provided, however, if an objection is made, a two-thirds vote of all members elected to Council shall be required to permit such introduction out of the regular order.

## II. OFFICERS AND EMPLOYEES OF COUNCIL

**Rule 8. Presiding Officer.** The President of Council and in the President's absence the President of Council pro tempore, shall preside over the meetings of the Council. In the absence of the President of Council, the Majority Leader shall serve as the President of Council pro tempore; in the absence of both the President of Council and the Majority Leader, the Majority Whip shall serve as the President of Council pro tempore. In the absence of the President of Council, the Majority Leader and the Majority Whip, the Clerk of Council shall call the Council to order; and if, after the roll call is called a quorum is present, the Council shall choose one of its members President of Council pro tempore. The President of Council pro tempore shall preside until the President of Council appears, but in no event beyond the meeting, and shall discharge all the duties and be clothed with all the powers of the President of Council as the presiding officer during the President of Council's absence.

The Presiding Officer shall call all meetings of the Council to order at the hour appointed and shall proceed with the order of business. If a quorum is present, the Presiding Officer shall give the members an opportunity for correcting the journal of the previous meeting, a copy of which shall be placed on the desk of each member of the Council. In the absence of any objections or corrections, the minutes shall stand approved.

The Presiding Officer shall preserve order and decorum, and prevent impolite, discourteous or disrespectful behavior toward any member of the body, the administration or the public. He or she shall confine members in debate to the question under discussion and shall prevent a member from questioning or criticizing the motives of another member, of the administration, or of a member of the public. The Presiding Officer shall enforce the time limitation of speaking set forth in Rule 23, shall decide all points of order subject to an appeal to the Council, and shall appoint all standing committees and such select committees as may be authorized by Council from time to time, except in those cases where the resolution authorizing such select committees specifically names the membership.

**Rule 9. Members Presiding.** The President of the Council during any meeting of Council may name any member to perform the duties of the chair; but such substitution shall not extend beyond that meeting.

**Rule 10. The Vote Necessary for Election of President and Clerk.** No candidate for President or Clerk of Council shall be declared elected unless the candidate shall have received a majority vote of all members elected to Council.

**Rule 10-1. Roll Call upon Election of President, and Filling Vacancies in the Membership of Council.** Upon the roll call for the election of President of Council, City Clerk, Clerk of Council, or for filling any vacancy in the



membership of Council, each member shall respond by stating the name of the candidate of his or her choice eligible for such office or appointment, which candidate shall not be required to be a person duly nominated and whose nomination has been duly seconded, provided, however, that no member shall be excused from voting except by unanimous consent.

**Rule 10-2. Council Member Office Space and Parking When Seat is Vacated Before End of Term.** If a council member vacates his or her seat any time before the end of a four year term, the person that fills the vacancy shall be appointed the same office space and the same parking space as the vacating member for use until the expiration of the term. Upon the start of any new four year term, office spaces and parking spaces are re-assigned by seniority. Seniority is lost for a member that retires or resigns and returns to office.

**Rule 10-3. Extended Absence of a Member of Council.** Any member of Council who is unable to attend regular meetings of Council and scheduled committee hearings by reason of prolonged illness or military leave, may be excused from such duties by a two-thirds vote of the Council authorizing the extended absence. The Clerk may, through a professional services agreement(s), hire a person or persons to supplement the role of the absent member's Executive Assistant in order to aid the Executive Assistant in carrying out ward- specific services. Any professional services agreement entered into by the Clerk shall have prior legislative authority of the Council.

**Rule 11. The City Clerk, Clerk of Council.** The Council shall choose a Clerk and such other officers and employees as may be deemed necessary and fix their compensation. The Clerk shall keep the record of the Council, and the Clerk shall be the editor of *The City Record*. The Clerk shall keep a proper file of all papers and documents which are a part of the transactions of the Council, of meetings of committees and all orders of the Council, and shall make such records available to the public. The Clerk shall be secretary to all committees, but may assign an assistant as secretary to any committee. The Clerk shall keep minutes of each committee meeting which minutes shall be made available for public inspection upon request. The Clerk shall cause to be published in *The City Record* attendance roll calls of committee meetings. In addition, the Clerk shall report to Council the absence of members from Council meetings and shall perform such other and further duties as may from time to time by Charter, statute or ordinance be required of the Clerk.

**Rule 11-1. Committee on Council Operations.**

Not later than the fourth meeting of the Council after its organization, the President of Council shall appoint four (4) members to a Committee on Council Operations. In addition to the appointed members, the President of Council shall also be member of the committee. The committee shall work in conjunction with the Clerk to oversee the personnel and operations of Council, as well as any policies and procedures that impact the operations of Council.

**Rule 11-2. The City Record.** The Clerk of Council, as editor of *The City Record*, shall see that the following rules are observed in the preparation and introduction of ordinances and resolutions and in the editing and publishing of *The City Record*.

- (a) The title of all ordinances and resolutions shall be confined to a brief statement of the subject matter of the legislation and shall be printed in bold face type.
- (b) Preambles or “whereas” clauses in ordinances and resolutions shall be restricted to one emergency preamble required by the Charter, except where a “whereas” clause is an essential part of the ordinance or resolution.
- (c) When drafted, ordinances shall be divided into short sections, wherever practicable, in order to allow amendments without printing so much of the original ordinance.
- (d) Ceremonial resolutions shall be numbered and recorded in cases of death of an outstanding citizen or occasions of great civic importance.
- (e) The minutes and proceedings of administrative boards shall be published in *The City Record*.

**Rule 12. Sergeant-at-Arms.** The Council may appoint a Sergeant-at-Arms to be in attendance at meetings of Council. The Sergeant-at-Arms, under the direction of the presiding officer, shall preserve order in the Council Chamber and adjoining rooms, and in the manner to be prescribed by ordinance shall compel the attendance of absent members.

### III. COMMITTEES OF COUNCIL

**Rule 13. Standing Committees.** Not later than the fourth meeting of the Council after its organization, the President of Council shall appoint one (1) standing committee of nine (9) members and seven (7) standing committees of seven (7) members each. The first named member shall be chair and the second named shall be vice-chair. All committee appointments shall be made under this Rule, including that of chair and vice-chair. The vice-chair shall preside until the chair appears and shall discharge all the duties and be clothed with all the powers of the chair during the chair’s absence. In the absence of the chair and the vice-chair and a quorum being present, a temporary chair shall be selected by a majority vote of the members present who shall preside until the chair or vice-chair appears and the temporary chair shall discharge all the duties and be clothed with all the powers of the chair during the chair’s absence.

**A. The nine member committee and its subject matter is as follows:**

**COMMITTEE ON FINANCE, DIVERSITY, EQUITY AND INCLUSION** shall research, investigate, develop and implement public

policy and advocate for the financial stability and operations of the City of Cleveland.

The Committee on Finance, Diversity, Equity and Inclusion shall oversee the Departments of Finance and Law and the Office of Equal Opportunity, and any processes and policies that impact the City's financial stability and operations. The Finance, Diversity, Equity and Inclusion Committee shall: review all ordinances, resolutions and other matters pertaining to finances, indebtedness, appropriations, the payment of monies not provided for by previous legislation, taxation, the standardization of salaries and wages, union agreements, civil service, the pensioning of employees and the sale, lease or purchase of real estate; review and approve all city financial expenditures and budgetary items along with all financial matters that pertain to the city; review changes to the Codified Ordinances; review legislation regarding city annexations, redistricting, and charter amendments; review all matters relating to courts; review ordinances relating to licenses and those imposing fines, penalties, forfeitures or imprisonment, printing and advertising; monitor compliance with community benefits, agreements, policies and procedures; review legislation and monitor the city's efforts on diversity, equity and inclusion.

**B. The seven member committees and the subject matters that shall be referred to them are as follows:**

**a. COMMITTEE ON UTILITIES** shall research, investigate and develop public policy and advocate for public utilities and information technology for the City.

The Committee on Utilities shall oversee the operations of the Department of Public Utilities and the services that it provides, as well as any legislation, operations and policies that impact utilities and their access and use; the Committee shall ensure that all utility services are being provided at a reasonable cost and shall examine any increase in service fees and rates when necessary. The Utilities Committee shall review the financial stability and operation of the city's public utility enterprise funds and shall explore how physical infrastructure and distribution methods can improve information technology, digitalization and smart technology to enhance our internal and external city operations.

**b. COMMITTEE ON DEVELOPMENT, PLANNING AND SUSTAINABILITY** shall research, investigate, and develop public policy and advocate for residential and commercial development and land use planning and sustainability for the City.

The Committee on Development, Planning and Sustainability shall be referred all ordinances, resolutions and other matters pertaining to the Departments of Economic Development, Community Development, Building and Housing and the City Planning Commission, and shall oversee these departments as well as any operations and policies that impact

planning, sustainability, development, housing and commercial activities in the City and the greater Cleveland region. The Committee shall oversee all residential, retail, commercial and industrial development and redevelopment activities in the City and ensure that land use planning and zoning utilize the highest and best uses of the City.

**c. COMMITTEE ON HEALTH, HUMAN SERVICES AND THE ARTS** shall research, investigate and develop public policy and advocate for a healthy environment for the City and its residents. The Committee on Health, Human Services and the Arts shall be referred all legislation and all other matters pertaining to the Departments of Public Health and Aging. The Committee shall review any operations and policies that impact the health of the City's residents, workers and visitors; and shall oversee fiscal expenditures that promote health initiatives. The Committee shall review all matters pertaining to the visual and performing arts, including people, districts and operations. The Committee shall monitor population trends, international affairs and outreach to ethnic communities and Limited English Proficiency (LEP) priorities.

**d. COMMITTEE ON SAFETY** shall research, investigate and develop public policy and advocate for a safe Cleveland.

The Committee on Safety shall oversee the Department of Public Safety, as well as all operations and policies that impact the safety of the City of Cleveland's residents, workers and visitors, and shall oversee all fiscal expenditures for the Department of Public Safety. The Committee also shall review all matters pertaining to the Community Relations Board

**e. COMMITTEE ON TRANSPORTATION AND MOBILITY** shall research, investigate and develop public policy and advocate for world-class transportation systems for the City.

The Committee on Transportation is responsible for overseeing the Department of Port Control and any legislation, operations and policies that impact transportation in Cleveland, including Greater Cleveland's public transportation, bus, limousine and taxicab operations, waterways and infrastructure, and their impact on commerce. The Committee shall oversee all matters directly relating to all city-owned airports, aviation services and port activities, including harbors, rivers and lakes as these pertain to travel and port commerce. The Committee shall review the financial stability and operation of the City's transportation enterprise funds, examine regional transportation policies of area-wide agencies such as GCRTA and NOACA and how they impact the City; and oversee planning and development efforts for multi-modal transportation operations and infrastructure, including rail and bikeways.

**f. COMMITTEE ON MUNICIPAL SERVICES AND PROPERTIES** shall research, investigate and develop public policy and advocate for high-quality municipal services and properties for the city.

The Committee on Municipal Services and Properties shall be referred all legislation and other matters pertaining to the Department of Public Works and the Office of Capital Projects, and shall oversee any operations and policies that impact municipal services and properties; shall oversee those matters that pertain to public infrastructure improvements, including roads, bridges and sidewalk improvements; recreation, parks and public green space; shall oversee waste management and recycling; examine best public improvement practices; review the use of municipal bond funds for capital improvement projects; and shall monitor and evaluate the quality of work done on public improvement projects.

**g. COMMITTEE ON WORKFORCE, EDUCATION, TRAINING AND YOUTH DEVELOPMENT** shall research, investigate and develop public policy and advocate for equity, empowerment and jobs for the City and its residents.

The Committee on Workforce, Education, Training and Youth Development shall oversee all operations and policies that impact the City's ability to promote workforce development and community benefits for City residents; and shall oversee all operations and policies that impact children's and adults' education from preschool through post-secondary, including certificate programs and associates degrees. The Committee shall: ensure that the City promotes empowerment of citizens through education, training, job creation and development; work with area businesses to create a working environment of justice and equity; help develop and keep a workforce that fulfills the needs of employers; review education systems and curricula for Cleveland's citizens of all ages and levels and advocate reforms; review all activities related to Prevention, Intervention and Opportunity for Youth and Young Adults.

**Rule 13-1. Approval of Council of Appointments by Mayor.** Whenever the approval of Council is required for appointments by the Mayor, the President of Council, upon request of the Mayor for approval of any appointment, shall immediately appoint a select committee of five (5) members to which shall be referred the name of each person whose appointment is submitted for approval of Council. The select committee shall report to Council its recommendation and Council, as part of the appropriate order of business, shall proceed to vote upon the approval of each appointment; the question being "Shall the Council approve the appointment by the Mayor?" If a majority of all the members elected to Council vote yea, the Council shall approve such appointment.

**Rule 13-2. Member Pro Tempore.** In the event of the absence of a member from a published scheduled committee, the Council President, through the legislative clerk, upon the request of the chair of the committee, may appoint a Councilmember to serve as a member pro tempore for purposes of that committee meeting. The appointment of the member pro tempore

shall expire upon completion of that committee meeting. Such appointment shall be reflected in the *City Record*.

**Rule 13-3. Removal of Members from Committees.** The President of Council, may for cause at any time, remove and replace any member or members of any standing committee established under Rule 13 or from any special committee or committees.

**Rule 13-4. Authority of Committee Chair; Rules of Committees.** The Chairperson of a committee shall maintain the order and decorum of the committee hearing and otherwise have the responsibilities and authority of a Presiding Officer as set forth in Rule 8. The committee chair shall enforce a time limit of 15 minutes on councilmembers for discussion of a topic, which time limit is subject to the discretion of the Chair. Except in case of obvious inconsistency or inapplicability, committee hearings shall be governed by the rules applicable to Council proceedings.

**Rule 14. Committee Meetings.** A majority of the members of a committee shall constitute a quorum for the transaction of business. Each committee shall hold its regular meetings at the time and place fixed in the schedule, as prepared by the President of Council and Clerk of Council in conference with the chairs of the several committees.

**Rule 14-1. Meeting.** The committee meeting schedule shall be published by the Clerk. Should the chair of a committee find it necessary to hold a meeting at another time and place, the chair shall cause notice to be given and posted at least twenty-four (24) hours before the new time fixed for the meeting. All committee meetings shall be open, and a record of the attendance of members of the committee and the action taken there, shall be kept by the secretary of the committee in a record provided for that purpose. Such record shall be kept on file with the Clerk of Council and open to public inspection as other public records. No legislation shall be amended while in committee and it shall be the duty of the committee to recommend to Council the approval, disapproval or amendment of any legislation pending before the committee. A majority of the members of a committee shall be necessary for the recommendation of approval, disapproval or amendment of any legislation pending before a committee. A committee member shall not sign any legislation to recommend approval, disapproval or amendment if that committee member is absent from the committee during discussion of that legislation. All other motions shall require only a majority vote of the members of committee present.

**Rule 14-2. Councilmember Absences.** Each absence of a committee member, not authorized by the chair for good cause, or the absence of the chair, not authorized by the President of Council for good cause, shall be deemed a violation of the Rules of Council under Section 29 of the Charter, punishable by a fine of one hundred dollars (\$100.00) for each unauthorized absence. For the purpose of this Subsection 14-2 but not for purposes of voting on recommendations to legislation the discussion of which occurs during the

member's actual presence at committee, a committee member or chair shall be deemed absent if that committee member or chair reports to the committee meeting later than fifteen (15) minutes after the scheduled time for the commencement of the meeting or when, after the commencement of the meeting, leaves the meeting, except in case of necessity or emergency, without the authorization of the chair or acting chair. Absence of a member of a committee from three (3) consecutive committee meetings, unless authorized by the chair of such committee, may cause the removal of such member from such committee by the President of Council.

**Rule 14-3. Committee Room Seating.** Seats at the table in the committee room shall be reserved for members of the committee, the Mayor and administrative officials having business before the committee, members of Council not members of the committee, persons specifically invited by the chair or by a vote of the committee, reporters, representatives of civic organizations and of organized labor, and it shall be the duty of the Clerk of committees to see to it that the foregoing precedence of seating is strictly followed.

**Rule 15. Reports.** No ordinance, resolution, petition, or other matters referred to a committee for action shall be approved or disapproved and reported out until it is first considered at a committee meeting regularly called as provided for in these Rules and no committee shall consider or hold a hearing on any proposed legislation until it has been introduced in Council and referred to the committee, unless it is to be considered informally prior to introduction under Rule 37-3. The chair, upon motion of any member that shall not require a second, shall put the question of the recommendation of approval or of approval when amended. If a majority of the members of the committee vote affirmatively, the legislation shall be reported immediately to Council as "Recommended for Passage"; but if a majority of the members of the committee vote negatively on the question, the legislation shall be reported immediately to Council as "Not Recommended for Passage". The vote on all matters before the committee shall be recorded in the minutes of the committee meeting. When a majority of a committee has reported, recommending or not recommending the passage, adoption or approval of the legislation under consideration, the minority may present a minority report. All such reports shall be in writing and signed by the members of the committee voting in favor of or against the report.

**Rule 16. Committee of the Whole.** Upon declaration by the Council President without objection or by motion of a Councilmember supported by a majority vote of Council, the Council shall resolve itself into a Committee of the Whole for the purpose of hearing from a person who is not a member of the Council, or for the purpose of considering business generally, or for the purpose stated in the motion. When the Council decides to go into Committee of the Whole, the regular officers shall continue to serve, without objection, otherwise the Council shall appoint a Chair to preside, and the presiding officer of the Council shall leave the chair. The rules of Council, in

so far as practicable, shall be observed in the Committee of the Whole; however, a roll call of yeas and nays shall not be in order.

**Rule 16-1. Joint Committee.** When it is desired that legislation be considered by two or more standing committees jointly, a reference may be made by the President of Council to a joint committee comprised of the membership of said standing committees, which shall operate as a single committee. A quorum of a joint committee shall consist of a majority of the members thereof, counting membership in each committee separately, so that a member of each of two or more committees constituting the joint committee shall be counted once for each committee on which he or she is a member. A majority vote, similarly counted, shall be required for action by such joint committee. The President of Council shall determine the chair of the joint committee from the chair of the standing committees that make up the joint committee.

**Rule 16-2. Subcommittee.** When determined to be in furtherance of the legislative process, the chair of a standing committee and the President of Council may designate certain members of the standing committee to form a subcommittee for the purpose of examining matters that are identified by the chair and President at the time the subcommittee is formed. At the completion of its work, the subcommittee shall report its findings to the entire standing committee or, in the discretion of the President of Council, the entire Council.

#### IV. DUTIES, PRIVILEGES AND DECORUM OF MEMBERS

**Rule 17. Roll Call of Council.** Every member shall be seated within the “well” at the time of roll call, otherwise the member shall not be recorded as present except upon order of Council. The Clerk shall publish in *The City Record* the names of the members present and absent.

**Rule 18. Duty to Vote.** Every member present shall vote on all questions upon the call of the yeas and nays, unless excused by the unanimous consent of the Council; except that no member shall vote on any question in which they are financially interested or which in any way involves personal or private rights. Any member present, unless so excused, or excepted as above, who refuses to vote upon any question relating to the city government, upon which the member may vote, when the yeas and nays are being taken shall be guilty of contempt of the Council, and may, for such contempt, be censured by a majority vote of the Council or may be expelled from the Council by a vote of two-thirds of all the members of the Council pursuant to Section 29 of the Charter of the City of Cleveland.

**Rule 19. Yeas and Nays.** On the passage of every ordinance or resolution, and on the appointment of every officer, the vote shall be taken by yeas and nays, entered in full upon the record and published in the official journal. On any other question, the yeas and nays shall be entered upon the record on the



request of any member. Upon the call of the yeas and nays, the Clerk shall call the names of members alphabetically and record the vote.

- Rule 20. Change of Vote.** Before the announcement of the vote on any question, the Clerk shall read the vote of each member so taken upon the demand of any member, at which time any member on account of error or for any other reason may change his or her vote; but no member shall be permitted to change his or her vote as recorded after the roll call has been verified and the result declared.
- Rule 21. Recording of Vote of Absent Member.** Any member, having been unavoidably absent may at the next meeting be permitted to have their vote recorded upon any question acted upon during such absence; provided such vote shall not change the result; and provided further that such member shall not be entitled to move a reconsideration of the question to be voted upon.
- Rule 22. Right of Floor.** When any member is about to address the Council the member shall rise and respectfully address the presiding officer, and when recognized by the chair shall confine any comments to the question under debate, shall not be impolite, discourteous or disrespectful toward any member of the body, the administration or the public, and shall refrain from questioning or criticizing the motives of another member, the administration or a member of the public. When two or more members ask recognition at the same time, the presiding officer shall name the member who is first to speak and the exercise of such discretion by the presiding officer shall not be subject to appeal under Rule 25.
- Rule 23. Time Limitation of Speaking.** No member shall be allowed to speak for a longer time than 4 minutes at any one time without the permission of Council. No member shall speak more than once on the same legislation until every other member desiring to speak on that legislation shall have had an opportunity to do so. Neither the Mayor nor any director may speak longer than 4 minutes upon the same motion, ordinance or question without the consent of Council.
- Rule 24. Members Called to Order.** If any member in speaking or otherwise transgresses the rules of the Council, the President shall call the offending member to order. The member so called to order shall immediately take his seat unless permitted by the President to explain. Any member may, by raising the point of order, call the attention of the President to such transgression. The President, without debate, shall decide the point of order. Every such decision of the President shall be subject to appeal to the Council upon motion with a second.
- Rule 25. Right of Appeal.** Any member may appeal to the Council from a ruling of the presiding officer. The member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal and no other member shall

participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote yea, the ruling of the chair is sustained; otherwise it is overruled.

- Rule 26. Member May Read from Books, etc.** Any member while discussing a question, may read from books, papers or documents any matter pertinent to the subject under consideration without asking leave; provided, however, that such reading shall be subject to and included within the time limitation prescribed in Rule 23.
- Rule 27. Division of Question.** If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member, divide the same; but a motion to strike out a provision and insert a substitute is not divisible.
- Rule 28. Personal Privilege.** Any member may rise to explain a matter personal to the member, and on stating that it is a matter of personal privilege, the member shall be recognized by the President, but shall not discuss a question or issue in such explanation. Such explanation shall not consume more than 2 minutes of time unless extended by consent of the Council. Matters of personal privilege shall yield only to a motion to recess or adjourn.
- Rule 29. No Person, Other Than the Clerk and the Clerk's Assistants, Shall Be Permitted at the Clerk's Desk While the Yeas and Nays are Being Taken.** No person, other than the Clerk and the Clerk's assistants, shall be permitted at the Clerk's desk while the yeas and nays are being taken.

## V. MOTIONS

- Rule 30. Purpose and Form.** Motions shall be used only to expedite the orderly transaction at the business of Council and shall not be substituted for resolutions or ordinances. The form of all motions shall be "I move that" followed by the substance of the motion. No second shall be required for any motion except as specifically provided for in a rule, but upon demand of any member any motion shall be withdrawn by the maker before it has been amended or voted upon. When a motion is made the presiding officer shall state it before any debate shall be in order. All motions that have been entertained by the President of Council shall be entered upon the minutes.

**Rule 31. Precedence of Motions.** When a question is before the Council no motion shall be entertained except the following:

1. To adjourn.
2. To fix the hour of adjournment.
3. For the previous question.
4. To lay on the table.
5. To postpone to a day certain.
6. To postpone indefinitely.
7. To refer to a committee.
8. To amend.

These motions shall have precedence in the order indicated. The motion to adjourn and the motion for the previous question, shall be put to a vote without debate; the motion to fix the hour of adjournment shall be debatable only as to the time of such adjournment; and all other motions shall be debatable.

**Rule 32. The Previous Question.** The motion for the previous question shall require a majority vote of all members elected to Council; shall be considered only once; may be renewed after intervening business; shall take precedence over all debatable questions and shall be in order to prevent amendment of questions that are not debatable. When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main question be now put?" There shall be no further amendment or debate but pending amendments shall be put in their order before the main question. If the question, "Shall the main question be now put?" be decided in the negative, the main question remains before the Council.

**Rule 33. Motion to Lay on the Table.** The motion to lay on the table shall dispose finally of the legislation against which it is invoked but a motion to lay a pending amendment to an ordinance or resolution on the table shall not carry the ordinance or resolution with it. A motion to lay on the table shall require a majority vote of all members elected to Council.

**Rule 34. Motion to Postpone to a Day Certain.** A motion to postpone to a day certain shall require a majority vote of the members present; shall be subject to reconsideration; may be renewed after intervening business; shall be debatable as to the propriety of the postponement but not upon the merits of the legislation; and may be amended by changing the date. Upon the arrival of the date to which postponed the legislation shall be considered in the regular order of business of that day.

**Rule 35. Motion to Postpone Indefinitely.** The motion to postpone indefinitely shall have the same effect as a motion to lay on the table, and shall require a majority vote of all members elected to Council. A motion to postpone indefinitely shall not be reconsidered; shall be debatable and shall open the legislation to debate; may be renewed after intervening business and may

not be amended or laid on the table, and shall be subject to previous question.

- Rule 36. Reconsideration.** After the decision of any question, any member who voted with the majority may move for a reconsideration of any action at the same or the next succeeding meeting, provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of all the members elected to Council. After a motion for reconsideration has once been acted upon, no other motion for reconsideration of the same question shall be made without unanimous consent of the members present.

## VI. ORDINANCES AND RESOLUTIONS

- Note:** “The adoption of a resolution is the proper procedure for an informal enactment providing for the disposition of a particular item of business, while the passage of an ordinance is the proper procedure for the enactment of a regulation of a general or permanent nature.” (19 R.C. L. 895; 46 C.J. 519; 29 O.A. 386).

- Rule 37. Introduction.** Ordinances and resolutions shall be introduced in the Council in electronic, digital, printed or written form, with the name of the member introducing the same endorsed thereon. No ordinance or resolution affecting the zoning regulations or the construction of public improvements within a particular ward shall be introduced in Council in the name of the member of Council from such ward except with that member’s written permission prior to introduction, and when the member’s name is followed by the words “By departmental request”, which sponsorship shall not imply agreement with the purpose of such legislation. Ordinances submitted by the initiative shall have endorsed on them “Submitted by Initiative Petition”.

- Rule 37-1. Preparation of Legislation.** In order that adequate time may be given to the preparation of legislation, members of Council shall present requests for legislation in a timely manner, and not later than 5:00 o’clock P.M. on the Friday preceding the meeting at which such legislation is to be introduced for first reading, and not later than 5:00 o’clock P.M. on the Wednesday preceding introduction of legislation for passage under suspension of the rules.

- Rule 37-2. Request for Legislation.** All legislation shall have indicated at the end the date of preparation and the initials of the council member and preparer of the legislation; and all legislation originating in administrative departments shall contain in addition the name of the head of the department or division for whom prepared and the name of the member of Council introducing

such legislation shall be followed by the words “By departmental request” in parentheses.

- Rule 37-3. Request for Legislation for Passage Under Suspension of the Rules.** The Clerk of Council shall not accept a request for legislation for passage on introduction under suspension of the rules unless furnished sufficient copies of such legislation to provide each member of Council, together with a like number of copies of a statement by the Director of the requesting department setting forth the reasons immediate action is required. A request for legislation for passage on introduction under suspension of the rules at the last meeting prior to the summer recess of Council or at the final annual meeting of Council shall not be accepted by the Clerk of Council unless the required statement bears the approval of the President of Council. To the extent that circumstances permit all such legislation shall be considered informally by at least one committee of Council, to which such legislation would otherwise be referred.
- Rule 38. Form of Ordinances.** The enacting clause of all ordinances shall be “Be it ordained by the Council of the City of Cleveland.” except those submitted by Initiative petition, which shall be “Be it ordained by the people of the City of Cleveland.” All ordinances before introduction shall be submitted electronically or digitally in a format provided by the Clerk. No ordinance or resolution or section thereof shall be revised or amended unless the new ordinance or resolution contains the entire ordinance or resolution, or section revised or amended, and the original ordinance, resolution, section, or sections so amended shall be repealed.
- Rule 39. Emergency Ordinances.** If any emergency ordinance or resolution fails to receive a two-thirds affirmative vote of all members elected to Council, such measure shall cease to be before the Council as an emergency measure and shall have the standing that a measure would have had if it had not been read as an emergency measure.
- Rule 40. Reference to Committee.** All ordinances and resolutions shall be read by title on the day when introduced, unless such reading is dispensed with by a two-thirds vote; and unless otherwise ordered by the Council shall be referred by the presiding officer to the appropriate committee or committees, which reference shall be announced immediately by the Clerk. The committee or committees to which the legislation is referred shall, after due consideration and at least one public hearing, propose any amendments with recommendations for approval or disapproval. When so reported, the ordinance or resolution shall, unless otherwise ordered, be read a second time and laid over until the next meeting of the Council, when the same shall be read a third time and a vote taken thereon. The Council shall not act upon any ordinance or resolution except a resolution of condolence or one of an extreme emergency nature, until it has been referred to and reported upon by a committee or committees of Council.

**Rule 40-1. Reference Back to Committee.** Any pending legislation may, by a vote of a majority of the members elected to Council or by declaration of the Council President without objection, be referred back to any committee to which it was previously referred under these rules, or to any appropriate committee designated in the motion to refer back. When referred back to a committee, such legislation shall have the same standing as it had at the time when referred back.

**Rule 41. Reference to More Than One Committee.** Whenever any pending matter is referred to more than one committee for consideration and report, the committees may consider the matter in a joint session as a joint committee, if the chairs of the committees concerned consent. The chair of the committee first named shall preside at the joint sessions, and each member of the joint committee shall have one vote for each committee of which he or she is a member composing the joint committee. A majority of the members of each of the separate committees shall constitute a quorum of such committee and the vote shall be taken by roll call of each of the separate committees constituting the joint committee. Its report shall be made in the same manner and under the same rules as reports are made by standing committees.

**Rule 41-1. Relieving Committees.** Any committee to which an ordinance or resolution has been referred under Rule 40 or referred back under Rule 40-1, may be relieved of further consideration of such legislation by a motion duly made and adopted by a two-thirds vote of all members elected to Council or by the chair of the committee to which the legislation has been referred with the consent of the Council President.

**Rule 42. Three Readings.** No ordinance or resolution shall be passed until it has been read on three separate days; unless the reading on three separate days has been dispensed with by a two-thirds vote of all members elected to Council. The final reading shall be in full unless an electronic, digital, written or printed copy of the measure is furnished to each member of the Council prior to the reading. Electronic, digital, or printed copies of all first reading ordinances and resolutions to be introduced for passage and adoption under suspension of the rules and without reading on three separate days shall be furnished to the members prior to a vote being taken on the ordinance or resolution. When it is desired to suspend this and Rule 40 in order to permit the passage of legislation upon introduction the question on the motion for such suspension shall be as follows: "Shall the Charter and statutory provisions and Rule 42 requiring reading on three separate days and Rule 40 requiring reference to committees be dispensed with and Ordinance No. ... (Resolution No. ...) be placed on final passage?" If two-thirds of all the members elected to Council vote yea, the Charter, statutory and rule requirements requiring reading on three separate days and reference to committees shall be suspended. As an exception to the foregoing, resolutions of condolence and congratulatory resolutions shall be read by title only and adopted viva voce or by rising vote.

- Rule 42-1. Copies Required for Suspension of Rule 42.** No ordinance of a general nature or imposing penalties which has not been referred to a committee of Council, shall be passed under suspension of the rules unless an electronic, digital or written copy of such ordinance is furnished to each member prior to the passage of such ordinance under suspension of Rule 42.
- Rule 43. Appropriation Ordinances.** Ordinances making appropriations shall be confined to the subject of appropriation. No money shall be appropriated except by ordinance. All ordinances for fixing a tax rate, the appropriation of money, the issuance of bonds, the transfer of money to any fund, or the payment of claims; and all resolutions and ordinances whereby the city shall become liable for the payment of any money, shall be referred without debate to the finance committee for consideration and report; unless this requirement shall be suspended by two-thirds of all the members elected. The vote of each suspension shall be taken by yeas and nays and entered on the record.
- Rule 44. Substitute Legislation.** Legislation dealing with the same subject matter may be substituted for any pending ordinance or resolution by a majority vote of all the members elected to Council, upon the recommendation of any committee to which such legislation has been referred. Substitute legislation shall be subject to all the provisions of the Charter and rules applying to ordinances on first reading, and the legislation for which such substitute is offered shall be laid upon the table as a final disposition thereof. Before accepting for introduction any substitute legislation, the author of the original legislation shall be given notice of the substitute legislation by the Clerk of Council.
- Rule 45. Amendments.** It shall be in order to amend an ordinance at any time when not in the hands of a committee; but if amended after its second reading, it shall again be read as the second reading thereof, and laid over for further and final action. A majority vote of all the members elected to Council shall be necessary for the adoption of an amendment to any legislation pending before the Council.
- Rule 46. Adoption.** All ordinances and resolutions shall require for passage or adoption a majority vote of all the members elected. The vote on their adoption shall be taken by yeas and nays and entered on the records of the meeting except as otherwise provided in these rules.
- Rule 47. Signing Ordinances and Resolutions.** All ordinances passed and resolutions adopted by Council shall be signed by the President and presented immediately to the Mayor by the Clerk.
- Rule 48. Action on Mayor's Veto.** When the Mayor refuses to sign an ordinance or resolution or any part of an ordinance or resolution and returns the ordinance or resolution to the Council with objections, pursuant to Section 37 of the Charter, the Council shall, after at least one week following the

meeting at which such vetoed ordinance or resolution is returned, proceed to reconsider the vetoed ordinance or resolution. After the adoption of the motion to reconsider, the question shall be stated as follows: "Shall Ordinance No. (Resolution No.) be passed (or adopted) notwithstanding the veto of the Mayor? Those voting yea vote to override the Mayor's veto. Those voting nay vote to sustain the Mayor's veto." If two-thirds of all the members elected to Council vote yea, such ordinance or resolution vetoed by the Mayor shall take effect without the Mayor's signature.

## VII. ADMINISTRATIVE OFFICERS

**Rule 49. Attendance Required.** The Mayor and the directors of all departments shall be required to attend the regular and special meetings of Council and shall be provided with seats on the floor of the Council. They shall be required, at any such meeting, to answer such questions relating to the affairs of the city under their respective supervision and control as may be put to them by any member of the Council.

**Rule 50. Reports of City Officers.** All ordinances, resolutions and communications pertaining to matters that come under the supervision and control of the Mayor may, in addition to being referred to the proper committees, also be referred to the respective administrative officers for recommendation and report. Not later than thirty (30) days after reference to the administrative officer or officers as the case may be each ordinance or resolution referred shall be returned to the Clerk of Council with the endorsement of each administrative officer's approval or disapproval of the referred matter. The Clerk of Council shall rigidly enforce this rule.

**Rule 51. Mandatory Referral of Legislation.** Mandatory referral of legislation to the City Planning Commission under Section 76-3 of the Charter shall be deemed to include the following matters:

1. Zoning or other regulations of land use.
2. Acquisition or lease of land for public uses.
3. Sale or lease of publicly owned lands.
4. Vacation or dedication of streets or alleys.
5. Street widening or street extensions.
6. Permits for private uses of streets or public property.
7. Determining to proceed with public improvements.
8. Requests for studies or plan preparation.
9. Bond issues for capital improvements.
10. Housing.

A request for an additional thirty (30) day period for further consideration may be granted by the President of Council if the application for such extension is submitted to the President before the expiration of the thirty (30) day period allowed by Section 76-3 of the Charter. No further extension of time shall be allowed except upon motion of a member of Council adopted



by a majority vote of all the members present. Such request shall be filed with the Clerk of Council.

- Rule 52. Mutilation of Legislation.** No alteration, change, erasure or mark shall be made upon any piece of legislation by any person except the Clerk of Council and then only pursuant to an amendment thereto made by Council pursuant to Rule 45. Nothing shall be physically attached to any piece of legislation after introduction except the fiscal certificate required by Section 106 of the Charter nor shall any endorsement appear upon any legislation except that of the director of the requesting department or office. Pertinent data or reports may be filed with legislation.

## VIII. COUNCIL CHAMBER

- Rule 53. Use of Council Chamber.** The Council Chamber shall be used only for meetings of the Council or Council committees, except where the Council by vote authorizes its use by persons other than city officials. The Clerk, with the written approval of the President of Council, may permit other public officials to use the Council Chamber on public business, when not in use by the Council or committees.
- Rule 54. Privileges of Floor.** No person except members of the Council, designated Council staff, officers named in the rules, reporters and persons invited by the President of Council or by vote of the Council shall be admitted within the “well” of the Council chamber, and the Sergeant-at-Arms shall cause this rule to be rigidly enforced.

## IX. RULES, SUSPENSION, AMENDMENT AND OTHER

- Rule 55. Suspension of Rules.** Any provision of these rules may be suspended at any meeting of the Council, by a majority vote of all the members elected, except when a greater number is required by law or by the rules. The vote on any such suspensions shall be taken by yeas and nays and entered upon the records.
- Rule 56. Amending Rules.** These rules may be amended, or new rules may be adopted by a majority vote of all members elected to the Council, on the report of the committee formed for such purpose.
- Rule 57. Other Rules.** Except as herein otherwise provided, the proceedings of the Council shall be governed by the City Charter, the Codified Ordinances of the City of Cleveland, and Robert’s Rules of Order, and it shall be the duty of the presiding officer to adhere to and enforce such rules.

**EXHIBIT**

**2**

**Procedures for Public Comment at Cleveland City Council Meetings**

*(approved by Cleveland City Council on September 20, 2021)*

**PLEASE READ THESE PROCEDURES BEFORE COMPLETING  
REGISTRATION FORM**

- All meetings of Cleveland City Council are open to the public. Members of the public shall always conduct themselves appropriately and are prohibited from engaging in any conduct that is disruptive or distracting, that substantially and unreasonably interferes with the business of the Council, and the safe and orderly use, operation or administration of the Chambers. Any person who violates any of the above is subject to immediate removal from the Council Chamber and may be ticketed under the Codified Ordinances of the City.
- **ALL SPEAKERS MUST PRE-REGISTER.** Any person wishing to participate in the Public Comment portion of a regular Council meeting shall register using the registration form made available and provide the following information: name, ward/neighborhood or city of residency, phone number, email address, topic to be addressed, and whether the speaker is being paid to speak and/or is representing an organization. The registration form must be submitted by email, U.S. mail, personal delivery, or website (*website registration may not be available until November 2021*). Registrations to make public comment at any regular Council meeting must be submitted between Wednesday at 12:00 noon and Monday at 2:00 pm, before a regular 7:00 pm Council meeting. Registrations will only be accepted for making comments at the next meeting; registrations for any future meeting will not be accepted until the Wednesday before the meeting. Registrations with false or incomplete information will not be accepted.
- **PERSONS NEEDING ASSISTANCE.** Any person seeking reasonable accommodations – such as for a disability or language assistance – must make the request at least three business days in advance. Council will make every effort to make reasonable accommodations.
- **PUBLIC INFORMATION.** All registration information is considered public record; emails and phone numbers *may* be subject to disclosure as public record. All public comments made at the Council meeting are considered a public record.
- **SPEAKING.** The presiding officer of the meeting will call each speaker to the speaker's podium. No more than ten (10) speakers shall speak at any meeting; each speaker may speak for no longer than three (3) minutes. Speakers may not yield their time to other speakers.
  - Speakers shall only address the topic they registered to speak as stated on their registration form.
  - Speakers shall not use indecent or discriminatory language.
  - Speakers shall address the Council as a body and may not address any individual council member or other person.
    - Speakers shall not engage in electioneering for any candidate or specific ballot issue.

- Speakers shall not endorse or promote any product or service.
  - While speaking at the podium, speakers shall not wear anything that promotes any candidate, campaign, issue, product or service; this includes but is not limited to visible logos, slogans, messages, words.
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- **SIGNS PROHIBITED IN COUNCIL CHAMBER.** Signs, posters, banners, placards and similar items are strictly prohibited in the Council Chamber.
  - **PRESIDING OFFICER WILL MAINTAIN ORDER.** The presiding officer of the meeting will maintain order and preside over the Public Comment period according to these Procedures for Public Comment and the Rules of Council.
  - Any person who violates these Procedures for Public Comment will not be allowed to speak at the podium and may be asked to leave the Chamber.