



CITY COUNCIL REGULAR MEETING AGENDA **Monday, September 26, 2022 at 7:00 PM**

15 East Franklin Street Bellbrook, Ohio 45305
T (937) 848-4666 | www.cityofbellbrook.org

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF THE MINUTES**
 - A. Approval of September 12, 2022 Regular Meeting Minutes.
- 5. MAYOR'S ANNOUNCEMENTS AND SPECIAL GUEST**
 - A. Representatives of the Little Miami River Watershed Network will present findings from the Economic Impact Study of the Little Miami River.
 - B. Mayoral Proclamation for October 2022 being Domestic Violence Awareness Month
- 6. CITIZEN COMMENTS**
- 7. CITIZENS REGISTERED TO SPEAK ON AGENDA ITEMS**
- 8. PUBLIC HEARING OF PROPOSED ORDINANCES**
- 9. INTRODUCTIONS OF ORDINANCES**
- 10. ADOPTION OF RESOLUTIONS**
 - A. Resolution 2022-R-33 AUTHORIZING MERIT AND PERFORMANCE PAY FOR THE CITY MANAGER (Schweller)
 - B. Resolution 2022-R-34 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Cyphers)
 - C. Resolution 2022-R-35 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR SUBSEQUENT APPROVAL WITH THE BELLBROOK SUGARCREEK SCHOOLS DISTRICT FOR PROVIDING A FULL TIME SCHOOL RESOURCE OFFICER (Greenwood)
- 11. OLD BUSINESS**
 - A. Community Improvement Corporation discussion
- 12. NEW BUSINESS**
- 13. CITY MANAGER'S REPORT**
- 14. COMMITTEE REPORTS**
 - A. Safety Committee
 - B. Service Committee
 - C. Finance/Audit Committee
 - D. Community Affairs Committee
- 15. CITY OFFICIAL COMMENTS**
- 16. EXECUTIVE SESSION**
- 17. ADJOURNMENT**

File Attachments for Item:

A. Approval of September 12, 2022 Regular Meeting Minutes.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
September 12, 2022

Item A. Section 4, Item

CALL THE MEETING TO ORDER:

Mayor Schweller called the Regular Meeting of the Bellbrook City Council to order at 7:00pm

PLEDGE OF ALLEGIANCE:

Mayor Schweller led the Council in the Pledge of Allegiance.

ROLL CALL:

PRESENT

Mrs. Katherine Cyphers
Mr. Forrest Greenwood
Mr. Brady Harding
Mr. Ernie Havens
Mr. T.J. Hoke
Mrs. Elaine Middlestetter
Mayor Mike Schweller

ABSENT: None

ALSO PRESENT:

Rob Schommer, City Manager

APPROVAL OF MINUTES:

Mayor Schweller asked if anyone had comments or corrections to the minutes of the August 22, 2022 meeting. Hearing none, the minutes were declared to be approved.

MAYOR'S ANNOUNCEMENTS / SPECIAL PRESENTATIONS:

Mayor Schweller offered condolences to the family of Jim "Pee Wee" Martin who passed on 9/12/2022.

Mr. Greenwood thanked him for his service to our country

Mayor Schweller thanked all the volunteers and organizations for their time in the Bellbrook cleanup.

Greg Sparks spoke on behalf of the Bellbrook Lions Club and Eagle Scout projects with updating signs around Bellbrook. John Gostinett gave a presentation on his Eagle Scout Project involving improvements to the wagon wheel signs at the entrance to the City.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
September 12, 2022

Item A. Section 4, Item

CITIZEN COMMENTS

Kevin Price from the school board spoke about the cross walks that are currently not marked.

Mayor Schweller stated the City has the downtown street scape program going on which includes cross walks.

Mr. Havens stated a very detailed design is being done regarding the cross walk by the library. It is being revamped for the safety of the residents. Some residents want sidewalks, and some do not.

PUBLIC HEARING OF PROPOSED ORDINANCES:

None

INTRODUCTION OF ORDINANCES:

None

RESOLUTIONS:

Resolution 2022-R-31 Authorizing the city manager to enter into a contract for municipal bridge inspection services (Mr. Harding)

Mr. Harding read the Resolution.

Mayor Schweller stated this is a reoccurring item for annual bridge inspection the City has done in the past.

Mr. Schommer explained the State has agreed to one additional year of funding for this program. Municipalities under 50,000.00 in population can have inspections done under the program at no cost utilizing federal money.

Motion to adopt Resolution 2022-R-31

Motion made by Mr. Harding, Seconded by Mr. Greenwood

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke, Mrs. Middlestetter, Mayor Schweller

Motion Carries

Resolution 2022-R-32 Authorizing the city manager to enter into a master agreement to provide service to an Aggregated group (Mrs. Cyphers)

Mayor Schweller stated this is an aggregation agreement for Natural Gas.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
September 12, 2022

Item A. Section 4, Item

Mr. Schommer explained the consultant indicated he was originally waiting to get through the winter months until after the gas rates go up to lock in an agreement. However, the overall market on gas has climbed higher than originally anticipated he believes now would be the opportunity to lock in agreement.

Mayor Schweller asks if the rules for the citizens will be the same as electric, to opt in or out. Me. Schommer stated it is the same.

Mayor Schweller asks if Council has any questions regarding Resolution 2022-R-32. None

Motion to adopt Resolution 2022-R-32

Motion made by Mrs. Cyphers, Seconded by Mr. Havens

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke, Mrs. Middlestetter, Mayor Schweller

Motion Carries

OLD BUSINESS:

None

NEW BUSINESS:

None

CITY MANAGER REPORT:

Mr. Schommer spoke on the (CIC) Community Improvement Corporation. The next step is to formalize a set of Bylaws then file Articles of Incorporation and send to the State for approval. The CIC would then have a meeting, elect officers and council will pass a Resolution to have the CIC as an agent or an arm of development for the city.

Mayor Schweller asks council if they are prepared to speak about this article tonight. The mayor feels it is good to have the mayor and two council members, and allow a non-resident who owns real-estate in Bellbrook as members of the CIC Board.

Mr. Hoke asked if the legal department has reviewed the draft and Mr. Schommer stated the Law Director has.

Mr. Havens asked, of the members that are appointed or elected permanent, was the executive director part of this count. Mr. Schommer stated no, it would be a non-voting member. The executive director would handle day to day business over the CIC. The board would be the voting members and policy setters.

Mr. Havens states the mayor being part of the CIC would be a good idea.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
September 12, 2022

Item A. Section 4, Item

Mr. Schommer gave an update on the ARPA projects and bids including the outdoor warning sirens, storm water improvements, and downtown street improvements.

Mr. Schommer stated there will be a joint meeting with the School Board, Sugarcreek Twp Trustees, and the Park District Trustees on September 19, 2022. He noted if there were any specific agenda topics other than student and school safety to submit them by Wednesday.

Mr. Havens asks for clarification on school board meeting and questions not on the agenda. Mr. Schommer noted the School Board cannot discuss a topic not listed on their agenda.

Mayor Schweller asks about the Auction results. Mr. Schommer stated it is slow but we are close to closing the auction items on Gov Deals.

Mr. Schommer spoke on the construction being done to the Museum in downtown Bellbrook. Siding will not be place back on the building if the evaluation of the existing logs results in no significant structural issues.

COMMITTEE REPORTS:

SAFETY: None

SERVICE:

Mr. Greenwood noted the EPA was coming in and testing the seven wells and the plant for forever chemicals. He added this testing is being done statewide.

FINANCE/GOVERNMENT AFFAIRS:

Mrs. Cyphers noted the Committee met and discussed the Audit and 2nd quarter financial report.

Mayor Schweller asks if everyone has a copy of the second quarter financial report in the packet, and if anyone had any questions on the reports. None

Motion to approve the 2nd Annual Financial Report

Motion made by Mrs. Cyphers, Seconded by Mr. Havens

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke, Mrs. Middlestetter, Mayor Schweller

Motion Carries

COMMUNITY AFFAIRS:

Mrs. Middlestetter noted the Committee met to discuss applicants for the planning board. The Committee recommends Sarabeth Martin Haase to fill the vacancy

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
September 12, 2022

Item A. Section 4, Item

Motion to appoint Sarabeth to the Planning Board

Motion made by Mrs. Middlestetter, Seconded by Mr. Harding

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Hoke, Mrs. Middlestetter, Mayor Schweller

Abstain: Mr. Havens

Motion Carries

CITY OFFICIAL COMMENTS:

Mrs. Cyphers spoke on the Street Scape project and crosswalks near the Library, Bellbrook Park to the Museum, and South Linda across 725. She noted she hopes the crosswalk will be painted on 725.

Mr. Harding thanks John with Eagle Scouts and appreciates the Museum updates.

Mr. Havens gives condolences to Jodi Martin and her family. He appreciated movement on the CIC and thanked Mr. Schommer for putting this together so quickly. He also noted thanks to the Bellbrook Community Center and the clean up in Bellbrook. He added that he commended the School Board for taking action on their recent resolution.

Mr. Hoke thanked the Bellbrook Sugarcreek School Board for passing a resolution for a volunteer active shooter response implementation committee and team. This response system will provide safety for all.

Mrs. Middlestetter offered condolences to Martin family. She also thanked all volunteers in the Bellbrook community.

Mr. Greenwood offered condolences to Jodi Martin. He also thanked the school board for taking action to improve the safety of the schools.

Mayor Schweller gives his condolences to the Martin family.

EXECUTIVE SESSION:

Motion to go into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

Motion made by Mr. Hoke, Seconded by Mrs. Middlestetter

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke, Mrs. Middlestetter, Mayor Schweller

Motion Carries

Council entered executive session at 8:00pm

Motion to exit Executive Session.

Motion made by Mrs. Middlestetter, Seconded by Mr. Havens.

RECORD OF PROCEEDINGS

Bellbrook City Council Meeting
September 12, 2022

Item A. Section 4, Item

Voting Yea: Mrs. Cyphers, Mr. Greenwood, Mr. Harding, Mr. Havens, Mr. Hoke, Mrs. Middlestetter, Mayor Schweller

Motion Carries

Council exited executive session at 9:28pm

ADJOURNMENT:

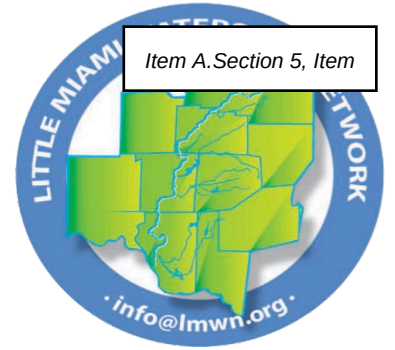
Hearing no further business coming before the Council, Mayor Schweller declared the meeting adjourned at 9:30pm

Michael Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

A. Representatives of the Little Miami River Watershed Network will present findings from the Economic Impact Study of the Little Miami River.



Who Speaks for the River?



WHO SPEAKS FOR THE RIVER?

Item A. Section 5, Item

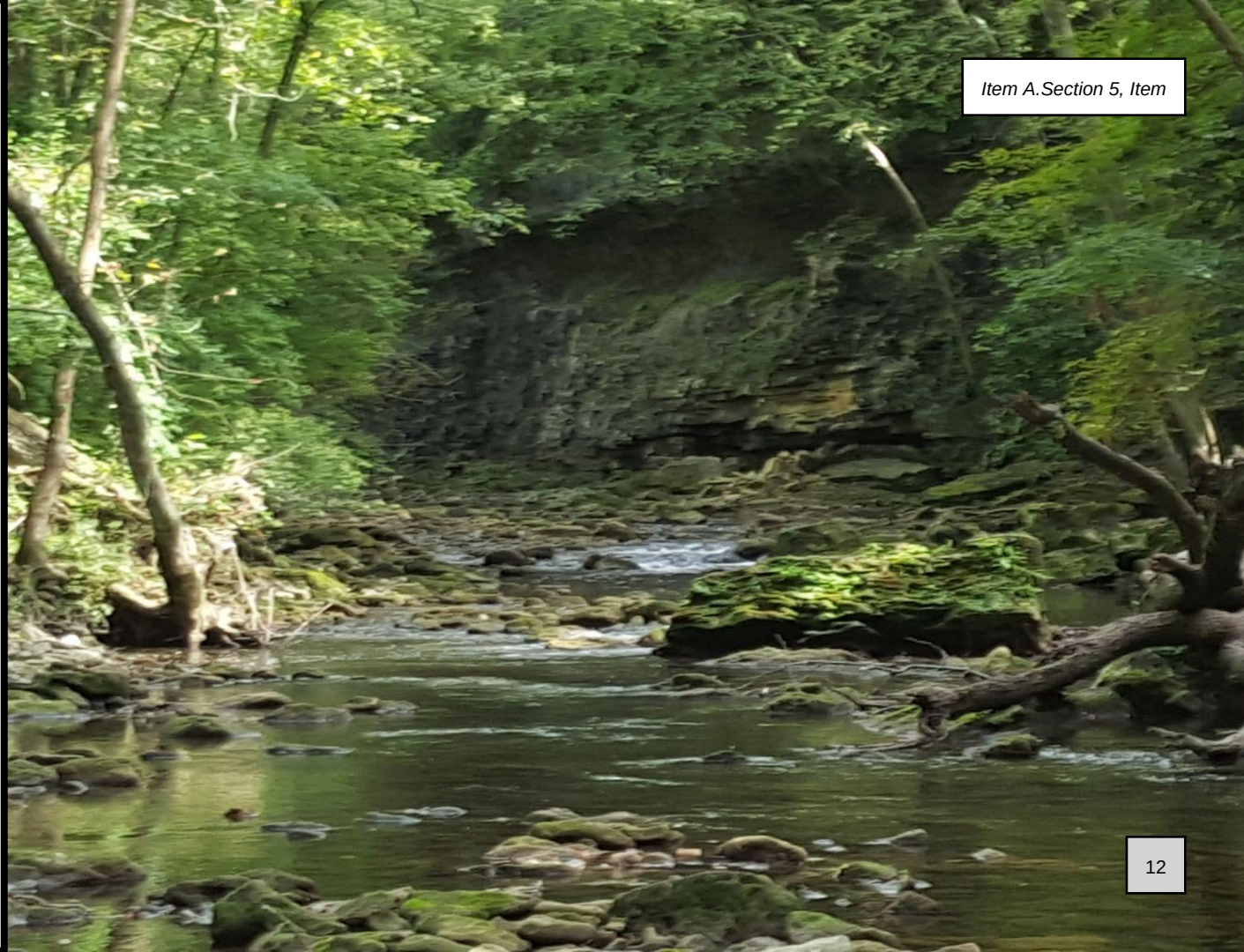
Anytime we've sought her out, the Little Miami River has been there.

She has flowed through our history, peaceably. She is the thread that has woven the people, places and stories of the Little Miami Watershed into a bright and colorful tapestry of legacy and hope for the future.

ABOUT THE LITTLE MIAMI RIVER

The Little Miami River originates near Clifton Gorge State Nature Preserve and National Natural Landmark. Flowing through a deep gorge, wooded bluffs, and rolling farmlands, it is located between Dayton and Cincinnati, placing it within an hour's drive of more than THREE MILLION PEOPLE.

Item A. Section 5, Item





THE LITTLE MIAMI WATERSHED NETWORK

Item A. Section 5, Item

strives to enhance the quality of life on the private and public lands along the Little Miami River through promoting protection, stimulating public interest, and encouraging the preservation of the heritage, cleanup and restoration.

We've worked to promote stewardship, facilitate communications and build partnerships across the watershed, while envisioning a sustainable, high quality Little Miami watershed for people and wildlife now and in the future.

Recreational Economic Study

Seven months long

Professor Brent Sohngen
OSU Department of
College of Food,
Agricultural, and
Environmental Sciences

43 miles of river

24 volunteers conducted
the study



Item A. Section 5, Item

TOTAL RECREATIONAL IMPACT

- **836,000** trips took place to **45 sites** along the Little Miami River.

Item A.Section 5, Item

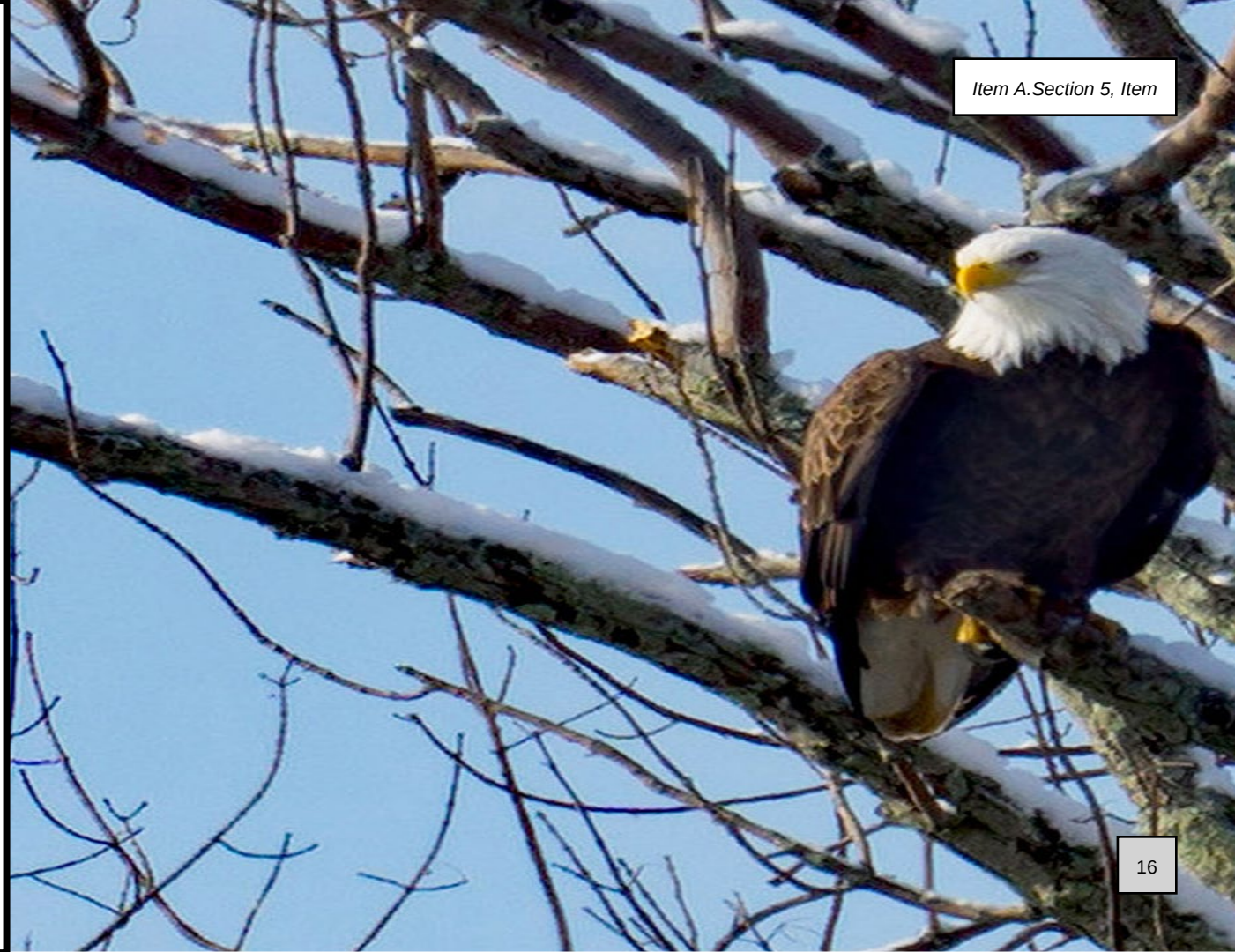


RECREATIONAL IMPACT within the Bellbrook/Sugarcreek Twp. area

- **32,919** trips took place to 2 **sites** along the Little Miami River.

Sites

- Mill Bridge Launch
- Morris Reserve



Item A.Section 5, Item

TOTAL RECREATIONAL IMPACT

- Recreational value is estimated to be **\$14.9 million per year.**

Item A.Section 5, Item





RECREATIONAL IMPACT within the Bellbrook/Sugarcreek

Item A. Section 5, Item

- Recreational value is estimated to be
\$596,381 million
per year.

Little Miami River
Economic Study
Data by Community

General

836,000 trips to 45 sites

14.9 million recreation value

GREENE COUNTY

Greene County

Visits – 684,849

of sites - 37

Recreation Value - \$12,703,726

Beavercreek/Beavercreek Twp

Visits – 125,787

of Sites – 4

Recreation Value – \$2,317,575

Bellbrook/Sugarcreek Twp

Visits – 32,919

of Sites – 2

Recreation Value – \$596,381

Clifton

Visits – 59,930

of Sites – 3

Recreation Value – \$1,100,426

Spring Valley/Spring Valley Twp

Visits – 45,998

of Sites – 7

Recreation Value – \$833,206

Xenia and Xenia Twp.

Visits – 119,317

of Sites – 5

Recreation Value – \$2,191,291

Yellow Springs/Miami Twp.

Visits – 300,898

of Sites – 17

Recreation Value – \$5,664,847

Item A.Section 5, Item

Little Miami River
Economic Study
Data by Community

General
836,000 trips to 45 sites
14.9 million recreation value

CLARK COUNTY

Clark County
Visits – 25,402
of Sites – 1
Recreation Value – \$464,674

WARREN COUNTY

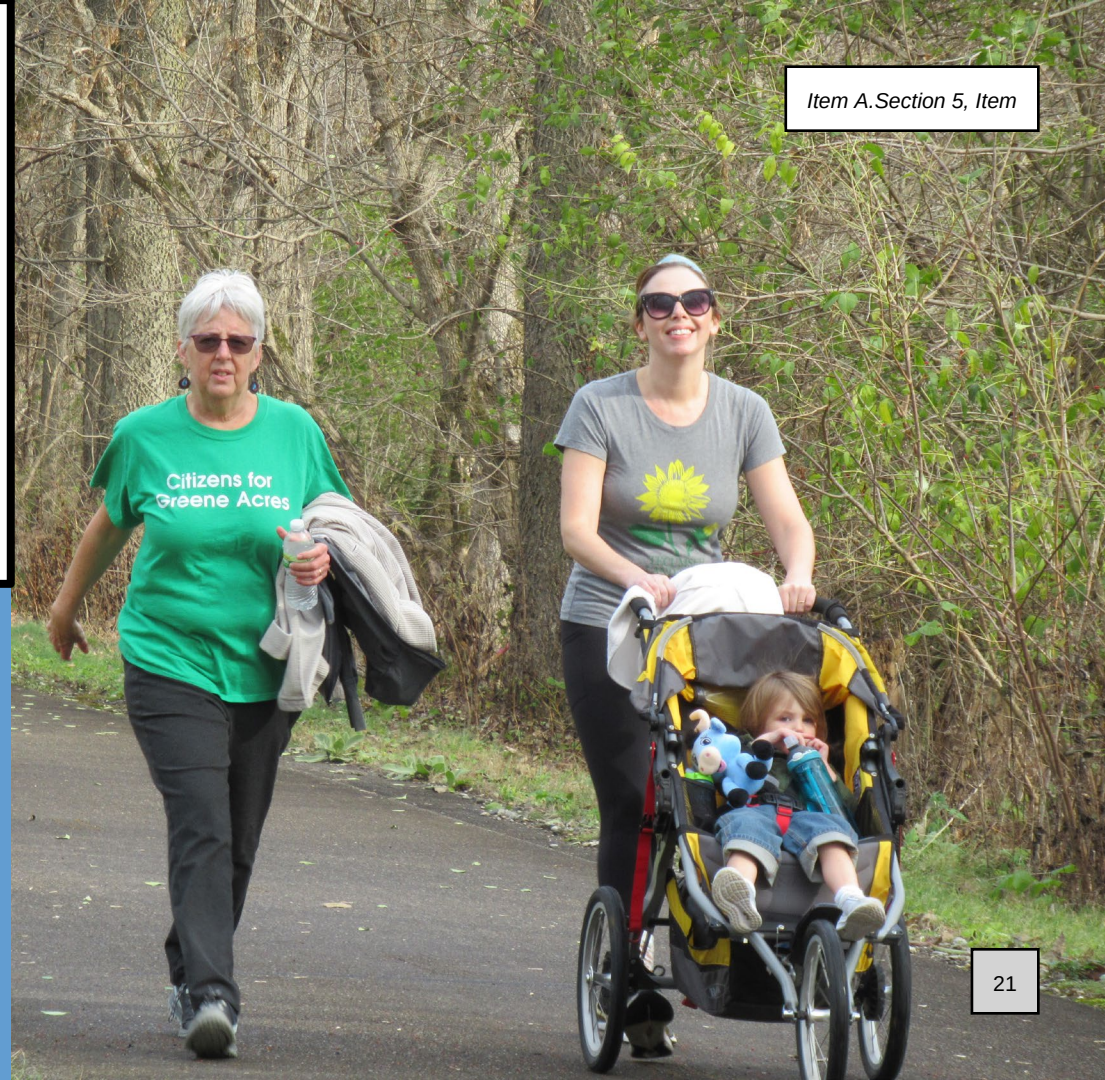
Warren County
Visits – 96,196
of Sites – 9
Recreation Value – \$1,804,456

Waynesville/Corwin/Wayne Township
Visits – 91,461
of Sites – 7
Recreation Value – \$1,572,335

Oregonia/Washington Township
Visits – 12,673
of Sites – 2
Recreation Value – \$232,121

RECREATIONAL IMPACT

- Across **43 river miles** studied, recreation generates **\$346,500 per mile per year** in benefits.



WHAT DO WE DO WITH THIS INFORMATION?

The results were astounding. We, of course, knew what an asset to the region the Little Miami River always has been. Having access to such a comprehensive study is an opportunity to inform and engage local governments and the public of the need to invest in and promote this valuable asset.



Item A.Section 5, Item



WHAT DO WE DO WITH THIS INFORMATION?

Item A. Section 5, Item

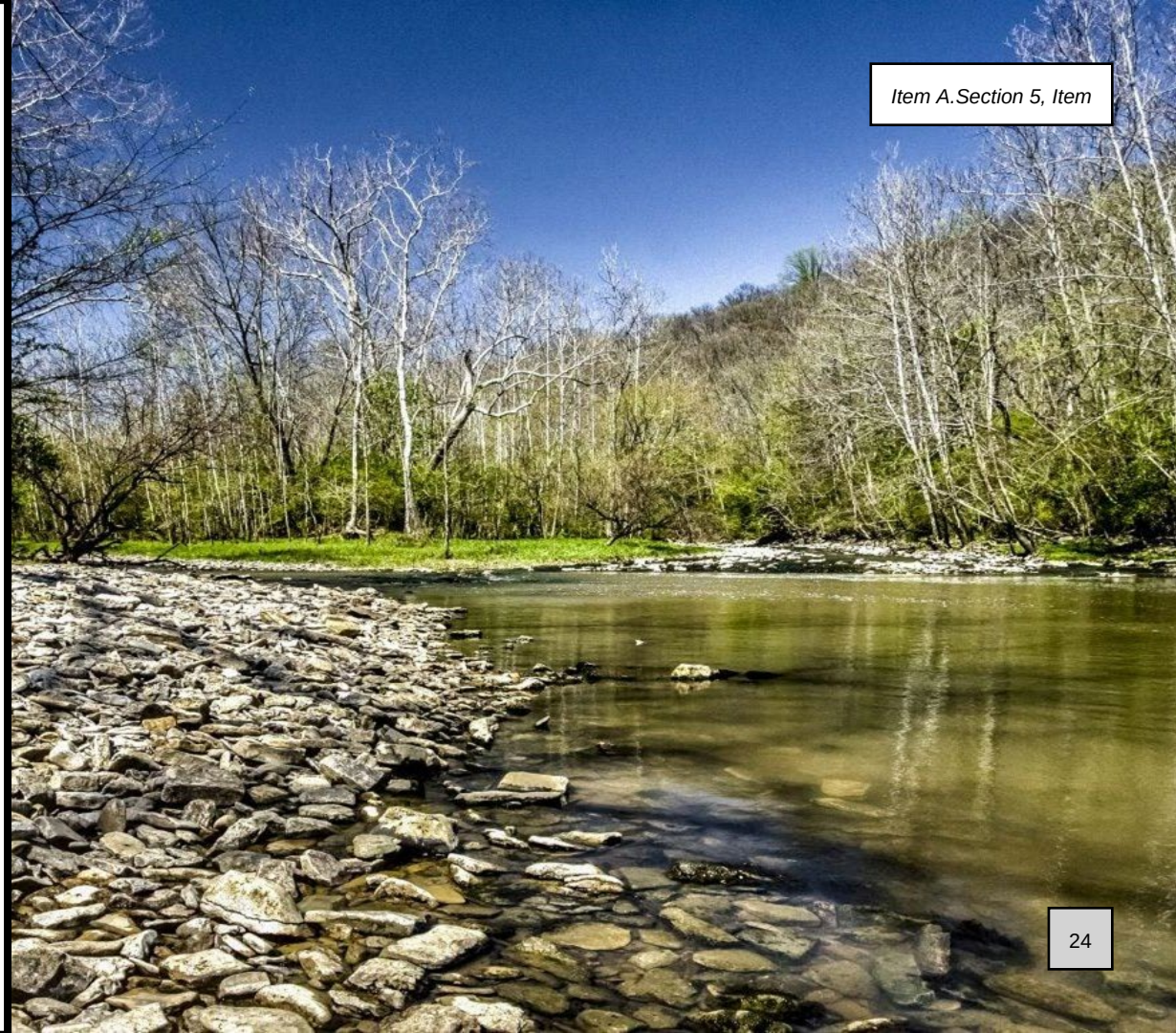
This effort is important from both an economic and an environmental point of view, helping us to protect the river and its corridor. Having the Little Miami River as a focal point in this region will help communities attract young families, retain the younger generation and build a connection with the environment and local citizens.

WE NEED YOUR HELP

Item A. Section 5, Item

Now more than ever, the river needs someone to speak for her. Someone to look out for her and protect her. Protecting the floodplains and enhancing the riparian buffers are two ways that we can stand up for this asset. The Little Miami River needs someone to stand for her now, so she can continue to stand at our sides for generations to come.

Can we count on you to stand for the Little Miami River?





Item A. Section 5, Item

**JOIN US IN GIVING THE
LITTLE MIAMI RIVER A
VOICE.**

Will you stand with us.

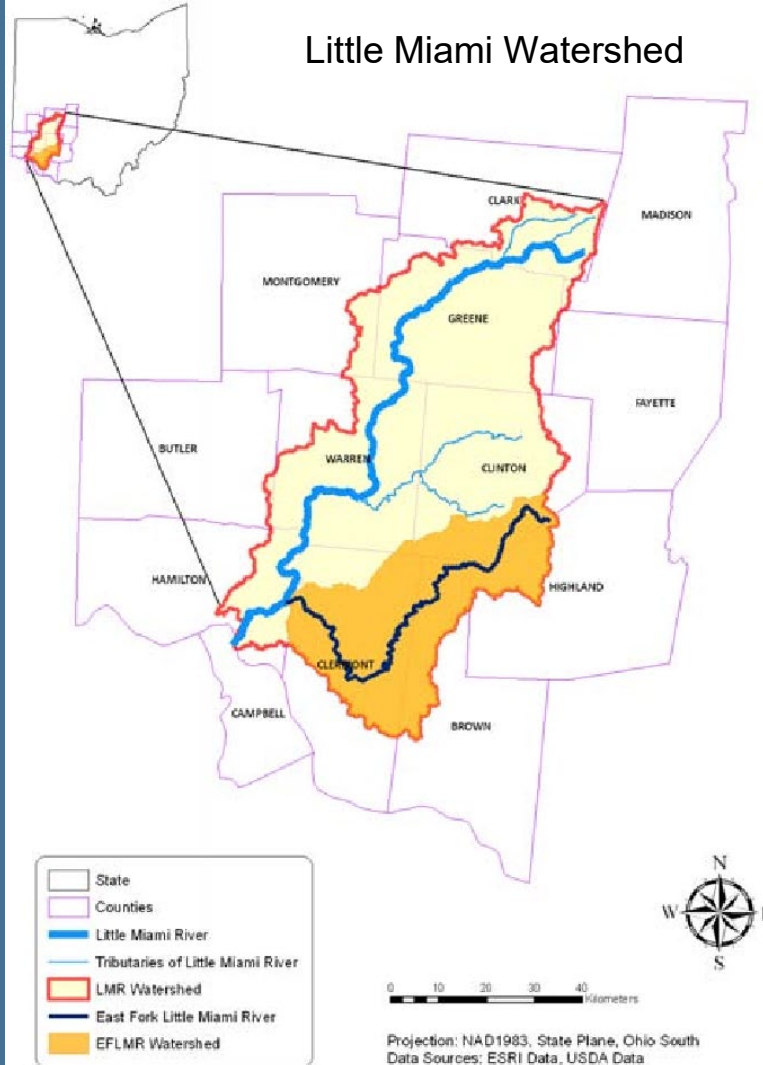
**Lend your voice to the cause,
and help us speak for the
river?**

VISIT:

LMWN.ORG

Little Miami Watershed

Item A.Section 5, Item



File Attachments for Item:

B. Mayoral Proclamation for October 2022 being Domestic Violence Awareness Month

City of Bellbrook Office of the Mayor

Proclamation

Whereas: Domestic violence in America is intolerable,

unacceptable, must be stopped and deserves considerable public attention; and

WHEREAS, Children who witness domestic violence often grow up believing that physical cruelty in relationships is acceptable behavior, and thus they tend to perpetuate a cycle of violence in society; and

WHEREAS, Many Federal, State, and local programs addressing the domestic violence problem have achieved success, bringing greater safety to families; and

WHEREAS, Community leaders, police, judges, advocates, healthcare workers, and concerned Americans are working together across America to develop solutions to this serious problem and to implement services that will improve our responses when it occurs; and

WHEREAS, Programs designed to educate men and women about ways they can help prevent domestic violence are being developed across our Nation; and

WHEREAS, Numerous law enforcement officials and departments have created specialized domestic violence units that cooperate with community advocates to enhance services for victims and representatives from the faith community frequently provide essential support in areas where there may be no other services available; and

WHEREAS, Anyone can be a victim of domestic violence regardless of age, sex, ethnicity, sexual orientations, socioeconomic status, or religion; and

WHEREAS, We must continue to hold domestic abusers accountable, punish them to the full extent of the law, and prevent them from inflicting more abuse;

NOW, THEREFORE, I, Michael Schweller, Mayor of the City of Bellbrook and the Bellbrook City Council do hereby proclaim October 2022 as

Domestic Violence Awareness Month

In the City of Bellbrook

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Bellbrook to be affixed this 26th day of September, 2022

Michael Schweller, Mayor

File Attachments for Item:

A. Resolution 2022-R-33 AUTHORIZING MERIT AND PERFORMANCE PAY FOR THE CITY
MANAGER (Schweller)

RECORD OF RESOLUTIONS

Item A. Section 10, Item

Resolution No. 2022-R-33

September 26, 2022

City of Bellbrook State of Ohio

Resolution No. 2022-R-33

AUTHORIZING MERIT AND PERFORMANCE PAY FOR THE CITY MANAGER

WHEREAS, City Council has evaluated the performance of the City Manager and determined standards and expectations have been met or exceeded; and

WHEREAS, the employment agreement allows consideration on an annual basis for merit/bonus pay dependent on the results of a performance evaluation.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. The Mayor is authorized to submit a merit and performance bonus for the City Manager in accordance with Section 4 (D) of the employment agreement in the amount of 8% of his base pay which will be exclusive of the current base salary with no other adjustments or increases to the current salary and benefits.

Section 2. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

Section 3. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this ____ day of _____, 2022.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

B. Resolution 2022-R-34 DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID PROPERTY (Cyphers)

RECORD OF RESOLUTIONS

Item B. Section 10, Item

Resolution No. 2022-R-34

September 26, 2022

City of Bellbrook
State of Ohio

Resolution No. 2022-R-34

DECLARING CERTAIN CITY OWNED PROPERTY NO LONGER REQUIRED FOR
MUNICIPAL PURPOSES AS SURPLUS AND AUTHORIZING DISPOSAL OF SAID
PROPERTY

WHEREAS, the City of Bellbrook is in possession of certain property at an estimated value over \$2,500 that is no longer needed for municipal purposes; and

WHEREAS, the property is desired to be sold via an internet-based auction process or otherwise discarded or salvaged.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. Consistent with the provisions of the Ohio Revised Code Section 721.15 and Section 230.06 of the Bellbrook Code of Ordinances and purchasing procedures, the following equipment is declared surplus, no longer needed for municipal purposes, and authorization is hereby granted to dispose of the property consistent with the provisions of Bellbrook Ordinances by means of an internet-based auction or if having no value may be discarded or salvaged by the City Manager:

ITEM-----	SERIAL NO.-----	ASSET ID
2016 Exmark Model LZX740EKC526TO	400668669	04691
ITEM-----	SERIAL NO.-----	ASSET ID
Wooden/Composite/Metal Desk and Storage Unit		2249

Section 2. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

Section 3. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this 26th day of September, 2022.

____ Yeas; ____ Nays.

RECORD OF RESOLUTIONS

Item B. Section 10, Item

Resolution No. 2022-R-34

September 26, 2022

AUTHENTICATION:

Michael W. Schweller, Mayor

Robert Schommer, Clerk of Council

File Attachments for Item:

C. Resolution 2022-R-35 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT FOR SUBSEQUENT APPROVAL WITH THE BELLBROOK SUGARCREEK SCHOOLS DISTRICT FOR PROVIDING A FULL TIME SCHOOL RESOURCE OFFICER (Greenwood)

RECORD OF RESOLUTIONS

Item C. Section 10, Item

Resolution No. 2022-R-35

September 26, 2022

City of Bellbrook State of Ohio

Resolution No. 2022-R-35

AUTHORIZING THE CITY MANAGER TO NEGOTIATE A MEMORANDUM OF UNDERSTANDING FOR SUBSEQUENT APPROVAL WITH THE BELLBROOK SUGARCREEK SCHOOLS DISTRICT FOR PROVIDING A FULL TIME SCHOOL RESOURCE OFFICER

WHEREAS, the City of Bellbrook is committed to providing a full time School Resource Officer program to enhance the safety and security of students in the City; and

WHEREAS, for a successful program, the School Resource Officer must work directly within the schools in cooperation with the school administrators and faculty to help create and maintain an atmosphere that is safe and conducive to learning; and

WHEREAS, the City of Bellbrook wishes to proclaim its commitment to the safety of students within the district by formalizing the School Resource Officer program through a Memorandum of Understanding between the City and the School District.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:

Section 1. The City Manager is authorized to negotiate and subsequently return for formal approval a Memorandum of Understanding with the Bellbrook Sugarcreek Schools District for a full time School Resource Officer program including primary elements as contained in Exhibit A.

Section 2. That it is found and determined that all formal actions of the City Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including §121.22 of the Revised Code of the State of Ohio.

Section 3. That this resolution shall take effect and be in force forthwith.

PASSED BY City Council this ____ day of _____, 2022.

____ Yeas; ____ Nays.

AUTHENTICATION:

Michael W. Schweller, Mayor

RECORD OF RESOLUTIONS

Item C.Section 10, Item

Resolution No. 2022-R-35

September 26, 2022

Robert Schommer, Clerk of Council

Resolution 2022-R-35 EXHIBIT A

MEMORANDUM OF UNDERSTANDING

WHEREAS, the City of Bellbrook and the Bellbrook Sugarcreek Schools District wish to formalize a School Resource Officer program to serve the schools within the City of Bellbrook; and

WHEREAS, both the City and School District agree formation of the program will provide mutual benefit to the students and staff of the schools and the residents of the city of Bellbrook; and

WHEREAS, Ohio Law requires the school district and the City enter into a memorandum of understanding that clarifies the purpose of the school resource officer program and roles and expectations between the participating entities addressing at least the following:

- Clearly defined set of goals for the school resource officer program;
- Background requirements or suggested expertise for employing law enforcement in the school setting, including an understanding of child and adolescent development;
- Professional development, including training requirements that focus on age-appropriate practices for conflict resolution and developmentally informed de-escalation and crisis intervention methods;
- Clearly defined roles, responsibilities, and expectations of the parties involved, including school resource officers, law enforcement, school administrators, staff, and teachers;
- A protocol for how suspected criminal activity versus school discipline is to be handled;
- The requirement for coordinated crisis planning and updating of school crisis plans;
- Any other discretionary items determined by the parties to foster a school resource officer program that builds positive relationships between law enforcement, school staff, and the students, promotes a safe and positive learning environment, and decreases the number of youth formally referred to the juvenile justice system; and

WHEREAS, the City and the School District wish to enter into a memorandum of understanding to provide core services including:

- Assistance with adoption, implementation, and amendment of the comprehensive emergency management plan required under section [5502.262](#) of the Revised Code;
- Carrying out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding, including but not limited to:
 - Providing a safe learning environment;
 - Providing valuable resources to school staff members;
 - Fostering positive relationships with students and staff;
 - Developing strategies to resolve problems affecting youth and protecting all students.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

I. Policy Statement

A. Purpose

The purpose of the School Resource Officer (SRO) Program involves the assignment of carefully selected and trained police officers from the Bellbrook Police Department to work directly in the schools of the Bellbrook Sugarcreek Schools District in cooperation with the administrators and faculty. The program is designed to minimize disruption to the educational process in the Bellbrook Sugarcreek Schools District by a commitment to maintain a zero tolerance for weapons, drugs, violence, and unruly behavior through the arrest of violators, confiscation of contraband, counseling of at-risk youth, and maintaining an atmosphere that is safe and conducive to learning.

B. Objectives of the Program.

1. Build a positive image toward orderly behavior.
2. Familiarize students with the role of law enforcement personnel, their objectives, and role in society.
3. Encourage students to stay in school.
4. Implement an effective program of safety education.
5. Make the campus a safe environment for learning through law enforcement and crime prevention.
6. Work with students to foster a positive attitude toward law enforcement.
7. Encourage more cooperation between students and police.
8. Reduce juvenile crime. Promote positive youth development.
9. Assist teachers/staff with instruction or support information as requested.

C. Duties of the School Resource Officer (SRO)

The SRO's activity in the Bellbrook Sugarcreek Schools will be guided by the following procedures. These procedures have been drafted in a cooperative effort between Bellbrook Sugarcreek Schools District and Bellbrook Police Department. These procedures highlight several areas which are collectively felt to be necessary. It is understood that specific daily assignments to accomplish the following functions will vary from school to school. The primary functions of the SRO are as follows:

1. Provide a safe and secure school environment.
2. Serve as an educational resource officer.
3. Serve as liaison between the school and the Bellbrook Police Department.

4. Meet with the school principal and at times with central office Administration to discuss plans and strategies to address specific issues or needs as they may arise.
5. Protect the students and staff.
6. Reduce juvenile delinquency through close contact with students and school personnel.
7. Investigate delinquent acts within the school system and its neighborhood complex when school or student oriented.
8. Participate as a resource person for the school district in classrooms, assemblies, and other school events.

D. Personnel Assignments

1. Volunteers are selected from the Police Department and after examination of their qualifications by representatives of the Police Department and the District, members will be recommended for consideration by the Police Chief.
2. The officer will be a full-time commissioned police officer certified by the State of Ohio Peace Officer Training Commission.
3. The officers are assigned to the Bellbrook Police Department. When dealing with matters specifically related to operation of the schools, the officer will fully cooperate with the school administration. When dealing with matters directly related to violations of law, officers will be under the direction of his/her Police Department chain of command.
4. Ordinarily, the SRO will work five days a week with weekends off. Working schedules and off days may be altered by the officer's supervisor.
5. Communications control
 - (a) Interoffice mail, electronic mail and general correspondence
 - (b) Contact by police radio via the communications center
 - (c) Cellular Phone
 - (d) Office Phone in their respective schools
 - (e) Dress for the SRO will be the full police uniform of the day.

E. Scope of Accountability of the SRO

1. The SRO's assignment is the Bellbrook Sugarcreek Schools District
2. The SRO will be accountable to the Police Department's chain of command.
3. While at the schools, the SRO will work closely with and fully cooperate with the school security and staff.
4. The SRO is expected to cooperate with the school officials, including

administrators and faculty.

5. The SRO will abide by the school policy regarding school operations and respond to the request of school officials regarding school operations and policies.

F. Reporting Responsibilities of the SRO

1. Monthly reports of SRO activities will be prepared and submitted through the SRO's chain of command to the Chief of Police.
2. Program records will be maintained by the Police Department's Administration.
3. A copy of the monthly report will be made available to school administrators.

G. Equipment Needs of the SRO

1. Forms and methods of reporting will be supplied by the Police Department.
2. Private and effective office space and office supplies will be provided by the school district.
3. All police equipment and clothing are supplied by and subject to the Police Department rules and regulations as approved.

H. Supervision of the SRO

1. Will be in accordance with the Bellbrook Police Department policy on chain of command.
2. Upon evaluating the performance of the SRO, the respective supervisor will confer with the school principal and/or Superintendent for input regarding in-school performance.

I. Cooperative Liaison

1. School personnel
2. Fire Department
3. Other police units, sections and personnel

J. Guidelines

The School Resource Program has certain guidelines that must be understood by police officers and school staff. They have evolved from experience, informally, but are stated here for clarification.

1. An officer shall be assigned to the school in full uniform.
2. The uniformed officer who relates well to most of the student community will help to instill an air of respect and friendliness for other uniformed members of the police department. The uniformed

officer who is trained, understanding, fair and sincere can do much towards building positive police-parent relationships.

3. The SRO should not become involved in school matters unless the situation would typically involve law enforcement. SRO's are not school disciplinarians. When working in conjunction with principals and staff on school matters, the SRO's are considered not only law enforcement officers, but also school officials in regard to District policies. They are to work cooperatively with principals and staff on any school related matter. They will remain full time sworn police officers responsible to and directed by the Police Department command staff.
4. SRO's will handle any student education records or other confidential information in accordance with District policy and state and federal law.

K. Training

1. In compliance with R.C. 3313.951, any officer assigned as an SRO shall meet the training requirements of that Section, which include:
 - (a) Complete a basic training program approved by the Ohio peace officer training commission, as described in Department (B) (1) of section 109.7 7 of the Revised Code;
 - (b) Complete at least forty hours of school resource officer training within one year after appointment to provide those services through one of the following entities, as approved by the Ohio peace officer training commission:
 - (i) The national association of school resource officers;
 - (ii) The Ohio school resource officer association
 - (iii) The Ohio peace officer training academy
 - (c) A school resource officer who is appointed to provide services to a school district or school prior to November 2, 2018, shall be exempt from compliance with the training requirements prescribed in division (B)(1)(b) of O.R.C. 3313.951.
 - (i) A certified training program provided by an entity described in division (B)(1)(b) of this section shall include instruction regarding skills, tactics, and strategies necessary to address the specific nature of all of the following:
 - (ii) School campuses;
 - (iii) School building security needs and characteristics;
 - (iv) The nuances of law enforcement functions conducted inside a school environment, including:
 - (a) Understanding the psychological and physiological

characteristics consistent with the ages of the students in the assigned building or buildings;

- (b) Understanding the appropriate role of school resource officers regarding discipline and reducing the number of referrals to juvenile court; and
- (c) Understanding the use of developmentally appropriate interview, interrogation, de-escalation, and behavior management strategies.
- (v) The mechanics of being a positive role model for youth, including appropriate communication techniques which enhance interactions between the school resource officer and students;
- (vi) Providing assistance on topics such as classroom management tools to provide law-related education to students and methods for managing the behaviors sometimes associated with educating children with special needs;
- (vii) The mechanics of the laws regarding compulsory attendance, as set forth in Chapter 3321. of the Revised Code;
- (viii) Identifying the trends in drug use, eliminating the instance of drug use, and encouraging a drug-free environment in schools.

II. School Resource Officer Program

The Bellbrook SRO program will be based on the input from the Bellbrook Police Department, the Bellbrook Sugarcreek Schools Administration, teachers, faculty, and students. The programs will be fashioned to fulfill four main roles: (1) law enforcement, (2) education, (3) crime prevention and (4) mentor/problem solver.

A. Law Enforcement Role - The SRO will be responsible for the majority of law enforcement activities occurring at the school during school hours. This will involve the traditional enforcement activities of arrests, reports, and filing of charges, etc. The officer is also responsible for conducting follow-up investigations at the request of other police Department personnel. In addition, the officer is responsible for information sharing between school officials and the Police Department. To establish and maintain credibility, it is imperative that the SRO not be compromised in his/her position as an enforcement authority.

1. It is critical that protocols and procedures are established for enforcement action detailing the officer's role and the school's role. It must be clear when and how the officer's law enforcement activities and the school's administrative discipline will be coordinated.

B. Crime Prevention - A second role the SRO fulfills is crime prevention. The officer will conduct various activities including foot patrol and internal security throughout the school property when requested and appropriate by school

officials. The officer can be utilized by completing security surveys relative to the physical security of school property and facilities. Additionally, the officer will act as a resource to the faculty and staff of the school to advise on matters relative to criminal activity. The officer will help coordinate or conduct crime prevention presentations for faculty, staff and students. Topics of interest in the areas of criminal law and crime prevention could benefit students and staff. Finally, the officer will gather and disseminate intelligence to prevent potential crimes.

- C. Education - The third role of the SRO is education. Considering the overall mission of the schools is to educate, it is very important that the SRO participate in this mission. By becoming a member of the educational team, the SRO will become more accepted by students, faculty and staff. Officers can provide presentations on law-related topics which are provided to any class by teacher invitation. The officer can also speak to student and parent support groups and provide training to administrators and faculty in the area of law enforcement. An added benefit to this role is the presence of the officer in the classroom. Students who have the opportunity to spend some time with a police officer in a positive, non-threatening setting are also more likely to open up and share information with that officer, thus building trust and respect.
- D. Mentor/Problem Solver - The fourth role of the SRO is that of a mentor/problem solver. Officers can mentor students within the context of that officer's knowledge, training and experience. The officer can be available to the students on a variety of issues which range from dealing with anger, personal conflicts, drug and alcohol issues, abuse and neglect, and other issues which could in some way be connected with the law. The SRO's can work closely with the school counselors, social workers, and psychologists in order to provide appropriate levels of support and information to students in need. SRO's should not attempt to provide ongoing/scheduled or formal counseling with students; but rather, should refer those students to the appropriate school psychologist or counselor for such service.

III. SRO Standard Operating Procedures

The SRO's activity in the school will be guided by the following procedures. These procedures have been drafted in a cooperative effort between the Bellbrook Police Department and the Bellbrook Sugarcreek Schools District. These procedures highlight several areas which are collectively believed to be necessary.

- A. Role in Crime Suppression - One of the SRO's roles will be enforcement including traditional criminal investigation and report taking. As a police officer, the SRO has the authority to make arrests and use alternatives to arrest at his/her discretion. The following procedures will help the SRO be as effective as possible in this role.

1. The SRO will be informed by school administration and security officials, of all criminal activity which occurs on the school campus during the day regardless of the seriousness of the offense. The SRO will also inform school Administration of all criminal activity occurring on campus to make sure all interested parties remain informed.
 2. Typically, for misdemeanor offenses other than drug offenses and offenses of violence, the SRO will work cooperatively with the school administration to determine whether formal charges will be filed. For drug offenses and offenses of violence, the SRO will file formal charges according to Police Department policy.
 3. For all felony offenses, the SRO will file charges or facilitate the filing of formal charges in conjunction with school administration, school security officials, and other police Department personnel.
- B. Role in Locker, Vehicle and Personal Searches - When requested and lawful, the SRO may assist school Administration in searches of person(s), property or vehicle(s) under the following, but not limited to, applicable reasons:
1. Student may reasonably be considered a threat to assault the searchers.
 2. Student may attempt to escape in a situation in which the student would be a danger to him/herself or a danger to others.
 3. Student may possess a firearm or knife, a suspicion that may be supported on the slightest articulated indication including conclusions drawn as a result of teaching, or law enforcement experience.
 4. Student is suspected of having drugs, which may include needles or toxic substances.
 5. Items being searched may contain dangerous items.
 6. Items to be searched, e.g., an automobile, requires professional search techniques to make the search effective.
- In all cases, the SRO should refrain from actually conducting the search unless warranted due to the foregoing. It may be sufficient to simply have the SRO present in any of the foregoing circumstances and the administrator and SRO shall determine how to proceed on a case-by-case basis and should favor, where reasonable, the administrator conducting the search. The SRO may perform searches independent of the school administration only under the existing provisions of the Ohio Revised Code and the Bellbrook Police Department policy.
- C. Role in Critical Incidents - The SRO will be familiar with the emergency operations manual of the Bellbrook Sugarcreek Schools. During any critical incident occurring on school property, the SRO will act as a liaison between the school Administration, the Bellbrook Police Department, and other

emergency resources. The SRO's will be on the district ' s Disaster Planning Committee.

- D. Role in Truancy Issues - Truancy will continue to be handled by school personnel. Normally, the SRO will not take an active role in tracking truants. The SRO will act as a liaison between school and police personnel should police involvement become necessary due to safety concerns. The SRO will file charges against students or adults when truancy becomes a violation of Ohio law.
- E. Role as an Educator - The SRO will serve as an educational resource to school faculty, staff and students. The SRO may be called upon for presentations on specific topics which may lend valuable insight regarding a particular subject matter. The SRO might not be a certified teacher; therefore, the normal classroom teacher or authorized substitute will be present during any instructional period. The SRO will maintain complete lesson plans on their topics of instruction and will furnish a list of topics to school personnel.
- F. Enforcing/Reporting School Policy Violations - The SRO is not a school disciplinarian and normally will take action only when there is a violation of law. School discipline is the responsibility of the appropriate school administrator. The SRO will normally report school policy violations through the proper channels to be handled by school Administration. It is the responsibility of the SRO to become familiar with the student handbook.
- G. Sharing of Information - Recognizing that communication and information sharing is essential to the success of the SRO program; the following procedures should be followed to facilitate a free flow of information to and from the SRO.
 - 1. Sharing of information will be governed by the Ohio Revised Code; the Ohio Administrative Code, Ohio Public Records Law, and relevant Bellbrook Police Department and Bellbrook Sugarcreek Schools District policies.
 - 2. The sharing of arrest related information by the SRO with school Administration upon request or at the direction of the SRO, if lawful.
 - 3. Juvenile fingerprints and photographs as part of an arrest record shall not be shared by the SRO.
 - 4. If the SRO is aware of information about a student that is obtained by the Bellbrook Police Department, which indicates that the student is in violation of school policies (Student Code of Conduct), the SRO should forward that information to the school administration.
 - 5. If a juvenile or school district employee is an uncharged suspect in a crime, his/her information shall not be

released unless authorized by Police Department Command Staff.

6. Information which the SRO obtains from school personnel which deals with criminal or possible criminal activity shall be maintained by the SRO in his/her information files and/or forwarded to the Police Department's reporting system but shall not be part of the student's school record.
 7. Hearsay information or rumors alone shall not be the basis for any formal action by the school or Police Department. It can be used in intelligence gathering capacity or to validate the need for further investigation.
 8. The SRO and/or Bellbrook Police Department will issue subpoenas for educational records they wish to obtain from the District. The parties acknowledge that if a subpoena is issued, unless the subpoena states that the existence of the subpoena is not to be disclosed, the District will provide notice to the parent or guardian of the student, pursuant to FERPA, and give such parent or guardian at least five days before providing such records to the SRO or the Bellbrook Police Department.
- H. School Liaison - It is recommended that each school assign someone to act as the liaison to the SRO program. This person is very important to ensure acceptance and successful implementation of the program. This person will help coordinate the SRO's presence in the various classrooms and at school functions to ensure maximum utilization of the SRO in an educational role and as a liaison.
- I. Office Area - The school shall provide private office space for the SRO including a desk, chairs and a separate telephone line. The office will be in a highly visible location that has easy access to the students but will provide for privacy when needed.
- J. Written Agreement/MOU - This document shall serve as the written agreement relating to the current and any additional SRO positions, between the Bellbrook Sugarcreek Schools and the Bellbrook Police Department. This agreement/MOU establishes the needed commitment and support from both institutions. This document also provides a series of guidelines and policies relevant to the performance of the SRO's. This document will be the guiding agreement that officers, school administrators and City administration look to for structure and accountability and should be under constant review.
1. If either party to this Agreement finds a need for modification, it shall be submitted at the time of the renewal. If the change is needed in the interim, it will be administered through an amendment to the Agreement which is mutually agreed upon by both parties.

IV. Term of Agreement

The City of Bellbrook, acting on behalf of the Bellbrook Police Department and the Bellbrook Sugarcreek Schools collectively agree that this agreement/MOU is a three (3) year commitment, based on the effective date shown at the end of this agreement/MOU. If either party chooses to terminate this agreement, six (6) months written notice prior to the end of the agreement shall be provided.

V. Financial Agreement

The City of Bellbrook, acting on behalf of Bellbrook Police Department and the Bellbrook Sugarcreek Schools collectively agree to split equally the regular and overtime and cost of wages and fringe benefits of the SRO. In consideration of the times the officers not providing services to the schools (see item VI) the Bellbrook Police Department will the pay the cost of the overtime.

VI. In accordance with Section V. of this SRO Memorandum of Understanding between the Bellbrook Sugarcreek Schools District and the City of Bellbrook, the Bellbrook Sugarcreek Schools District have agreed to split equally the regular and overtime cost of wages and fringe benefits of the SRO. In consideration of the times the officer is not providing services directly to the schools (see item VIII) the Bellbrook Police Department will the pay the cost of the overtime.

VII. The Bellbrook Sugarcreek Schools District agrees to make payments on these services on a quarterly basis beginning ??????????. The City of Bellbrook agrees to invoice the Bellbrook Sugarcreek Schools District for services for the prior quarter on the following schedule:

Date Invoiced	Period Invoiced	Payment Due Date
April 1	January 1 to March 31	April 15
July 1	April 1 to June 30	July 15
October 1	July 1 to September 30	October 15
January 1	October 1 to December 31	January 15

Invoices should be detailed including personnel billed and period/times billed for and should be remitted to:

Name

Address

City, Stat, Zip

VIII. School out of Session

The SRO's will remain in their capacities during summer and winter breaks. To reduce their absence from their respective schools, the SRO's are encouraged to use this time for any advance training and/or personal leave. In cases of immediate need, the Police Division may temporarily assign the SRO's to cover road patrol, investigative, or other duties as assigned. SRO's shall periodically engage in professional development related to age-appropriate practices for conflict resolution and developmentally informed de-escalation and crisis intervention methods.

IX. Conclusion

As an integral part of the school organization, the SRO has a special role to play in each school day. First, he/she is to enforce the law. His/her visibility in many classrooms and talking with students in non-enforcement situations creates a fabric of understanding upon which the stability of a whole community rests. This cooperative effort integrated with the total school program builds a reservoir of understanding for good citizenship.

Legal Refs.: Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. 1232g.
 ORC 3319.321
 ORC 3313.951

Signed:

Robert Schommer, Bellbrook City Manager

Dr. Doug Cozad, Bellbrook Sugarcreek
 Schools Superintendent

Date of Acceptance

File Attachments for Item:

A. Community Improvement Corporation discussion

BELLBROOK COMMUNITY IMPROVEMENT CORPORATION BYLAWS

ARTICLE I

Section 1. Name. The name of this corporation shall be the Bellbrook Community Improvement Corporation (the "Corporation").

Section 2. Incorporation: Registered Office. The Corporation is a non-profit corporation, incorporated in the State of Ohio. The Corporation's statutory agent shall be such person or entity as is so designated, from time to time, with the Ohio Secretary of State.

Section 3. Purpose. The Corporation is formed for the purpose of advancing, encouraging, and promoting the industrial, economic, commercial, and civic development of the City of Bellbrook, Ohio (the "City") and in furtherance, thereof, to have all the powers granted a corporation not for profit that is a community improvement corporation under Chapter 1702 and 1724 of the Ohio Revised Code, as such now exist or as the same may be amended from time to time.

Section 4. Powers. The powers of the Corporation are as set forth in the Articles of Incorporation of the Bellbrook Community Improvement Corporation (the "Articles"), on file with the office of the Ohio Secretary of State.

ARTICLE II DEFINITIONS

Section 1. Definitions.

All terms used herein shall have the same definitions as those found in Section 1702.01 of the Ohio Revised Code.

ARTICLE III MEMBERSHIP

Section 1. General Requirements. The members of the board of Directors named by the incorporators of the Corporation (the "Board") shall be the first members of the Corporation (the "Members"). The Board shall have the power to create such other classifications of membership or name additional members, as the Directors, in their discretion, deem necessary.

Section 2. Rights and Privileges. All organizational powers of the Corporation shall be exercised by the Members of the Corporation, including, but not limited to, the power to amend the Corporation's Articles, to amend these Bylaws to dissolve the Corporation and to distribute the assets of the Corporation after dissolution in accordance with Section 1724.07 of the Ohio Revised Code, to elect the Corporation's successor Directors, and to take all other actions authorized by Corporation 1724 and 1702 of the Ohio Revised Code, subject to the limitations imposed by law, the Articles, or these Bylaws.

ARTICLE IV MEETINGS OF MEMBERS

Section 1. Annual Meeting. There shall be an annual meeting of Members of the Corporation for the transaction of such business as may properly come before the meeting or any adjournment thereof. The annual meeting shall be held at such time and place as the Board of Directors may determine; provided there shall be no more than fourteen (14) months between annual meetings. Written notice of such meeting stating the date, time and place of such meeting shall be sent to each Member, at the last address shown on the Corporation's records, at least 15 days before the date of the meeting, or as provided by Ohio law. The election of Directors and Officers shall take place at the annual meeting.

Section 2. Special Meetings. Special meetings of the Members may be called by any of the following:

- (a) The President;
- (b) The Board of Directors by action at a meeting, or a majority of the Directors acting without a meeting; or
- (c) At the request of a majority of the Members.

Special meetings shall be held at such times and places as the Board of Directors may determine. Written notice of any special meeting stating the date, time, place and purpose of such meeting shall be sent to each Member, at the last address shown on the Corporation's records, at least fifteen (15) days but not more than thirty (30) days before the date of the meeting, or as provided by Ohio law.

Section 3. Voting by Proxy. Voting on all matters required to be acted upon by the Members may be conducted by proxy. The Board of Directors may establish rules and procedures for proxy voting by Members; provided, however, that all proxies must be in writing, and no proxy shall be valid for more than twelve (12) months.

ARTICLE V BOARD OF DIRECTORS

Section 1. Powers of the Board of Directors. The Board shall have supervision, control and direction of the affairs and property of the Corporation, shall determine the policies of the Corporation and shall actively pursue the purposes and objectives of the Corporation. The Board may adopt such rules, regulations and procedures for the conduct of its business, for the execution of its powers, for the implementation of this Code as it shall deem necessary or advisable.

Section 2. Composition of the Board. The Board shall be comprised of not fewer than four (4) voting members and not more than seven (7) voting members. At all times, not less than two-fifths (40%) of the Board shall be composed of appointed or elected officers of the City and shall be composed as follows:

- (a) Two (2) Council Members appointed by a majority vote of Council
- (b) The Mayor
- (c) The City Manager or designee
- (d) Three (3) members at large
 - a. Appointed members may be residents or non-residents; however, non-residents must either own real estate, a business, or a charitable or socially purposed interest in within the City.

The voting members may appoint Ex Officio members to advise the Board of Directors.

The appointed members of Council shall be appointed from staggered elected terms.

Section 3. Qualifications of the Board. The members of the Board should possess the acumen, education, and experience to make a significant contribution to the Board and bring a range of skills, diverse perspectives and backgrounds to the deliberations of the Board. Importantly, the members of the Board must have the highest ethical standards, a strong sense of professionalism and a dedication to serving the interests of the City and be able to make themselves readily available to the Board in the fulfillment of their duties. The overall ability and experience of an individual should determine their suitability and should be assessed in the context of the then current composition of the Board as a whole.

The following attributes, among others that may be appropriate, should therefore be considered in assessing the contribution that an individual would make to the Board:

- An understanding of financial reporting and internal control principles or financial management experience; and
- Experience or perspective involving community development, economic development, real estate development, business management, agricultural preservation, public administration, historical preservation, wetland and environmental preservation, fund and donor development, grants management, public infrastructure, and significant cultural experience and understanding of the City; and
- The aptitude and experience to fully appreciate the legal responsibilities of a director and the governance processes of a public organization,

Each member of the Board must have the highest ethical standards, a strong sense of professionalism and be prepared to serve the interests of the City of Bellbrook. Among other attributes that may be appropriate, a member of the Board should therefore:

- Exhibit independence, objectivity and a commitment to corporate governance standards
- Possess personal qualities of intelligence, self-assuredness, inter-personal skills, commitment, communication skills, inquisitiveness, objectivity, practical wisdom and mature judgment
- Possess a willingness to commit sufficient time to discharge the duties of the Board
- Possess the ability to be able to develop and maintain a good working relationship with the other members of the Board and with the community.

Section 4. Term of the Board. Directors shall serve for three (3) year terms, provided that the initial Directors may serve terms of less than three (3) years, such that the terms of one-third (1/3) of the at-large appointed Directors shall expire at each annual meeting. Directors shall be limited to uninterrupted Board membership terms, with the following exceptions:

- (a) The Mayor and the City Manager are a permanent position on the board linked to the title of the employment position of the City and not limited to term.

Newly elected Board members shall take office immediately following the close of the meeting

at which they are elected.

Section 5. Nomination and Election. Persons qualified to be Directors may be nominated by written notice submitted to the Secretary at least ten (10) days before the meeting at which the election is to be held. Additional nominations may be made from the floor at the meeting at which the election is held. The nominee must either be present and consent to the nomination or have indicated in writing the willingness to serve. Unless there are no more nominees than vacancies, election to the Board of Directors shall be by secret written ballot. At such elections, each Member or the Member's proxy may cast one vote in respect to each vacancy. The persons receiving the largest number of votes shall be elected, and, likewise, those receiving the larger number of votes shall be elected to the longer terms. In cases of ties, the winner shall be determined by lot. Cumulative voting is not permitted.

Section 6. Meetings. Public Notice and Meetings shall be conducted in accordance with Ohio's Public Records and Open Meetings laws. Subject to Ohio Law, any or all Directors may participate in duly called meetings of the Board of Directors by means of conference telephone or by any means of communication by which all persons participating in the meeting are able to hear one another, and such participations shall constitute presence in person at a meeting. Notice of meetings of the Board of Directors may be given orally or in writing and shall be given to each member of the Board of Directors at least seventy-two (72) hours before the time appointed for the meeting, except in an emergency.

Section 7. Waiver of Notice. Whenever any notice is required to be given to any Director under these Bylaws a written waiver thereof, signed by the Director or Directors entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice. Presence without objection also waives notice.

Section 8. Action by Written Consent. Any action required or permitted to be taken at a meeting of the Board of Directors or of any committee thereof may be taken without a meeting if a written consent setting forth the action so taken shall be signed by all members of the Board of Directors or of such committee, as the case may be, and such unanimous written consent shall have the same force and effect as a unanimous vote at a meeting of the Board of Directors or at a meeting of such committee, as the case may be. All such action shall be reported at the next duly called meeting of the Board of Directors.

Section 9. Quorum; Acts of the Board. A majority of the number of Directors shall constitute a quorum for the transaction of business at any duly called meeting of the Board of Directors. At any duly called meeting of the Board of Directors at which a quorum is present, the act of a majority of the Directors present and voting shall be the act of the Board of Directors on any matter, except with respect to public policy issues or where the act of a greater number of Directors is required by law, the Articles or this Code. If a quorum is not present at any duly called meeting of the Board, a majority of the Directors present may adjourn the meeting from time to time, without further notice, until a quorum is present.

Section 10. Resignation or Removal. Any Director may resign by presenting a written resignation to the President or Secretary, and such resignation

shall take effect at the time specified therein, or, if no time is specified, at the time of receipt thereof by the President. Any Director unable to attend a duly called meeting of the Board of Directors shall advise the President as to the reason for the absence. If a Director has three consecutive absences from duly called meetings of the Board of Directors without the Board excusing such absences, such Director shall be deemed to have resigned as a Director; provided, however, that the Board of Directors may waive this provision in particular cases. A Director may be removed from office, with or without cause, by a two-thirds (2/3rds) vote of the Members; provided, however, that such Director shall be afforded an opportunity to be heard, either orally or in writing, prior to any such action.

Section 11. Vacancies. Any vacancy occurring on the Board of Directors may be filled by the affirmative vote of a majority of the then remaining members of the Board of Directors, even though less than a quorum of the Board. Any Director elected to fill a vacancy shall serve until the next meeting of the Members at which Directors are elected.

Section 12. Reimbursement of Expenses. No Director shall be compensated for serving as a Director; provided, however, that the Board of Directors may reimburse any Director for reasonable out-of-pocket expenses incurred as budgeted and authorized by the Board of Directors.

ARTICLE VI OFFICERS

Section 1. Officers. The elected officers of the Corporation shall be a President, Vice President, a Treasurer and a Secretary. The Board of Directors may from time to time appoint such other officers as the Board may deem necessary or advisable.

Section 2. Election and Term of Office. The officers of the Corporation, shall be elected from among the Directors each year by the Board of Directors by a majority vote of the Board. Each officer will serve for a term of one year and until a successor has taken office.

Section 3. Removal. Any officer may be removed by a majority vote of the entire Board of Directors if, in the judgment of the Board, the best interests of the Corporation would be served by such removal.

Section 4. Vacancies. Vacancies in any office, with the exception of President, may be filled for the balance of the remaining term by the Board of Directors at a meeting of the Board in accordance with such rules and procedures as may be established by the Board.

Section 5.1 President. The President shall preside at all meetings of the Board and of the members and shall have such other powers and duties as may be prescribed by the Board or these Bylaws. When the President and Vice-President are not available to preside at a meeting, he or she shall designate an elected Director to preside for that meeting or in the absence of such designation, a majority vote of Directors then in office shall designate an elected Director to preside at that meeting. The President is authorized to execute in the name of the Corporation all contracts and other documents authorized either generally or specifically by the Board to be executed by the Corporation, except when by law the signature of another is required.

Section 5.2 Vice-President. The Vice- President shall have the powers and duties as set forth in the policies approved by the Board or in these Bylaws. If the President is absent the Vice-President shall perform the duties of the President. Any partial term served by a Vice-President to fill in a vacancy shall not be counted as a term for purpose of this Section.

Section 5.3 Directors. The Directors shall have the powers and duties as set forth in the policies approved by the Board or in these Bylaws. If the President and the Vice-President are absent or disabled a Director, designated by the Board, shall perform the duties of the President.

Section 5.4 Treasurer. The Treasurer of the Corporation or his or her designee shall keep and maintain adequate and correct financial records of the Corporation and report on the financial condition of the Corporation to the Board. The Treasurer or his or her designee shall receive and deposit all money and other valuables belonging to the Corporation in the name of and to the credit of the Corporation and shall disburse the same in accordance with Board policies. Further, the Treasurer shall have such powers and shall perform additional duties as may be prescribed for him or her by the Board or these Bylaws. Any partial term served by a Treasurer to fill in a vacancy shall not be counted as a term for purpose of this Section.

Section 5.5 Secretary. The Secretary, or his or her designee, shall keep and maintain at the principal office of the Corporation or such other place as the Board may order, records of all proceedings of the Board and the meetings of the membership, with the time and place of each meeting, whether regular or special, and, if special, how authorized, the notice thereof given and the names of those present. The Secretary or, if he or she is unable or unwilling, any other officer of the Corporation shall give or cause to be given notice of all the meetings of the members and of the Board required by these Bylaws or by statute to be given, and he or she shall cause the seal of the Corporation, if any, to be kept in safe custody. The Secretary shall provide for the safe custody of the valuable papers and books of the Corporation, and such papers and books shall at all times be accessible to the Directors. The Secretary shall keep or cause to be kept, at the Corporation's principal office or at a place determined by resolution of the Board, a record of the

Corporation's members, showing each member's name, address, and class of membership. He or she shall have all of the powers and perform all of the duties incident to the office of Secretary, and he or she shall have such further powers and shall perform such further duties as may be prescribed for him or her by the Board. In the absence of the Secretary from any meeting of the Board or the members, the President may appoint another person to take the minutes of such meeting. Any partial term served by a Secretary to fill in a vacancy shall not be counted as a term for purpose of this Section.

Section 5.6 Executive Director. The Executive Director, subject to the oversight of the Board, shall have complete oversight of and is accountable for the daily management of the Corporation, including the execution, administration and implementation of Board policies and oversight of Corporation staff, its facilities, and all other assets of the organization financial or otherwise. Additionally, the Executive Director shall have other powers and duties as may be prescribed or delegated by the Board or by these Bylaws. The Executive Director, or his or her designee(s), is authorized to execute all contracts and other instruments as provided by Board policies. At no time shall the Executive Director of the Corporation serve as an Elected Officer.

Section 8. Salaries; Reimbursement of Expenses. No elected officer of the Corporation shall be compensated for serving as an officer. Officers may be reimbursed for reasonable out-of-pocket expenses incurred by them in performing their duties as officers, as budgeted and authorized by the Board of Directors.

ARTICLE VII COMMITTEES

Section 1. General. Unless otherwise provided in this Code or directed by the Board, the President shall appoint such other standing or special committees, subcommittees or boards as may be required by this or as may be deemed necessary or appropriate by the President.

Section 2. Reimbursement of Expenses. Members of committees may be reimbursed for reasonable out-of-pocket expenses incurred by them in performing their duties as members of committees, as budgeted and authorized by the Board.

ARTICLE VIII LIMITATIONS OF LIABILITY; INDEMNIFICATION

Section 1. Limitations of Liability. Nothing herein shall constitute Members of the Corporation as partners for any purpose. No Member, officer, Director, agent, representative or employee of the Corporation shall be liable for any act or failure to act on the part of any other Member, officer, Director, agent, representative or employee of the Corporation, nor shall any Member, officer, Director, agent, representative or employee of the Corporation be liable for any act or failure to act under this Code, except acts or failures to act arising out of such person's willful misfeasance.

Section 2. Indemnification. The Corporation shall indemnify and hold harmless each current and former Director, officer, employee, agent or representative of the Corporation in accordance with the applicable provisions of the Articles.

Section 3. Insurance. The Corporation shall annually evaluate risks and exposures of the Corporation and to its Board of Directors, Officers, Volunteers and employees, and purchase general liability, and Directors Officers, Errors and Omissions Insurance, at levels deemed most reasonable and affordable by the Board.

ARTICLE IX MISCELLANEOUS

Section 1. Fiscal Year. The fiscal year of the Corporation shall be the same fiscal year as that of the City of Bellbrook, unless otherwise determined from time to time by the Board or State Statute.

Section 2. Contracts, Checks, Drafts, etc. Except as otherwise provided in this Code, all contracts and all checks, drafts, notes, acceptances, endorsements and other evidences of indebtedness may be signed on behalf of the Corporation by the Executive Director, and also by any authorized Director.

Section 3. Loans. No loans shall be made or obtained on behalf of the Corporation and no negotiable instruments other than checks shall be issued in its name, unless and except as authorized by the Board.

Section 4. Deposits. Unless otherwise directed by the Board, all funds of the Corporation shall be deposited in such depositories as the President may select, or as may be selected by another officer or agent authorized by the Board.

Section 5. Fidelity Coverage. The Board may, from time to time, cause the Corporation to be bonded or insured against losses arising because of acts or omissions by those handling Corporation funds. The cost of such coverage shall be paid by the Corporation.

Section 6. Procedures. All meetings of the Members and the Board shall be governed by the rules set forth and agreed to by the Board of Directors, from time to time, or agreed to for that meeting or committee, including but not limited to utilization of the latest edition of Robert's Rules of Order, Newly Revised, as long as such rules are not in conflict with these Bylaws or with rules and procedures established by the Board, and for that meeting, the members present agree to said rules of order.

Section 7. Seal. The Corporation has no seal and no seal shall be required to validate any act by any person on behalf of the Corporation, or for any other reason.

Section 8. Dissolution. Upon dissolution of the Corporation, any funds remaining shall be distributed as specified in the Articles.

Section 9. Notices. Unless otherwise prohibited by this Code or Ohio law, all notices and other communications required by this Code or Ohio law shall be in writing and shall be given by:

- (a) Personal delivery;
- (b) United States mail, first class, postage prepaid;
- (c) Statutory overnight delivery;
- (d) Electronic mail;
- (e) Facsimile; or

- (f) A secure web site, provided that notice shall be deemed given via web site only upon proof that the addressee has retrieved the message.

Section 10. Public Records Policy. TBD

ARTICLE X AMENDMENTS

This Code may be amended, repealed or altered, in whole or in part, by the affirmative vote of two-thirds (2/3rds) of the members of the entire Board at a duly called meeting of the Board at which a quorum is present; provided, however, that the notice of such meeting must be in writing, must describe, generally, the scope and nature of the amendment, revision or alteration to the Code, and must state that a purpose of the meeting is to vote on such proposed amendment, revision or alteration to this Code.

Passed the _____ day of _____, 2022 By a majority vote of the Board of Directors.

Authentication:
