



CHARTER ADVISORY COMMITTEE AGENDA
Wednesday, January 31, 2024 at 6:30 PM

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

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
 - A. Approval of the January 17, 2024 Meeting Minutes
4. **OLD BUSINESS**
 - B. Review/discussion on recommended changes
5. **NEW BUSINESS**
6. **OPEN DISCUSSION**
7. **ADJOURNMENT**

RECORD OF PROCEEDINGS

Charter Advisory Committee

January 17, 2024

Item A.

1. CALL THE MEETING ORDER:

Mr. Hopkins called the meeting of the Bellbrook Charter Advisory Committee to order at 6:00pm

2. ROLL CALL

PRESENT

Ms. Angela Brown

Mr. William Hopkins

Ms. Jennifer Leclaire

Ms. Amy Stone

Mr. Stephen Haller

Mr. Nick Kuntz

ABSENT

Ms. Katie Taylor

Also in Attendance: Rob Schommer

3. APPROVAL OF MINUTES

Mr. Hopkins asked if anyone had comments or corrections to the minutes of the August 17, 2023, September 20, 2023, and November 29, 2023 meetings. Hearing none, the minutes were declared to be approved.

4. OLD BUSINESS

The Committee continued review and discussion of Charter articles 6 through 13. The following are approved recommendations with all other sections approved with no changes:

Motion to approve recommended changes to Section 7.09

Motion made by Ms. Stone, Seconded by Mr. Haller.

Voting Yea: Ms. Brown, Mr. Hopkins, Ms. Leclaire, Ms. Stone, Mr. Haller, Mr. Kuntz

Motion to approve recommended changes to Section 11.04

Motion made by Mr. Kuntz, Seconded by Ms. Leclaire.

Voting Yea: Ms. Brown, Mr. Hopkins, Ms. Leclaire, Ms. Stone, Mr. Haller, Mr. Kuntz

Motion to approve recommended changes to Section 12.05

Motion made by Ms. Brown, Seconded by Ms. Leclaire.

Voting Yea: Ms. Brown, Mr. Hopkins, Ms. Leclaire, Ms. Stone, Mr. Haller, Mr. Kuntz

5. NEW BUSINESS

None

RECORD OF PROCEEDINGS

Charter Advisory Committee

January 17, 2024

Item A.

6. OPEN DISCUSSION

The Committee discussed the next meeting date and agreed to January 31, 2024 at 6:30pm.

Mr. Schommer noted although the Committee has done an initial review of the Charter, the review by Council and any additional recommended changes will come back to the Committee for review and input. He noted an initial draft of the Committee's recommended changes will be reviewed at the next meeting to prepare for submission to Council.

7. ADJOURNMENT

Hearing no further business coming before the Committee, Mr. Hopkins declared the meeting adjourned at 7:12 pm

William Hopkins, Chair Person

Rob Schommer, Clerk of Council

PREAMBLE

We, the people of the City of Bellbrook, grateful to the Almighty Creator-God for our civil and religious freedom. ~~We want to protect these freedoms and desiring to secure the benefits of that freedom~~ for ourselves, our children, and ~~their children~~ future generations., ~~recognizing We understand~~ that all political power ~~originates in~~ comes from the people and ~~desiring to obtain unanimity, we want to schieve unity and have the full benefits of a full blessing of home rule and a most orderly arrangement of~~ local self-government under the Constitution of the State of Ohio., ~~de~~ Therefore, we hereby establish ~~and adopt~~ this Charter of the Municipal Corporation of Bellbrook, Greene County, Ohio. ~~This Charter was put into, which took~~ effect January 1, 1972, and ~~which has~~ subsequently ~~has~~ been amended.

(Nov. 3, 1981; Nov. 5, 2013)

Section 4.11. Vacancies: Forfeiture of Office: Disability: Filling of Vacancies.

- (a) *Vacancies:* The office of a Council member shall become vacant upon his or her death, resignation, forfeiture or removal from office in any manner authorized by this Charter.

(Nov. 3, 1981; Nov. 4, 2003)

- (b) *Forfeiture of Office:* A member of Council shall forfeit his or her office if he or she: (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter; (2) intentionally violates any express prohibition of this Charter; (3) is convicted of a felony; (4) fails to attend three consecutive regular meetings of Council without being excused by the Council.

(Nov. 2, 1993; Nov. 4, 2003)

- (c) *Disability:* Based on competent medical consultation, the office of Mayor, Deputy-Mayor or member of Council may be declared vacant by Council, using procedures prescribed by ordinance, if his or her disability adversely affects the operation of the Municipal Government.

(Nov. 3, 1981; Nov. 4, 2003)

- (d) *Filling of Vacancies:* Vacancies in the office of a member of Council shall be advertised in at least one newspaper of general circulation within the City of Bellbrook and published in accordance to section 12.09 of this Charter. Vacancies shall be filled within 60 days by vote of a majority of the remaining members of Council. The individual selected by Council to fill a vacancy shall be a qualified elector of the City of Bellbrook. If a vacancy occurs in one or more positions among Council members-elect, Council of the new term shall appoint, by majority vote, a qualified elector of the City of Bellbrook to fill the vacancy. If the Council fails to fill any vacancy within 60 days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Greene County to hold a Special Election to fill the vacancy. Such Special Election shall be held not sooner than 90 days and not later than 150 days following the occurrence of the vacancy. A special Election need not be held if a regular election occurs between the 90-day and the 150-day period.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

- (e) *Filling of More Than Three Vacancies (Quorum of Council Does Not Exist):* A Council consisting of less than four members shall have the authority to choose an additional member but it shall have no other authority until a full quorum of four is attained. More than three vacancies in the office of a Council member shall be filled within 30 days by vote of a majority of the remaining members of Council in the following manner:

- (1) Remaining member(s) of Council shall vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (2) After that newly appointed member of Council takes office, the newly constituted Council shall again vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (3) The above procedure (Steps 1 and 2) shall be repeated until a quorum of Council shall exist, at which time remaining vacancies shall be filled according to the provisions of Section 4.11(d).

(Nov. 3, 1981; Nov. 4, 2003; Nov. 5, 2013)

- (f) *Replacing Entire Council:* Vacancies in the office of a Council member when Council has no remaining members shall be filled in the following manner:

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- (1) The Planning Board, in consultation with the City Manager or his designated successor, shall by vote of a majority of its members, appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
 - (2) After that newly appointed member of Council takes office, he or she shall form a new Council according to the provisions of Section 4.11(e).

Any appointee under Sections 4.11(d),(e) or (f) shall qualify under the provisions of this Charter, shall hold office, and shall serve until the next regular Municipal election when a new Council member shall be elected to complete the unexpired term, if any. Any Council member under this section, elected at the Special Election, shall qualify under the provisions of this Charter, shall hold office, and shall serve for the remainder of the unexpired term.

(Nov. 3, 1981; Nov. 4, 2003)

Section 4.11. Vacancies: Forfeiture of Office: Disability: Filling of Vacancies.

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(Nov. 3, 1981; Nov. 4, 2003)

- (b) *Forfeiture of Office:* A member of Council shall forfeit his or her office if he or she: (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter; (2) intentionally violates any express prohibition of this Charter; (3) is convicted of a felony; (4) fails to attend three consecutive regular meetings of Council without being excused by the Council.

(Nov. 2, 1993; Nov. 4, 2003)

- (c) *Disability:* Based on competent medical consultation, the office of Mayor, Deputy-Mayor or member of Council may be declared vacant by Council, using procedures prescribed by ordinance, if his or her disability adversely affects the operation of the Municipal Government.

(Nov. 3, 1981; Nov. 4, 2003)

- (d) *Filling of Vacancies:* Vacancies in the office of a member of Council shall be advertised in at least one newspaper of general circulation within the City of Bellbrook and filled within 60 days by vote of a majority of the remaining members of Council. The individual selected by Council to fill a vacancy shall be a qualified elector of the City of Bellbrook. If a vacancy occurs in one or more positions among Council members-elect, Council of the new term shall appoint, by majority vote, a qualified elector of the City of Bellbrook to fill the vacancy. If the Council fails to fill any vacancy within 60 days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Clerk of Council, by authority of this Charter, shall request the Board of Elections of Greene County to hold a Special Election to fill the vacancy. Such Special Election shall be held not sooner than 90 days and not later than 150 days following the occurrence of the vacancy. A special Election need not be held if a regular election occurs between the 90-day and the 150-day period.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

- (e) *Filling of More Than Three Vacancies (Quorum of Council Does Not Exist):* A Council consisting of less than four members shall have the authority to choose an additional member but it shall have no other authority until a full quorum of four is attained. More than three vacancies in the office of a Council member shall be filled within 30 days by vote of a majority of the remaining members of Council in the following manner:

- (1) Remaining member(s) of Council shall vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (2) After that newly appointed member of Council takes office, the newly constituted Council shall again vote to appoint one qualified elector of the City of Bellbrook to fill one existing vacancy.
- (3) The above procedure (Steps 1 and 2) shall be repeated until a quorum of Council shall exist, at which time remaining vacancies shall be filled according to the provisions of Section 4.11(d).

(Nov. 3, 1981; Nov. 4, 2003; Nov. 5, 2013)

- (f) *Replacing Entire Council:* Vacancies in the office of a Council member when Council has no remaining members shall be filled in the following manner:

- (1) The Planning Board, in consultation with the City Manager or his designated successor, shall by vote of a majority of its members, appoint ~~one~~four qualified electors of the City of Bellbrook to fill ~~one~~four

existing vacancies. The appointments shall be structured to place two appointees into one general election cycle and two placed into the next general election cycle to maintain staggered terms.

- (2) After the ~~eat~~ newly appointed members of Council take office, ~~he or she~~ they shall ~~form a new Council~~ fill remaining vacancies according to the provisions of Section 4.11(e).

Any appointee under Sections 4.11(d), (e) or (f) shall qualify under the provisions of this Charter, shall hold office, and shall serve until the next regular Municipal election when a new Council member shall be elected to complete the unexpired term, if any. Any Council member under this section, elected at the Special Election, shall qualify under the provisions of this Charter, shall hold office, and shall serve for the remainder of the unexpired term.

(Nov. 3, 1981; Nov. 4, 2003)

Section 4.12. Recall.

The electors shall have the power to remove from office, by recall election, any member of Council, including the Mayor. The official removed by such recall election shall not be eligible for appointment to the vacancy, nor shall he be eligible for election or appointment to any Municipal Office in Bellbrook for a period of five years from the date of the recall election or the date of his resignation under this Section. The procedure to effect such removal shall be as follows:

A petition demanding removal shall be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought and a statement in two hundred (200) words or less of the grounds for removal. Such petition shall be signed by a number of electors at least equal to fifteen (15) percent of the total number of electors voting in the last regular municipal election for the office of Mayor. Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements thereof.

If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, and deliver by certified mail a copy of the certification to the person who filed the petition with the Clerk. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made to make the petition sufficient. If the Clerk of Council shall then find the petition sufficient, the Clerk shall promptly so certify to the person filing the petition, shall deliver a copy of such certification to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election. The date so fixed shall be such as to enable the Clerk to certify the issue to the Greene County Board of Elections not less than seventy-five (75) days before the day of election. Furthermore, the date so fixed shall be not more than one hundred twenty (120) days following the date of such delivery.

At such recall election the following question shall be placed on the ballot: "Shall (naming the officer) be removed from the office of (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively, such officer shall remain in office. If a majority of the votes cast shall be voted affirmatively, such officer shall be considered removed on the date that election is certified by the Board of Elections, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. Any officer of the City of Bellbrook subject to a recall election who receives a majority of negative votes thereby allowing said officer to remain in office, shall not be subject to a recall petition for twelve (12) months from the date of that recall election.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

Section 5.04. Passage of Ordinances.

A proposed ordinance may be introduced by any Council member at any regular or special meeting of the Council. After approval by the Department of Law as to correct form and legality, the Clerk of Council shall distribute exact copies of the proposed ordinance not later than 24 hours prior to discussion to each member of Council, the Mayor, and the City Manager. Upon introduction of any proposed ordinances, the Clerk of Council (1) shall file a reproducible copy in the office of the Clerk of Council, and (2) shall publish the proposed ordinance, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The purpose of this publishing is to maximize public awareness of the proposed ordinance(s) and of the associated public hearing date, time, and location. The procedure for publishing is ~~the same as defined in section 12.09 of this Charter, to post the material in a designated local library and on the City's web site and to distribute the material in summary form at least three additional times using one or any combination of the following methods:~~

~~(a) Printing in one or more newspapers of general circulation in the City of Bellbrook;~~

~~(b) Posting in public places in the City of Bellbrook; or~~

~~(c) Distribution via broadcasting or electronic methods likely to attract the attention of the citizens of the City of Bellbrook.~~

A public hearing on the ordinance shall: follow the publication by at least seven days; may be held separately or in connection with a regular or special Council meeting; and may adjourn from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance, with or without amendment, with an affirmative vote of four Council members. If it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance. Within ten days after adoption of any ordinance, the Clerk shall have it published again, together with a notice of its adoption.

(Nov. 7, 1978; Nov. 3, 1981; Nov. 4, 2003; Nov. 5, 2013)

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Section 7.09. Department of Law.

The Department of Law shall be headed by a Director who shall also be known as the Municipal Attorney. The Director shall be an Attorney-at-Law, admitted to the practice of law in the State of Ohio, and be in good professional standing. The Director shall serve as chief legal advisor to the Council, the Manager and all Municipal Departments, Boards and Commissions and shall perform such duties as may be assigned to the office of Solicitor by general law, as well as those assigned by the Administrative Code.

(Nov. 4, 2003)

Section 11.04. Public Information.

The Council shall have the power to appropriate and expend public funds to pay the cost of providing information to the public in connection with Municipal elections on tax levies, bond issues, and other public issues. Such public funds shall not be used to advocate for any candidate or ballot issue.~~for the promotion of candidates for individual office.~~

Section 12.05. Amendments to the Charter.

- (a) *Submission:* Any provisions of this Charter may be amended as provided in Article XVIII, Section 9 and Section 8 of the Ohio Constitution.
- (b) *Review:* At the first meeting of the Council in December, 2002, and every ten years thereafter, Council shall appoint a Charter Review Commission of at least ~~15~~7 qualified electors of the City of Bellbrook to review the existing Charter and to make such recommendations for revision as the Commission may see fit. The Commission shall submit its report to Council not later than June 1st of the following year. Council shall consider such report and thereafter proceed under Article XVIII, Section 9 of the Ohio Constitution to submit for voter approval, such Charter revisions as Council shall deem to be appropriate.

(Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

- (c) *Conflicting Amendments:* In the event conflicting amendments to the Charter are approved at the same election by a majority of the total number of votes cast, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

Section 12.09. Publish.

The procedure for publishing is to post the material in a designated ~~local library area at City Hall and distribution via broadcasting on the City website and electronic methods likely to attract the attention of the citizens of the City of Bellbrook.~~ on the City's website and to distribute the material in summary form at least three additional times using one or any combination of the following methods:

~~(a) Printing in one or more newspapers of general circulation in the City of Bellbrook;~~

~~(b) Posting in public places in the City of Bellbrook; or~~

~~(c) Distribution via broadcasting or electronic methods likely to attract the attention of the citizens of the City of Bellbrook.~~

(Nov. 5, 2013)

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