



## CHARTER ADVISORY COMMITTEE AGENDA

### Wednesday, July 26, 2023 at 6:00 PM

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

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1. **CALL TO ORDER**
2. **OATH OF OFFICE**
  - A. Swearing in and Oath of Office for all newly appointed members:  
**I , (*State your name*) , do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Ohio and will obey the laws thereof, and I will, in all respects, uphold and enforce the provisions of the Charter and Ordinances of the City of Bellbrook, and I will faithfully discharge the duties of the office I am about to enter.**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
5. **OLD BUSINESS**
6. **NEW BUSINESS**
  - B. Nomination and election of Chair
  - C. Nomination and election of Vice Chair
  - D. Review of Charter Advisory Committee and charter review process
  - E. Discussion of Committee operation including scheduling, sections of Charter, timelines, and other pertinent factors.
7. **OPEN DISCUSSION**
8. **ADJOURNMENT**

# CHARTER OF THE CITY OF BELLBROOK<sup>1</sup>

## PREAMBLE

We, the people of the City of Bellbrook, grateful to Almighty God for our civil and religious freedom and desiring to secure the benefits of that freedom for ourselves, our children, and their children, recognizing that all political power originates in the people and desiring to obtain unanimity, a full blessing of home rule and a most orderly arrangement of local self-government under the Constitution of the State of Ohio, do hereby establish and adopt this Charter of the Municipal Corporation of Bellbrook, Greene County, Ohio, which took effect January 1, 1972, and which subsequently has been amended.

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

## PROTECTION OF RIGHTS

*Protection of Rights:* No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws. No person shall be denied the enjoyment of his or her civil or political rights or be discriminated against in the exercise thereof.

(Nov. 4, 2003)

## ARTICLE I NAME AND BOUNDARIES

### Section 1.01. Name.

The City of Bellbrook now existing in the southwest portion of the County of Greene, State of Ohio, is a corporate body known as the City of Bellbrook.

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

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<sup>1</sup>Editor's note(s)—The Charter of the City of Bellbrook was approved by the voters on November 2, 1971. Dates appearing in parentheses, if any, indicate that the section or subsection was enacted or amended on the date given.

**Section 1.02. Boundaries.**

The City of Bellbrook shall have the same boundaries as now exist, with the power and authority to change its boundaries and annex other territory in the manner authorized by the laws of the State of Ohio.

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

**ARTICLE II FORM OF GOVERNMENT****Section 2.01. Form of Government.**

The government provided for by this Charter shall be known as the Council—Manager form.

**ARTICLE III POWERS****Section 3.01. Powers of the City.**

Except as restricted by this Charter, the City of Bellbrook shall have all powers of local self-government and home rule, expressed or implied.

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

**Section 3.02. Manner of Exercise of Powers.**

All such powers shall be exercised through the Council in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as the Council may determine by ordinance.

**Section 3.03. Construction.**

The powers of the City of Bellbrook under this Charter shall be construed liberally in favor of the Charter and the City of Bellbrook. The enumeration of particular and specific powers in the Charter shall not be interpreted as limiting in any way the general power to which this government is entitled under the Constitution and general laws of the State of Ohio now or hereafter granted.

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

**Section 3.04. Intergovernmental Relations.**

The City of Bellbrook may exercise any of its powers or perform any of its functions and may participate in their financing, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any of its agencies not inconsistent with the general law or the Constitution of the State of Ohio, or of the Constitution or laws of the United States.

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

**ARTICLE IV COUNCIL**

#### **Section 4.01. Powers—Number.**

Except as provided in this Charter, all legislative powers of the City of Bellbrook shall be vested in a Council consisting of six members and a separately elected Mayor.

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

#### **Section 4.02. Qualifications.**

Any qualified elector of the City of Bellbrook who has lived in the City of Bellbrook, or any area annexed to the City of Bellbrook, for one year prior to filing his petition of candidacy, shall be eligible to hold the office of a member of Council or Mayor. One who ceases to be such an elector shall immediately forfeit his or her office.

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

#### **Section 4.03. Selection—Term.**

All members of Council shall be elected at-large by qualified electors of the City of Bellbrook for four year overlapping terms in the manner provided by Article XI of this Charter.

The regular term of members of Council and the Mayor shall begin January First following their election. They shall take the Oath of Office on or before January First. If a Council member-elect fails to fulfill the qualifications outlined in this Charter, or dies, or resigns, that position shall be filled according to the provisions of this Charter for vacancies in Council.

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

#### **Section 4.04. Mayor.**

The Mayor shall be elected by separate ballot from the City of Bellbrook at-large for a two year term, in the manner provided by Article XI of this Charter. The Mayor shall have the right to vote on all issues before the Council, but shall have no power of veto. In addition to powers, and duties as a member of Council, the Mayor shall preside at meetings of Council, shall be recognized as head of the Municipal Government for all ceremonial and non-administrative purposes, by the Governor for military law, and by the Courts for civil process involving the City of Bellbrook. The Mayor shall have judicial powers and the other powers and privileges to which a mayor is entitled under general law and under the Constitution of the State of Ohio. In time of public danger or emergency, the Mayor, by consent of Council, may take command of police and other departments to maintain order and enforce the law. The Mayor shall perform all other duties prescribed by ordinance or by resolution of the Council not inconsistent with the provisions of this Charter or with General Law.

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

#### **Section 4.05. Deputy-Mayor.**

The Council shall, at the first regular meeting in January following its election, and every two years thereafter, choose by majority vote of all members of Council, one of its willing members as a Deputy-Mayor who shall act as Mayor during the absence of the Mayor. In the event the Mayor is recalled, forfeits his or her office or resigns, or if the Mayor's office is otherwise vacated, the Deputy-Mayor shall immediately take on the duties of Mayor.

Following the appointment of the Deputy-Mayor to Mayor, Council shall select a qualified elector to fill the resulting vacancy in Council as provided in Section 4.11. Council shall then choose by majority vote of all members of Council one of its willing members as a Deputy-Mayor at the first full meeting of Council after the appointment of the Mayor.

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

#### **Section 4.06. Prohibitions.**

- (a) *Holding Other Offices:* Except where authorized by this Charter, the Mayor or any other Council member shall hold no other Municipal office nor be an employee of the City of Bellbrook during the term for which he or she was elected to Council.
- (b) *Administrative Service Appointments and Removals:* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Municipal officer or employee whom the Manager or any of his subordinates are empowered to appoint or remove by this Charter or by ordinance. Except as otherwise provided in this Charter, neither the Council nor its members shall give any orders to any such official or employee, publicly or privately. The Council may express its views and fully and freely discuss with the Manager anything pertaining to Municipal personnel matters.

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

#### **Section 4.07. Judge of Qualifications.**

The Council shall be the judge of the election and qualifications of all candidates elected to office in the City of Bellbrook, including its Council Members-Elect and its own members, in accordance with Section 4.02 of this Charter. Grounds for forfeiture of office are as listed in Section 4.11(b). Charges of misconduct by a member of Council constituting grounds for forfeiture of office shall be filed in writing with the Municipal Attorney. Such charges must state specific instances of malfeasance, misfeasance, or nonfeasance and bear the signature(s) of person(s) bringing the charges. The Municipal Attorney shall assess the charges and if, in his or her opinion, they may have substance, shall publicly notify the Council of such charges. Any member(s) of Council charged with conduct constituting grounds for forfeiture of office may resign. If no resignation is tendered, Council shall hold a public hearing within 60 days to determine the validity of the charges. Notice of such hearing shall be published in one or more newspapers of general circulation in the City of Bellbrook at least 15 days in advance of the hearing. Council, by ordinance, shall prescribe the process for conducting the hearing including: citing witnesses, administering oaths, producing evidence and punishing contempts. All members of Council whose performance is not in question shall decide on the validity of the charges at the close of the hearing. If, by a decision of at least all but one member of Council judging the validity of the charges, a member of Council is found to have committed acts that are grounds for forfeiture of office, as specified by Article 4.11(b), the member shall be removed from office and forfeit all salary from that time onward. Decisions made by Council under this section shall be subject to review by the Courts.

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

#### **Section 4.08. Procedures.**

- (a) *Meetings:* A quorum of Council shall be present to conduct official business. The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe. Special meetings may be held on the call of the Mayor or of four or more members of Council. Notice of special meetings must be delivered in writing to all members of Council, the Manager, and at least one or more newspapers of general circulation in the City of Bellbrook, not less than 24 hours in advance of such special meetings, unless a State

of Emergency is declared by the Mayor or Manager or their alternate to provide for an immediate session of Council.

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

All meetings where official business is consummated shall be public. Council may recess for the purpose of discussing, in a closed session limited to its own membership and those specifically invited by a majority of Council present, personnel matters, pending or threatened litigation, security arrangements, real estate transactions or contracts. The general subject matter for consideration must be expressed in the motion calling for such closed session. Final action thereon shall not be taken by the Council except as an agenda item at a public meeting.

- (b) *Rules and Journal:* The Council shall determine and may amend its own rules and order of business in conformity with the requirements of the Municipal Code. It shall provide for keeping a Journal of its proceedings. This Journal shall be a public record.

(Nov. 5, 2013)

- (c) *Voting:* Except on procedural motions, voting shall be by roll-call and shall be recorded in the Journal. Four members of the Council shall constitute a quorum. Faced with the lack of a quorum, a smaller number may convene and may compel the attendance of absent members in the manner, and subject to the penalties, prescribed by the rules of the Council.

#### **Section 4.09. Investigations.**

The Council may make investigations independently or through the Manager into the affairs of the City of Bellbrook and the conduct of any Municipal department, division, board, or commission. For this purpose Council shall establish, by ordinance, investigative procedures. Council shall provide by ordinance the penalties for the failure or refusal of any person to obey a lawful order issued in the exercise of its investigative powers and to establish procedures for enforcement through the appropriate Courts.

(Nov. 5, 2013)

#### **Section 4.10. Compensation.**

The Council may determine the annual salaries of the Mayor and other members of Council by ordinance. Such ordinance changing salaries shall become effective at the beginning of the following City of Bellbrook fiscal year. Members of Council, by resolution, stating the exact purpose of the appropriation, may receive their actual and necessary expenses incurred in the performance of their duties of office.

(Nov. 2, 1993; 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 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 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 4.12. 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 4.13. Clerk of Council.

There shall be a Clerk of Council selected by vote of the majority of all Council members. The Clerk shall be chosen from outside the membership of Council and shall serve at the pleasure of the Council. The Clerk shall give notice of Council meetings, keep the Journal, advertise public hearings, record in a separate book all ordinances and resolutions approved by Council, and see that such enactments are published as required by this Charter. The Clerk shall perform such other duties as may be assigned by this Charter, or by ordinance or resolution of the Council. The Clerk may be appointed to serve full- or part-time and shall receive a salary as established by ordinance for his or her services. In the event of a vacancy in the office of Clerk of Council, City Council shall, by a majority vote, appoint an interim Clerk of Council.

(Nov. 4, 2003)



#### **Section 4.14. Independent Audit.**

The Council may require an independent audit of all or any municipal accounts. Such audits shall be made by a Certified Public Accountant or firm of such Accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City of Bellbrook or any of its officials. The Council may, without requiring competitive bids, designate such accountant or firm. The Council may request audits by the State in addition to those periodically required by the State.

(Nov. 7, 1978; Nov. 5, 2013)

### **ARTICLE V LEGISLATION**

#### **Section 5.01. Ordinances and Resolutions.**

All legislative powers shall be vested in the Council not contrary to the Constitution and general laws of the State of Ohio. Council shall have authority to do all things necessary and proper to carry out the provisions of this Charter. Council action shall be by ordinance or resolution. Ordinances shall be the enactments of the Council and shall have the full force and effect of law. Ordinances shall prescribe rules of government action. Resolutions shall be orders of the Council of a special or temporary nature.

#### **Section 5.02. Action Requiring an Ordinance.**

In addition to other acts required by general law or by specific provision of this Charter to be performed by ordinance, those acts of the Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any Municipal department, division, or office, other than those established by this Charter;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew, extend or terminate a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money including, but not limited to, contracting an indebtedness to be evidenced by the issuance of bonds or notes;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the City of Bellbrook;
- (7) Adopt without amendment, or with amendment that does not affect the substance, ordinances proposed under the initiative power;
- (8) Adopt or amend a Budget, an appropriation, or a Capital Program;
- (9) Amend or repeal any ordinance previously adopted, except with respect to repeal or amendment of ordinances reconsidered under the Referendum power;
- (10) Propose to levy a tax unless otherwise provided for in this Charter.

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

### **Section 5.03. Introduction of Ordinances.**

Every proposed ordinance shall be introduced in written or printed form after review by the Department of Law on the question of correct legal form, of possible contradiction with existing ordinances, or conflict with the Charter or Constitutional provisions. It shall be in the form required by Council for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The City of Bellbrook hereby ordains...". Any ordinance which repeals or amends an existing ordinance or part of the Municipal Code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or striking it out and shall indicate new matter by underscoring or by italics.

(Nov. 4, 2003)

### **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 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)

### **Section 5.05. Effective Date.**

Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified.

## Section 5.06. Emergency Ordinances.

To meet a public emergency affecting health, safety, morals, or the public welfare, or a special emergency in the operation of a Municipal department, the Council may adopt one or more emergency ordinances. Such ordinances may not: levy taxes; grant, renew or extend a franchise, except one affecting health; regulate the rate charged by any public utility for its services or grant any special privileges; or authorize the borrowing of money except as provided in Section 10.09(b).

An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. A proposed emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members of Council shall be required for adoption. After its adoption the ordinance shall be published as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

Every emergency ordinance, except one made pursuant to items (3), (4), (5) or (6) of Section 5.02, or one made pursuant to Section 10.09(b), shall automatically stand repealed as of the 61st day following the date on which it was adopted. This shall not prevent re-enactment of the ordinance in the manner specified in this Section, if the emergency still exists in the judgment of Council. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances. No emergency ordinance shall be subject to the Initiative and Referendum.

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

## Section 5.07. Adoption of Ordinances by Reference.

The Council may adopt model or standard codes prepared and published by any public or private agency on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning, occupational safety and health and environmental compliance, and other similar topics by reference to the date and source of the code without reproducing it at length in the ordinance. However, if the Council desires to modify, add to or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all such cases in which such a code shall be adopted by reference, publication of the code at length, by the City of Bellbrook, shall not be required. However, at least six copies of all such codes, including all amendments thereto shall be kept in the office of the Clerk of Council for consultation by interested persons during regular office hours and additional copies shall always be available for sale, at a cost set by resolution, by the Clerk of Council.

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

## Section 5.08. Initiative and Referendum.

- (a) *Initiative Power:* The qualified electors of the City of Bellbrook shall have power to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance, the voters shall have the power to adopt or reject it at a Municipal election. The Initiative power shall not extend to the Budget or Capital Program or any ordinance relating to appropriation of money.

(Nov. 4, 2003)

- (b) *Referendum Power:* The qualified electors of the City of Bellbrook shall have power to require reconsideration by the Council of any adopted ordinance. If the Council fails to repeal an ordinance so

reconsidered, the voters shall have the power to approve or reject it at a Municipal election. The Referendum power shall not extend to the Budget or Capital Program or any emergency ordinance relating to appropriation of money.

(Nov. 4, 2003)

- (c) *Procedures:* Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by Initiative and Referendum under the procedure set forth in the Ohio Revised Code.

### **Section 5.09. Resolution.**

Action by Council which is not required by this Charter to be taken by ordinance, may be taken by resolution. Such a resolution shall be in writing and shall be introduced by a member of the Council, and shall be adopted by a roll-call vote of a majority of a quorum as indicated in Section 4.08. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. However, the Clerk of Council shall record resolutions in a separate book, which shall be a public record.

### **Section 5.10. Authentication and Recording; Review; Codification; Reproduction.**

- (a) *Authentication and Recording:* The Clerk of Council shall authenticate by his or her signature, along with the signature of the Presiding Officer of the Council, and record in full, in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the Council.

(Nov. 4, 2003)

- (b) *Review:* During the calendar year following the year of a Charter Review, the City of Bellbrook Records Commission shall review the existing ordinances of the City of Bellbrook and make recommendations to the Council for removal from the records of the City of Bellbrook any such ordinances which may have outlived their usefulness or practicality. The Commission shall submit its report to the Council by December 31. The Council then shall take such action of revision or revocation of the noted ordinances as it deems warranted with respect to the recommendations of the Commission.

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

- (c) *Codification:* At least every five years, the Council shall provide a general codification of all Municipal ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council and shall be published promptly in bound or loose-leaf form and appropriate electronic media, together with this Charter and any amendments thereto, including any pertinent provisions (as the Council may specify) of: the Ohio Constitution; other laws of the State of Ohio; codes of technical regulations; and other rules and regulations or pertinent supplementary matter of service or interest. This compilation shall be known and cited officially as the Bellbrook Municipal Code. Copies of the Municipal Code shall be furnished to Bellbrook officials, placed in public Municipal offices and a designated local library for free public reference, posted on the City's website, and made available for purchase at a cost as determined by Council.

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

- (d) *Reproduction of Ordinances and Resolutions:* The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be reproduced promptly following its adoption. The reproduced ordinances, resolutions and Charter amendments shall be distributed, made available electronically, or sold to the public at cost as determined by the Council.

(Nov. 4, 2003)

The Council shall make further arrangements as it deems desirable with respect to reproduction and distribution of any changes in or additions to the provisions of the Constitution and other laws of the State of Ohio, or the codes of technical regulations, and rules and regulations included in the Municipal Code.

## **ARTICLE VI THE MANAGER**

### **Section 6.01. Appointment; Qualifications; Compensation.**

The Council, by a majority vote of all its Members, shall appoint a City Manager from outside the membership of Council, for an indefinite term and fix his or her compensation. No person who is a member of Council and who becomes a candidate for appointment to the Office of City Manager shall be permitted to participate in the appointment process or to be present at any closed meetings held for the purpose of discussing the qualifications of any candidate for the office. The Manager shall be appointed on the basis of his or her executive and administrative qualifications. The Manager need not be a resident of the City of Bellbrook or the State of Ohio at the time of his or her appointment but may reside outside the City of Bellbrook while in office only with the approval of a majority of Council.

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

### **Section 6.02. Acting Manager.**

By a letter always on file with the Clerk of Council, the Manager shall designate a qualified administrative official to exercise the powers and perform the duties of the Manager during a temporary absence or disability. If such designation has not been made, and the Manager is, in the opinion of a majority of Council, unable to perform his or her duties or to make such designation, the Council shall, by resolution, appoint any qualified administrative officer of the City of Bellbrook to perform the duties of the Manager until the Manager shall return or his or her disability ceases. During such absence or disability, the Council may revoke such designation at any time and appoint another official, not a Member of Council, of the City of Bellbrook or other person suitably qualified to serve until the Manager shall return or his or her disability shall cease.

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

### **Section 6.03. Powers and Duties.**

The Manager shall be the chief administrative official of the City of Bellbrook and shall be responsible to the Council for the administration of all Municipal affairs placed in his or her charge by or under this Charter. The Manager shall have the following powers and duties:

- (1) See that all laws, provisions of this Charter, and acts of Council, subject to enforcement by the Manager or by officials subject to his or her direction and supervision are faithfully executed.
- (2) Submit to the Council and make available to the public a complete report on the finances, administrative activities and an inventory of the properties of the City of Bellbrook as of the end of each fiscal year.
- (3) Prepare and submit the annual Budget and the Capital Program to the Council.
- (4) Keep the Council fully advised as to the financial condition and the future needs of the City of Bellbrook. The Manager shall also make such recommendations to the Council concerning the affairs of the City of Bellbrook as he or she deems desirable, or as the Council may require.

- (5) Direct and supervise the administration of all departments, offices and divisions of the City of Bellbrook except as otherwise provided by the Charter.
- (6) Appoint and, when he or she deems it necessary, suspend or remove any appointed administrative official, or employee, except as otherwise provided by this Charter or by personnel rules adopted pursuant to this Charter. The Manager may authorize any administrative official, who is subject to his or her direction and supervision, to exercise these powers with respect to subordinates in that official's department, office or division.
- (7) Attend all Council meetings unless excused by Council and shall have the right to participate in discussions, but not to vote.
- (8) Make such other reports as the Council may require concerning the operations of the Municipal departments, offices and divisions subject to his or her direction and supervision.
- (9) Arrange and prepare contracts, franchises and agreements in cooperation with the Director of Law. No franchises shall be legal until ratified by ordinance of the Council and, with respect to public utilities, according to the provisions of Article XVIII of the Constitution of the State of Ohio. Procedures for the approval of contracts and agreements shall be prescribed by ordinance.
- (10) Perform such other duties as are specified in this Charter or may be required by the Council within the limits of the Charter.

(Nov. 7, 1978; Nov. 2, 1993; Nov. 4, 2003; Nov. 5, 2013)

#### **Section 6.04. Removal and Resignation.**

The Manager shall have the right to resign his or her position at any time providing he or she gives a 60 day notice of his or her intention to resign. The requirement for notice may be waived by a resolution of Council.

The Council may remove the Manager from office in accordance with the following procedures:

- (1) The Council shall adopt, by affirmative vote of a majority of all Members, a resolution of intent, which must state the reasons for removal and may suspend the Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the Manager.
- (2) Within five days after a copy of the resolution is delivered to the Manager, the Manager may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 days nor later than 30 days after the request has been filed. The Manager may obtain legal counsel for the hearing. The Manager may file with the Council a written reply not later than five days before the hearing.
- (3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its Members at any time after five days from the date when a copy of the resolution of intent was delivered to the Manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.

(Nov. 8, 1977; Nov. 3, 1981; Nov. 2, 1993; Nov. 4, 2003)

## **ARTICLE VII ADMINISTRATIVE DEPARTMENTS**

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### **Section 7.01. Creation of Departments.**

The administrative activities of the City of Bellbrook shall be conducted by Departments of: Finance, Safety, Service, and Law. This shall not preclude Council providing such services through joint participation with other governmental agencies as provided in Section 3.04.

(Nov. 5, 2013)

### **Section 7.02. Creation of New Departments.**

The Council may, by ordinance, establish other departments in addition to those created by this Charter as the needs of the City of Bellbrook may require. Except for those established in Section 7.01, Council may abolish or combine them in any manner as it deems necessary. Council may prescribe the functions of all departments, except that no function assigned by this Charter to a particular department may be discontinued or assigned to any other department, unless this Charter specifically so provides.

(Nov. 5, 2013)

### **Section 7.03. Administrative Code.**

Subject to the provisions of this Charter and after consultation with and the recommendation of the Manager, the Council shall adopt an Administrative Code. This Code shall provide in detail the organization of the Municipal government and define the powers and duties of each organizational unit. Amendments to and revision of the Administrative Code shall be made by Council only after consultation with and the recommendation of the Manager. Where the Charter and the Administrative Code are silent, the officials and employees through the Manager shall have and may exercise all powers and duties provided for similar officials and employees by the State law. Provisions of the Charter and the Administrative Code shall supersede those of the State law in case of conflict.

### **Section 7.04. Departmental Divisions.**

The work of each Department shall be distributed among such divisions as may be established by the Administrative Code. Pending the adoption of an Administrative Code by the Council, the Manager may establish temporary divisions by administrative order.

### **Section 7.05. Departmental Directors.**

At the head of each Department, there shall be a part-time or full-time Director, appointed by the Manager. Two or more Departments may be headed by the same person, and the Manager may serve as the Director of one or more Departments in addition to his or her duties as Manager, if a majority of Council approves. The Director shall have supervision and control of the Department he or she heads, subject to the direction of the Manager.

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

### **Section 7.06. Department of Finance.**

The Director of Finance shall establish accounting systems and procedures to conform to State law. The Director of Finance shall be responsible for accounting, collection and custody of public funds, and control over disbursements. The Director of Finance shall advise the Manager and the Council concerning the financial

condition of the City of Bellbrook. The Manager shall countersign all bonds and notes issued by the City of Bellbrook and shall perform other functions as may be assigned by the Administrative Code or by order of the Manager.

(Nov. 4, 2003)

Competitive bidding procedures shall be established by ordinance governing the purchase of all supplies, materials and equipment for the City of Bellbrook. In cases of public disaster, declared by resolution approved by at least five Members of Council, purchases and contractual services may be made without competitive bidding.

(Nov. 5, 2013)

### **Section 7.07. Department of Safety.**

The Department of Safety shall provide Police and Fire protection and perform such functions as may be assigned by the Administrative Code or by order of the Manager. The Council may establish unified police and fire service in which both types of service are rendered by the same personnel.

### **Section 7.08. Department of Service.**

The Department of Service shall provide for the custody, care and maintenance of the public buildings, grounds, streets, sewers, Municipal utilities, cemeteries and properties owned or operated by the City of Bellbrook, for the protection of the health, welfare, convenience and necessity of the people, and other such functions as may be assigned by the Administrative Code or by order of the Manager.

(Nov. 5, 2013)

### **Section 7.09. Department of Law.**

The Department of Law shall be headed by a Director who shall 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)

## **ARTICLE VIII BOARDS AND COMMISSIONS**

### **Section 8.01. Creation of Boards and Commissions.**

The Council, by ordinance, may create, change and abolish Boards and Commissions, other than those established by this Charter. Members of such Boards and Commissions shall be appointed by and responsible to Council. All terms, number of members, procedures for appointment and replacement of members, duties, and powers of Boards and Commissions thus created by the Council shall be prescribed by ordinance. Except as established by this Charter, the Council may assign additional duties to the Boards and Commissions established, but may not discontinue or assign to any other Board or Commission any function assigned by this Charter to a particular Board or Commission. Each Board or Commission shall adopt its own rules of order and procedure and shall annually elect its officers from its membership. Council may authorize funds for the use of the Boards and Commissions in carrying out their responsibilities.



(Nov. 5, 2013)

## **Section 8.02. Removal of Members of Boards and Commissions.**

Using procedures established by ordinance, the Council may remove any member of a Board or Commission. Vacancies shall be filled according to Section 8.08.

(Nov. 3, 1987; Nov. 5, 2013)

## **Section 8.03. Planning board.**

There shall be a Planning Board consisting of five members appointed by the Council for overlapping terms of five years each such that members first selected will be the first eligible for reappointment. No Planning Board member shall be appointed to more than two full consecutive terms. All Planning Board members shall be qualified electors of the City of Bellbrook. Members of the Board shall not be employees of, nor hold other elective or appointive Municipal office in Bellbrook. The office of a Planning Board member shall become vacant upon his death, resignation, forfeiture, expiration of term or removal from office in any manner authorized by this Charter. Vacancies shall be filled according to Section 8.08. The Planning Board shall have all the power and authority conferred upon city planning boards by the Ohio Revised Code and such other duties as may be imposed upon it by the Municipal Administrative Code and by the Charter of the City of Bellbrook.

(Nov. 3, 1987; Nov. 4, 2003; Nov. 5, 2013)

## **Section 8.04. Comprehensive Plan.**

The Planning Board shall recommend to the Council a Comprehensive Plan, and revisions as needed, for the physical development of the City of Bellbrook and adjacent areas, which shall include but need not be limited to the location of public ways, property, bridges, utilities, buildings, parks, playgrounds and recreation areas. The Comprehensive Plan shall show all existing school locations and shall show the proposed location of new schools as determined by the local Board of Education. The Comprehensive Plan shall serve as a guide to all future Council action concerning land use and development regulations, urban redevelopment programs and expenditures for capital improvements. The Comprehensive Plan may be developed in conjunction with regional and adjacent authorities, Municipalities, Townships or Counties. After receipt of the recommendations of the Planning Board, the Council shall hold a public hearing on the proposed Comprehensive Plan, or its modification, and shall then adopt it with or without amendment by ordinance. If the Council fails to adopt the proposed Comprehensive Plan, or its modification, it shall send in writing its reasons for rejection and recommendations for revisions to the Planning Board for their reconsideration.

(Nov. 5, 2013)

## **Section 8.05. Board of Zoning Appeals.**

There shall be a Board of Zoning Appeals consisting of five members appointed by the Council for overlapping terms of five years each such that members first selected will be the first eligible for reappointment. No Board of Zoning Appeals member shall be appointed to more than two full consecutive terms. All Board of Zoning Appeals members shall be qualified electors of the City of Bellbrook. Members of the Board shall not be employees of nor hold other elective or appointive Municipal office in the City of Bellbrook. The office of a Board of Zoning Appeals member shall become vacant upon his death, resignation, forfeiture, expiration of term or removal from office in any manner authorized by this Charter. Vacancies shall be filled according to Section 8.08. The Board of Zoning Appeals shall have all power and authority conferred upon the Ohio Revised Code and such

other duties as may be imposed upon it by the Municipal Administrative Code and by the Charter of the City of Bellbrook.

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

### **Section 8.06. Standards for the Board of Zoning Appeals.**

The Council shall provide, by ordinance, standards and procedures for such Board to hear and determine appeals from (1) administrative decisions, (2) petitions for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land, and (3) such other matters as may be required by the Council or by law.

(Nov. 4, 2003)

### **Section 8.07. *Personnel Board.***

Editor's note(s)—Section 8.07 was repealed by the voters on November 4, 2003.

### **Section 8.08. Filling Vacancies.**

All vacancies on Boards and Commissions including those established by ordinance shall be announced by the City Council at a regularly scheduled City Council meeting and advertised to the general public no less than 30 days prior to the appointment of any open position by the Council. Vacancies must be filled within 90 days by Council appointment.

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

## **ARTICLE IX PERSONNEL**

### **Section 9.01. Merit System Established.**

Appointments and promotions in the administrative service of the City of Bellbrook shall be made according to the merit system, which may include open competitive examination.

(Nov. 5, 2013)

### **Section 9.02. Exempt Positions.**

The following positions are exempt from the merit system: (1) the Manager; (2) the Clerk of Council; (3) the Directors of Departments; (4) any office or position requiring specific professional qualifications; (5) members of Boards and Commissions appointed by the Council, and advisory committees appointed by the City Manager and Council; (6) other positions recommended by the Personnel Director, approved by the City Manager, and adopted by ordinance.

(Nov. 4, 2003)

### **Section 9.03. Personnel Director.**

The City Manager may serve as or appoint the Personnel Director and shall administer the City of Bellbrook's personnel system.

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

### **Section 9.04. Personnel Board.**

There shall be an Ad Hoc Personnel Board that will serve in an advisory capacity to hear grievances and disciplinary actions for non-union personnel. When Council determines the need for such Board, three members shall be appointed, consisting of the chairpersons of the Planning Board, the Board of Zoning Appeals and the Village Review Board. If the chairperson is unwilling or unable to serve due to conflict, the vice chairperson or a member of their respective boards shall serve on the Personnel Board. The Personnel Director shall provide necessary staff assistance for the Personnel Board.

(Nov. 4, 2003)

### **Section 9.05. Merit System Personnel Rules.**

The City Manager shall periodically review personnel rules. The City Manager shall review any change, except those determined through collective bargaining. Upon review, the City Manager will approve, reject or amend rules. When approved by the City Manager, the rules shall be proposed to Council and the Council may, by ordinance, adopt them with or without amendment. A copy of the approved personnel rules ordinance shall be made available to each employee of the City of Bellbrook. These rules shall provide for: (1) the classification of all Municipal positions, based on the duties, authority and responsibility of each position; (2) a salary schedule for all Municipal classification levels; (3) methods for recruiting and determining the merit and fitness of candidates for appointment or promotion; (4) the policies and procedures governing relationships with employee organizations; (5) grievance procedures, including procedures for the hearing of grievances by the Personnel Board, which may render advisory opinions based upon its findings to the Manager and the Personnel Director with a copy to the aggrieved employee; and (6) other practices and procedures necessary to the administration of the City of Bellbrook's personnel system.

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

### **Section 9.06. Solicitations; Collections.**

All solicitations from employees by Municipal officials of the City of Bellbrook shall be forbidden.

Any union dues, or other equivalencies, shall be collected by a Municipal official appointed by the Manager. A service charge adequate to cover all expenses of this involvement shall be deducted from the amount so collected.

Council shall enforce these provisions by adequate penalties which shall be enforced through the Municipal Attorney's office in the appropriate Court.

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

### **Section 9.07. Exclusive Provisions.**

The provisions of this Charter and ordinances enacted thereto are paramount and exclusive of all other provisions of Ohio law relating to personnel and civil service. There shall be no requirement for the provision of civil service or personnel services except as provided herein and no board, commission, committee or office governing or relating to civil service or personnel shall be created or exist except as provided by this Charter and ordinances enacted pursuant to it.

(Nov. 5, 2013)

## **ARTICLE X FINANCIAL PROCEDURES**

### **Section 10.01. Fiscal Year.**

The fiscal year of the City of Bellbrook shall begin on the first day of January and end of the last day of December.

(Nov. 4, 2003)

### **Section 10.02. Submission of Budget and Budget Message.**

The City Manager shall annually, by February 15th, submit for Council approval, a mission statement, articulating Bellbrook's identity and purpose and a vision, defining proactive planning for the future of the City of Bellbrook. Based on the mission and vision, with input from the heads of each of the Administrative Departments, the City Manager shall develop a plan, specifying goals that are measurable and achievable, with time sensitive objectives. On or before the date established each year by Council, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message that is driven by the mission, vision, plan, goals and objectives. The City Manager will be responsible for implementation of the plan and shall make quarterly reports to the Council on achievement of accomplishments.

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

### **Section 10.03. Budget Message.**

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City of Bellbrook for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position and include such other material as the Manager deems desirable or the Council shall require.

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

### **Section 10.04. Budget.**

The budget shall provide a complete financial plan of City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general

summary of its contents; shall show in detail all estimated income, indicating any proposed property tax levies, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices,, departments, divisions, commissions and boards in terms of their respective work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by boards, commissions, offices, departments and divisions when practicable, and the proposed method of financing each such capital expenditure.
- (3) The total of proposed expenditures and capital expenditures shall not exceed the total of estimated income and accumulated prior year balances.

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

### **Section 10.05. Capital Program.**

- (a) *Submission to Council:* The City Manager shall prepare and submit annually to the Council a five-year capital program in conjunction with the submission of the Budget.

(Nov. 4, 2003)

- (b) *Contents:* The capital program shall include: (1) a clear general summary of its contents; (2) a list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements; (3) cost estimates, method of financing and recommended time schedules for each such improvement; and (4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

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

### **Section 10.06. Council Action on Budget.**

- (a) *Notice and Hearing:* The Council shall publish the general summary of the budget and a notice stating; (1) the times and places where copies of the message and budget are available for inspection by the public; (2) the time and place, not less than seven days after such publication, for a public hearing on the budget.

(Nov. 4, 2003)

- (b) *Amendment Before Adoption:* After a public hearing, the Council shall adopt the budget with or without amendment. In amending the budget, Council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law, or for debt service, or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income and accumulated prior year balances.

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

- (c) *Adoption:* The Council shall adopt the budget for the ensuing fiscal year by ordinance.

(Nov. 4, 2003)

### Section 10.07. Council Action on Capital Program.

- (a) *Notice and Hearing:* The Council shall publish the general summary of the capital program and a notice stating: (1) the times and places where copies of the capital program are available for inspection by the public; (2) the time and place for a public hearing on the capital program, to be held not less than seven days after such publication.
- (b) *Adoption:* The Council shall adopt the capital program, with or without amendment, after the public hearing and no later than the date of final action on the budget.

(Nov. 4, 2003)

### Section 10.08. Public Records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available by the City Manager to the public at suitable places in the City of Bellbrook.

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

### Section 10.09. Amendments After Adoption.

- (a) *Supplemental Appropriations:* If during the fiscal year, the City Manager certifies that revenues in excess of those estimated in the budget are available for appropriation, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

(Nov. 4, 2003)

- (b) *Emergency Appropriations:* To meet a public emergency affecting life, health, property or the public welfare, or to meet statutory requirements established by the State of Ohio, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 5.06. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes.

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

- (c) *Reduction of Appropriations:* If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken and any recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose, it may, by ordinance, reduce one or more appropriations.

(Nov. 4, 2003)

- (d) *Transfer of Appropriations:* At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a fund, department, office or division and, upon written request by the Manager, the Council may, by ordinance, transfer part of all of any unencumbered appropriation balance from one fund, department, office or division to another.

(Nov. 4, 2003)

- (e) *Limitations; Effective Date:* No appropriation for debt service may be reduced or transferred. No appropriation may be reduced below the amount required by law, or by more than the amount of the unencumbered balance. All Budget and Appropriation ordinances authorized by this Article shall be effective immediately upon adoption.

(Nov. 7, 1978)

- (f) *Interim Appropriations:* Special appropriations for operating the City of Bellbrook prior to the availability of current year revenues shall be submitted by the City Manager for adoption by ordinance to take effect at the start of the fiscal year. These interim appropriations shall remain in effect until superseded by the current year appropriations.

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

- (g) *Current Year Appropriations:* Appropriations for the current fiscal year shall be submitted by the City Manager for consideration, modification and adoption by Council prior to the date required by the laws of the State of Ohio. This appropriation shall supplement the interim appropriations and establish allowable expenditures for each fund, program and designated activity for the current fiscal year. The appropriations shall not exceed the total of anticipated revenues and accumulated prior year balances.

(Nov. 7, 1978; Nov. 4, 2003)

## **Section 10.10. Lapse of Appropriations.**

Appropriations expire at the end of the fiscal year. Residual balances are returned to the parent fund to be available as a resource for appropriation in the next fiscal year.

## **Section 10.11. Debt and Tax Limitation.**

The limitations on debt and tax rates shall be continued as provided in the Constitution and general laws of the State of Ohio.

## **Section 10.12. Approval of Tax Levies.**

In all submissions of Municipal tax levy proposals to the electorate, an affirmative vote of a simple majority of the voting electorate shall be required to pass the levy in the manner stated in the proposal.

# **ARTICLE XI NOMINATIONS AND ELECTIONS**

## **Section 11.01. Municipal Elections.**

The regular election of all Municipal elective offices shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Except as provided in Section 4.11(d), the Council may, by resolution, order a special election or referendum or both at any time, the purpose of which shall be set forth in the resolution.

Three members of Council shall be elected every two years in odd numbered years for a four-year term. Every year there is a Council election, the Mayor shall be elected for a two-year term. Thus, every two years at a General Municipal Election a Mayor and three members of Council will be elected.

(Nov. 2, 1993)

### **Section 11.02. Conduct of Elections.**

Both regular and special elections shall be conducted by the Board of Elections of Greene County, Ohio, as required by law with such exceptions as provided by this Charter. Where the Charter is silent, the provisions of the Ohio Revised Code shall be followed. Non-partisan ballots shall be used for all elective offices.

### **Section 11.03. Nominations.**

No primary election shall be held for the nomination of candidates for any Municipal elective office. Nominations for all Municipal elective offices shall be made by petition signed by qualified electors representing one percent, but not less than 50 in number, of the votes cast in the last Bellbrook Municipal election. Petitions shall be the standard forms provided by the Board of Elections for the nomination of individual non-partisan candidates for such offices. Group petitions shall not be used for individual offices. Petitions shall be filed with the Greene County Board of Elections at least 90 days before the election.

(Nov. 2, 1993)

### **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 for the promotion of candidates for individual office.

## **ARTICLE XII GENERAL PROVISIONS**

### **Section 12.01. Oath of Office.**

Every elected and appointed Bellbrook Municipal Government official shall, before entering upon his or her duties, take and subscribe to the following oath or affirmation to be kept on file: "I \_\_\_\_\_ solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Ohio and will obey the laws thereof, and that I will, in all respects, uphold and enforce the provisions of the Charter and the ordinances of Bellbrook and will faithfully discharge the duties of the office upon which I am about to enter." The oath shall be administered by a member of the judiciary or the Mayor of the City of Bellbrook.

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

### **Section 12.02. Official Bonds.**

All officials and employees of the Bellbrook Municipal Government whose duties require that they handle or be concerned with the management of its money or other property and any other employees required by Council shall be covered by a surety bond before entering upon their duties. The surety bond shall be issued by a company authorized to do business in the State of Ohio. The amount of such bonds shall, in each case, be fixed by Council and the premiums paid from the funds of the City of Bellbrook. In lieu of a surety bond, the City of Bellbrook may choose to provide coverage through its insurance provider.

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



### Section 12.03. Fees.

All fees received by any official or employee of the City of Bellbrook in connection with his or her employment with the City of Bellbrook shall be accounted for and paid into the Municipal Treasury.

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

### Section 12.04. Personal Financial Interest.

Any official or employee of the City of Bellbrook who may stand to benefit financially, directly or indirectly, in any and all dealings between the City of Bellbrook and other parties as a result of his or her action or position of authority shall make known that interest in a manner prescribed by Council. Council, by ordinance, shall provide procedure and restrictions to cover activities of such persons and circumstances.

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

### 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 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.
- (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.

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

### Section 12.06. Partial Invalidity.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid by the courts, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

### Section 12.07. Community Report.

The Council shall publish a community newsletter at least annually covering the activities and status or condition of the City of Bellbrook and distribute it to all households within the City of Bellbrook.

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

### **Section 12.08. Ombudsman.**

The Council may appoint an Ombudsman to investigate complaints, questions and suggestions, and to advise individuals and groups of the City of Bellbrook residents relating to the Government, its policies, operations, services, duties and responsibilities. The Ombudsman may make suggestions to appropriate officials through the City Manager, but shall have no control over any officials. The Ombudsman may make recommendations to Council when changes are needed. The term of office, procedures for selection, duties and responsibilities, compensation, necessary supporting services and method for removal from office shall be prescribed by ordinance.

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

### **Section 12.09. Publish.**

The procedure for publishing is to post the material in a designated local library and 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)

## **ARTICLE XIII LIMITATION OF TAXING POWER**

### **Section 13.01. Taxing Limitation.**

No tax in any amount shall be levied upon income without approval of the electors.

(Enacted June 8, 1976; Nov. 5, 2013)

### **Section 13.02. Procedure.**

The procedure for imposition of a tax requiring electorate approval under this Article shall be the same as that set forth in the Ohio Revised Code for municipal income taxing measures requiring electorate approval under the general laws of the State.

(Enacted June 8, 1976; Nov. 5, 2013)

### **Section 13.03. Effective Date.**

This Article shall be in effect on and after the date of its adoption by the electors.

(Enacted June 8, 1976; Nov. 5, 2013)

## APPENDIX 1 LEGISLATIVE GUIDE (For Reference Only)

Ordinance matter prescribed by this Charter may be found in the following Sections:

SECTION	SUBJECT
3.02	Exercise of Municipal Powers
4.04	Additional Mayoral Duties
4.07	Qualifications Judgment of Council Members
4.08	Removal of Council Members
4.09	Investigative Procedures
4.10	Salaries of Mayor and Council Members
4.11(b)	Removal of Council Members
4.11(c)	Disability of Council Members
4.12	Recall
4.13	Clerk of Council, Duties and Salary
5.01	Ordinances and Resolutions
5.02	Action Requiring an Ordinance (partial list)
5.03	Introduction of Ordinances
5.04	Passage of Ordinances
5.05	Effective Date
5.06	Emergency Ordinances
5.07	Adoption of Ordinances by Reference
5.08	Initiative and Referendum
5.10	Authentication and Recording; Review; Codification; Reproduction
7.02	Creation of Additional Departments
7.06	Department of Finance
8.01	Creation of Boards and Commissions
8.02	Removal of Members of Boards and Commissions
8.04	Adoption of Comprehensive Plan
8.05	Duties of Board of Zoning Appeals
8.06	Hearings Standards for Board of Zoning Appeals
9.02	Positions Exempt from Merit System
9.05	Merit System Personnel Rules
10.06(c)	Adoption of Budget
10.09(a)	Supplemental Appropriations
10.09(b)	Emergency Appropriations
10.09(c)	Reduction of Appropriations
10.09(d)	Transfer of Appropriations
12.04	Personal Financial Interest
12.08	Ombudsman

## APPENDIX 2 GLOSSARY

Terms in this Charter shall be interpreted using the following definitions:

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*Appropriation.* A sum of money set aside to be expended for a public purpose in a manner determined by law.

(Nov. 5, 2013)

*Board.* An officially designated group of three or more persons charged with some specific public function.

(Nov. 5, 2013)

*Bellbrook.* The Municipal Corporation of Bellbrook, also referred to in this Charter as Bellbrook, the City of Bellbrook, the Municipality and the Municipality of Bellbrook.

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

*Charter.* Basic law which controls the organization, function, powers and processes of the City of Bellbrook.

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

*Classification.* The organization of occupational positions into groups or classes on the basis of their duties and qualification requirements with attendant wage schedules.

(Nov. 5, 2013)

*Commission.* A body of three or more officials who collectively discharge the duties specified by ordinance or this Charter.

(Nov. 5, 2013)

*Council.* The elected, policy-making, legislative body of the Municipal government.

(Nov. 5, 2013)

*Department.* The primary administrative unit of the City of Bellbrook, generally functionally aligned (e.g., Finance, Safety, Service, etc.)

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

*Division.* A functional subsection of a Department.

(Nov. 5, 2013)

*Elector.* Defined by the Greene County Board of Elections as any person who is fully qualified to vote in a Bellbrook election.

(Nov. 5, 2013)

*Exempt Positions.* Those positions not requiring a competitive examination for appointment or promotion.

(Nov. 5, 2013)

*Initiative.* A device by which a private draft of an amendment to an existing ordinance or a proposed new ordinance (1) may be formally proposed by a petition signed by a certain percentage of the voters of the City of Bellbrook and (2) must be submitted to the electorate for adoption or rejection.

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

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*Journal.* The record of transactions of Council kept by the Clerk of Council.  
(Nov. 5, 2013)

*"May" - "Shall".* "May" as used in this Charter shall be construed as permissive. "Shall" as used in this Charter shall be construed as mandatory.  
(Nov. 5, 2013)

*Municipal Code.* The ordinances and resolutions having the force and effect of law arranged in systematic order.  
(Nov. 5, 2013)

*Non-Partisan Ballot.* A ballot on which the candidates are not identified as being supported by or affiliated with any political party.  
(Nov. 5, 2013)

*Ohio Revised Code.* The laws of the State of Ohio arranged in systematic order.  
(Nov. 5, 2013)

*Ordinance.* A regulation or by-law of the Municipal Corporation made under the authority granted in this Charter and in conformity with National and Ohio State constitutions and general laws.  
(Nov. 5, 2013)

*Publish.* To reproduce official documentation for review and information of the electorate.  
(Nov. 5, 2013)

*Quorum.* The number of Members who must be present in a deliberative body before business may be transacted.  
(Nov. 5, 2013)

*Recall.* A procedure by which an elected public official may be removed from office, after six or more months of his term has expired, by a petition and subsequent vote of the electors.  
(Nov. 5, 2013)

*Referendum.* A procedure by which the electorate may seek to change an entire ordinance or a section of an item of an ordinance by a petition signed by a certain percentage of the voters of the City of Bellbrook and subsequently voted on by the electors.  
(Nov. 4, 2003; Nov. 5, 2013)

*Resolution.* A measure which expresses legislative policy or opinion, censure, thanks, condolences, etc., or provides for subsidiary or procedural matters.  
(Nov. 5, 2013)

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*"Shall"* - *"May"*. "Shall" as used in this Charter shall be construed as mandatory. "May" as used in this Charter shall be construed as permissive.

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

# RECORD OF RESOLUTIONS

Item D.

Resolution No. 2023-R-14

June 12, 2023

## City of Bellbrook State of Ohio

### Resolution No. 2023-R-14

#### **CREATING A CHARTER ADVISORY COMMITTEE TO REVIEW THE CITY'S CHARTER AND MAKE RECOMMENDATIONS TO COUNCIL REGARDING ANY PROPOSED AMENDMENTS THERETO**

WHEREAS, a Charter for the City of Bellbrook was approved by the City's electorate on November 2, 1971, in accordance with Article XVIII, Section 7, of the Ohio Constitution; and

WHEREAS, Section 12.05 of the City's Charter provides that the City may amend its Charter pursuant to Section XVIII, Sections 8 and 9 of the Ohio Constitution; and

WHEREAS, Section 12.05 of the City's Charter further provides that Council shall appoint a Charter Review Commission (the "CRC") consisting of at least 15 qualified electors of the City at the first meeting of Council in December of 2002, and each 10 years thereafter, and the CRC shall submit a report and recommendations to Council on or before June 1<sup>st</sup> the following year setting forth any proposed Charter amendments it recommends; and

WHEREAS, the City made reasonable efforts to seek applicants to appoint 15 qualified electors of the City to the CRC in accordance with Section 12.05(b) of the City's Charter, but despite its efforts, only 4 qualified electors of the City applied for a position on the CRC; and

WHEREAS, City Council recognizes the importance of having its Charter thoroughly reviewed at least every 10 years by residents of the City for possible amendments and improvements; and

WHEREAS, since City Council has been unable to secure the requisite number of qualified electors to serve on a CRC, the City Manager recommends that Council authorize a Charter Advisory Committee (the "CAC"), which CAC shall consist of 7 qualified electors of the City appointed by City Council, to review the City's Charter and make a report and recommendations to City Council regarding any proposed amendments to the City's Charter; and

WHEREAS, upon City Council's receipt of the CAC's report and recommendations, City Council will review the report and recommendations and determine if any of the proposed Charter amendments should be presented to the City's electorate for consideration in accordance with Article XVIII, Sections 8 and 9 of the Ohio Constitution; and

WHEREAS, City Council intends to create a streamlined process, which process is set forth below, for Council members to appoint qualified electors of the City to serve on the City's CAC.

# RECORD OF RESOLUTIONS

Item D.

Resolution No. 2023-R-14

June 12, 2023

## **NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY RESOLVES:**

Section 1. City Council hereby creates a Charter Advisory Committee (the “CAC”) to review the City’s Charter and make a report and recommendations to Council as to any Charter amendments it proposes.

Section 2. The CAC shall be comprised of 7 qualified electors of the City of Bellbrook, who are not currently serving on Bellbrook City Council or any other boards and commissions of the City. Each Council member shall be responsible for nominating one qualified elector to serve on the CAC, subject to approval by a majority of City Council. No Council member shall unreasonably withhold his or her approval of a duly qualified elector nominated for appointment to the CAC. In the event that an elector nominated by a Council member declines the appointment or is otherwise unwilling or unable to serve on the CAC, the Council member who nominated that elector shall continue making nominations for the position until his or her nominee is approved by Council.

Section 3. After all appointments have been made by the CAC, the CAC shall conduct one or more meetings to review the City’s Charter and prepare its report and recommendations to Council regarding any proposed Charter amendments.

Section 4. After City Council receives the report and recommendations from the CAC, it may present the proposed Charter amendments to the City’s electorate for consideration in accordance with Article XVIII, Sections 8 and 9 of the Ohio Constitution

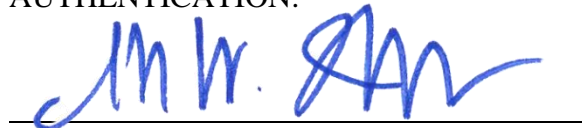
Section 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution shall take effect and be in full force from and after the date of its passage.

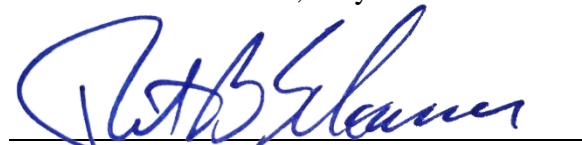
PASSED BY City Council this 12<sup>th</sup> day of June, 2023.

7 Yeas; 0 Nays.

AUTHENTICATION:



Michael W. Schweller, Mayor



Robert Schommer, Clerk of Council