

City of Bellbrook Notice to Residents



Proposed Changes to the Charter of the Municipality of Bellbrook as Recommended by the Charter Review Commission and Approved by City Council

On **November 5, 2013** the electors of the City of Bellbrook will be asked to vote on the following issue:

“Shall the Charter of the Municipality of Bellbrook, Ohio be amended by clarifying qualifications for City Council; changing notice requirements of special meetings to at least twenty-four (24) hours in advance; modifying or adding actions that are required to be taken via ordinance; clarifying and amending the procedure of publishing as used in the Charter; adding language for ordinances that can be adopted by reference; modifying the requirement for codification of Municipal ordinances and resolutions; clarifying the location of the Municipal Code; deleting requirement that departmental directors residing outside the City must be approved by Council; removing reference to the State Examiner; delete language regarding Central Purchasing; removing requirement that Board and Commission vacancies must be filled within 60 days that is handled elsewhere in the Charter; changing incorrect Section references; changing time to fill Board and Commission vacancies from 60 days to 90 days; added language to further clarify the City is not subject to Ohio civil service law; clarified budgetary language for consistency in allowing the spending of prior year accumulated balances; added Mayor as an official eligible to administer the Oath of Office; added language allowing the use of insurance coverage instead of a surety bond; changed date of Charter Review Commission report to Council from July 15th to June 1st; adding language for the procedure of publishing; deleted the Glossary as an Article of the Charter and changed it to an Appendix; made language changes to consistently refer to the City of Bellbrook; modifying certain other minor procedures and making minor changes in language?”

This ballot refers to the following proposed changes in the Municipal Charter. Language to be added is blue with underline and language to be deleted is ~~red with strikethrough~~.

ARTICLE IV COUNCIL

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.

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 ~~Municipal~~-employee of the City of Bellbrook during the term for which he or she was elected to Council.

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 ~~12-24~~ 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.

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 ~~this Charter~~the Municipal Code. It shall provide for keeping a Journal of its proceedings. This Journal shall be a public record.

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

(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 ~~at the time of his selection~~. 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.

ARTICLE V LEGISLATION

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 ~~or~~, 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 in this Charter.

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. ~~(As used in this Charter, the term "publish" means~~The procedure for publishing is to post the material in ~~the Winters Library 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 ~~(b) Broadcasting on cable television on the City's public announcement channel; or~~
- (~~d~~c) Distribution via ~~other~~ 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.

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.

Section 5.10. Authentication and Recording; Review; Codification; Reproduction:

(c) Codification: ~~Within three years after adoption of this Charter and at At~~ least every five years ~~thereafter~~, 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 ~~the local publica 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.

ARTICLE VII ADMINISTRATIVE DEPARTMENTS

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. ~~The Director need not be a resident of Bellbrook or the State of Ohio at the time of his or her appointment but may reside outside the Municipal Corporation of Bellbrook while in office only with the approval of a majority of Council.~~

Section 7.06. Department of Finance: The Director of Finance, ~~after consultation with the State Examiner~~, 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 ~~Municipal Corporation~~City of Bellbrook and shall perform other functions as may be assigned by the Administrative Code or by order of the Manager.

~~(a) Central Purchasing: The Department of Finance shall contract for, purchase, store and distribute all supplies, printing, materials, equipment and contractual services required by Bellbrook under procedures required by Council not inconsistent with Section 6.03(9). This Department may participate jointly with other governmental agencies as provided in Section 3.04.~~

~~(b) Competitive Bidding:~~ 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.

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. ~~Vacancies must be filled within 60 days by Council appointment.~~ 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.

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 ~~60-90~~ days by Council appointment.

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, ~~to be ascertained, so far as is practicable, by~~ which may include open competitive examination.

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 ~~given~~ 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.

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.

ARTICLE X FINANCIAL PROCEDURES

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.

Section 10.06. Council Action on Budget:

(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.

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.

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 ~~to furnish a bond~~ shall furnish 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.

Section 12.05. Amendments to the Charter:

(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 ~~July 15th~~ 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.

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.

ARTICLE XIV GLOSSARY – moved to Appendix 2

City of Bellbrook Proposed Charter Changes

City of Bellbrook
15 East Franklin Street
Bellbrook, OH 45305

PRSRT STD
US POSTAGE
PAID
DAYTON OH
PERMIT NO 41



City of Bellbrook
15 East Franklin Street
Bellbrook, Ohio 45305

Departments

Administration..... (937) 848-4666
Clerk of Council (937) 848-4666
Zoning..... (937) 848-8477
Police (937) 848-8484
Fire..... (937) 848-3272
Service (937) 848-8415
Utility Billing (937) 848-4638

www.cityofbellbrook.org

City of Bellbrook Proposed Charter Changes

Proposed Charter Changes Continued...

ARTICLE ~~XV~~-XIII LIMITATION OF TAXING POWER

Section 1513.01. Taxing Limitation: No tax in any amount shall be levied upon income without approval of the electors.

Section 1513.02. 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.

Section 1513.03. Effective Date: This Article shall be in effect on and after the date of its adoption by the electors.

In addition to the above noted changes, the Charter Review Commission made language changes to consistently refer to the City of Bellbrook; modified certain other minor procedures and made minor changes in language. The full version of the proposed amended Charter can be found on the City's website at www.cityofbellbrook.org.

City Council

The Bellbrook City Council would like to invite you to attend its regular meetings on the 2nd and 4th Mondays of each month. Meetings begin at 7:00 PM.

For more information about City Council, past meetings and current issues, call the Clerk of Council at (937) 848-4666 or visit the Council page on our website at www.cityofbellbrook.org

Council Members

Bob Baird, Mayor
Mike Schweller, Deputy Mayor
Denny Bennett
Jon Martin
Elaine Middlestetter
Joe Ritzel
Dona Seger-Lawson