

RECORD OF ORDINANCES

Ordinance No. 2020-11

November 23, 2020

CITY OF BELLBROOK, OHIO

ORDINANCE NO. 2020-11

AN ORDINANCE REPEALING OLD PART TWO, TITLE EIGHT “BOARDS, COMMISSIONS AND COMMITTEES” OF THE BELLBROOK MUNICIPAL CODE AND ENACTING A NEW PART TWO, TITLE EIGHT “BOARDS, COMMISSIONS AND COMMITTEES” OF THE BELLBROOK MUNICIPAL CODE.

WHEREAS, Section 8.01 of the Charter for the City of Bellbrook authorizes City Council to create, change and abolish Boards and Commissions not specifically established by Charter; and

WHEREAS, by prior legislation and in accordance with the Charter, City Council established the Park and Recreation Board, Youth Advisory/Action Board, the Bellbrook Tree Preservation Committee and the Records Commission; and

WHEREAS, the Park and Recreation Board, Youth Advisory/Action Board and the Bellbrook Tree Preservation Committee have all been inactive and unused for an extended period of time; and

WHEREAS, the Records Commission Board is still an active Board and maintains its utility to the City of Bellbrook; and

WHEREAS, the Bellbrook City Council wishes to abolish the Park and Recreation Board, Youth Advisory/Action Board and the Bellbrook Tree Preservation Committee due to their sustained inactive status and lack of use; and

WHEREAS, the City of Bellbrook will continue to have a Records Commission Board due to its active status and usefulness.

NOW, THEREFORE, THE CITY OF BELLBROOK HEREBY ORDAINS:

Section 1. The old Part Two “Administration Code”, Title Eight “Boards, Commissions and Committees” of the Bellbrook Municipal Code be and hereby is repealed.

Section 2. A new Part Two “Administration Code”, Title Eight “Boards, Commissions and Committees” of the Bellbrook Municipal Code be and hereby is enacted to be read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, with deletions shown by ~~striketrough~~ and additions shown by *italics* and underlined.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public,

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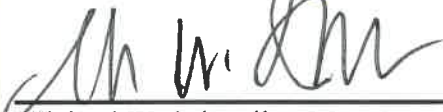
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in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this 23 day of November, 2020.



Michael W. Schweller, Mayor

ATTEST:



Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:

Stephen M. McHugh, Municipal Attorney

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EXHIBIT A

TITLE EIGHT - BOARDS, COMMISSIONS AND COMMITTEES

CHAPTER 260. – GUIDELINES FOR MEMBERS OF BOARDS, COMMISSIONS AND COMMITTEES

Section 260.01. – Authority.

Article VIII “Board and Commissions” of the Bellbrook City Charter gives City Council the authority to establish all terms, number of members, procedures for appointment and replacement of members, duties, and powers of Boards and Commissions which support and serve The City of Bellbrook.

Section 260.02. – Oversight

The Community Affairs Committee of Council will be designated as the recommending body to Council in establishing guidelines to be followed related to the appointment, expectations and removal, if necessary, of a member of a Board or Commission. The Community Affairs Committee of Council shall be the body which also recommends the appointment or removal of a member of a Board or Commission to Council based on the established guidelines. A motion shall be made by Council to approve the appointment or removal of any Board, Commission or Committee member.

Section 260.03. – Expectations of Board and Commission Members

Board, Commission and Committee members are appointed by and serve at the pleasure of City Council. During each member’s term, it is expected that members fulfill the duties bestowed on them by City Council. Members shall also comply with the laws of the nation, the State of Ohio, City Charter and the Ordinances of the City of Bellbrook.

Members shall make every effort to attend each meeting. Absences of more than three (3) unexcused absences in a calendar year will result in removal.

Members shall prepare themselves for public issues presented; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

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Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgement or action or give the appearance of being compromised.

Each member will conduct themselves in a professional manner while carrying out their prescribed duties. The use of offensive speech, personal attacks or insults by Board, Commission or Committee members is expressly prohibited.

Members shall represent the official policies or positions of the Board, Commission or Committee they represent to the best of their ability when designated as delegates for this purpose. When presenting an individual opinion and position, members shall explicitly state they do not represent their body or the City of Bellbrook, nor shall they allow the inference that they do.

Members shall assure fair and equal treatment of all persons, claims and transactions coming before them.

Section 260.04. – Reappointment

Reappointment to membership on a City Board, Commission or Committee will be considered by the Community Affairs Committee at the request of a City Board, Commission or Committee member near the expiration of the current term of office; there is no obligation to automatically make a reappointment. Vacancy notices will be posted on the City's website and announced during a City Council meeting near the expiration of a Board, Commission or Committee member's term of office to consider other applicants for an upcoming vacancy.

Section 260.05. – Removal of Board, Commission and Committee Members

Article VIII, Section 8.02 of the Bellbrook City Charter affords City Council the ability to remove any Board, Commission or Committee member. City Council shall bestow the oversight of this responsibility to the Community Affairs Committee to investigate any infraction related to section 260.03. The Community Affairs Committee shall ensure that all the rules and expectations of Board, Commission and Committee members set forth in Section 260.03 are enforced in a content and viewpoint neutral manner. Should removal of a Board, Commission or Committee member be deemed appropriate due to conduct or actions found to be in violation of section 260.03, the recommendation will be made to City Council who shall then determine the merit of the recommendation. The recommendation of the Community Affairs Committee shall be either approved or denied by way of motion.

~~• CHAPTER 264. – PARK AND RECREATION BOARD~~

~~• Sec. 264.01. – Establishment.~~

~~A Park and Recreation Board is hereby established.~~

~~(Ord. 72-8, passed 6-26-72)~~

~~• Sec. 264.02. – Composition; appointment; duties.~~

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~~(a) The Park and Recreation Board shall consist of five members, all of whom shall be residents of the City.~~

~~(b) These five members shall be appointed by Council for overlapping terms of five years, except that the members first selected shall be appointed for such terms that the term of one member expires annually thereafter.~~

~~(c) The Board shall draw its own rules, keep its own journal and make periodic reports to Council.~~

~~(Ord. 72-8, passed 6-26-72)~~

• ~~**Sec. 264.03. – Authority.**~~

~~(a) The Park and Recreation Board shall have the authority to recommend to Council suggested actions in obtaining new park areas, improving park equipment and facilities and establishing and maintaining a recreational program in and for the City.~~

~~(b) The Board shall have the right and duty to work jointly with civic and social organizations and other governmental jurisdictions and agencies in order to best meet its objectives.~~

~~(Ord. 72-8, passed 6-26-72)~~

• ~~**Sec. 264.04. – Interim authority.**~~

~~(a) In the event of three or more vacancies on the Park and Recreation Board, Council may, by resolution, designate other duly authorized public authorities to manage the Municipal parks, submit budgets for approval of Council and exercise the authority conferred upon the Board by [Section 264.03](#). Such authority shall continue only until such time as there are fewer than three vacancies on the Board.~~

~~(b) The City Manager shall be responsible for all park maintenance during any such interim period, unless such responsibility is reassigned by resolution of Council to some other duly authorized public authority.~~

~~(Ord. 84-1, passed 2-27-84)~~

• ~~**CHAPTER 268. – YOUTH ADVISORY/ACTION BOARD**~~

• ~~**Sec. 268.01. – Establishment.**~~

~~A Youth Advisory/Action Board is hereby established for the City.~~

~~(Ord. 73-19, passed 4-9-73)~~

• ~~**Sec. 268.02. – Membership; elections; selection; term of office.**~~

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~~(a)The Youth Advisory/Action Board shall consist of nine members, two elected from each of the eighth, ninth, tenth and eleventh scholastic grades at Bellbrook High School and one member selected at large.~~

~~(b)The High School representatives shall be chosen in a school class election to be sanctioned, and the results authenticated, by the Bellbrook High School principal. The election shall be held in May of each year at the same time as the regular election for school class officers. The in-office Board shall be responsible for accepting names of candidates for the election and for checking the qualifications of each in accordance with subsection (d) hereof. The in-office Board shall also be responsible for promoting and running the election and working with the principal's office in the tabulation of the ballots.~~

~~(c)The at large member shall be selected by Council from volunteers for the position or by special recommendation of the principal.~~

~~(d)Persons elected or selected to the Board must be residents of the City, not more than nineteen years of age, and must have at least a "C" average in their school work. Any member who does not maintain such standards for qualification shall be excused from the Board and the vacancy filled by Council selection.~~

~~(e)Members of the Board shall be chosen for one-year terms, but an individual may be a member for more than one year if properly elected or selected in subsequent years. The Board shall be sworn in and officially seated by Council at the first regular Council meeting after Labor Day each year and shall serve until the next succeeding Board is seated.~~

~~(Ord. 73-19, passed 4-9-73)~~

~~• Sec. 268.03. – Obligations; planning; reports.~~

~~The Youth Advisory/Action Board shall act as liaison between the youth and the officials of the City. The Board shall adopt its own rules of conduct, hold regular meetings and keep its own journal. The Board may arrange a schedule of functions, activities and programs in the pursuit of its goals, at all times subject to final approval of Council. It shall make periodic reports to Council as to the feelings of the young people in the City and shall make suggestions to Council for action that would be desired by the youth of the City.~~

~~(Ord. 73-19, passed 4-9-73)~~

~~• CHAPTER 276. – BELLBROOK TREE PRESERVATION COMMITTEE~~

~~• Sec. 276.01. – Establishment; composition; terms.~~

~~There is hereby established in and for the City a committee to be known as the Bellbrook Tree Preservation Committee, which shall consist of three members to be appointed by Council, such members to serve for four-year terms, provided, however, that two terms shall expire effective July 1, 1995, and one term shall expire effective July 1, 1997, as indicated by the action of Council in~~

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~~making the original appointments, and provided, further, that the Mayor and the City Manager shall be ex officio members without voting power and that the term of any City official or employee appointed to the Committee shall continue only so long as such person remains an official or employee of the City.~~

~~(Ord. 95-7, passed 5-8-95)~~

• ~~**Sec. 276.02. - Compensation.**~~

~~The members of the Bellbrook Tree Preservation Committee shall be honorary and such members shall serve without compensation, other than their regular City salary or wages, should any City official or employee be appointed to the Committee.~~

~~(Ord. 93-4, passed 3-22-93)~~

• ~~**Sec. 276.03. - Chairperson; rules of procedure; meetings.**~~

~~The Bellbrook Tree Preservation Committee shall organize by annually electing a Chairperson from its membership, shall adopt its rules of procedure and shall hold such meetings, either regular or special, as it may deem necessary to carry out its work. However, the first Chairperson to serve under the terms of this appointment shall be appointed by Council. Thereafter, his or her appointment shall be in accordance with the provisions of this section.~~

~~(Ord. 93-4, passed 3-22-93)~~

• ~~**Sec. 276.04. - Duties.**~~

~~It shall be the duty of the Bellbrook Tree Preservation Committee to promote and educate an environmental awareness; to instill a civic pride in the City; to collect, study and evaluate information on community beautification and make recommendations thereon; and to otherwise promote the public interest in the general improvement of the appearance of the City.~~

~~(Ord. 93-4, passed 3-22-93)~~

• **CHAPTER 278. - RECORDS COMMISSION**

• **Sec. 278.01. - Members; meetings; duties.**

(a) The City Records Commission, established by ORC 149.39, will be made up of the following officials: the chief executive or his or her appointed representative, as Chairperson, the chief fiscal officer, the chief legal officer and a citizen appointed by the chief executive. The term of the appointed citizen shall be for two years.

(b) The Commission shall appoint a Secretary, who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission.

(c) The Commission may employ an archivist to serve under its direction.

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(d)The Commission shall meet at least once every six months.

(e)The functions of the Commission shall be to provide rules for the retention and disposal of records of the City and to review applications for one-time records disposal and schedules of records retention and disposition submitted by Municipal offices. Records may be disposed of by the Commission pursuant to the procedure outlined in ORC 149.39.

(Ord. 97-9, passed 6-23-97)