

Sec. 220.01. - Rules of Council.

- (a) *Rule I—General provisions.* No provision or section of these Rules which conflicts with or restricts those rights provided by the Constitution of the United States, the Constitution of the State, the general law or the City Charter shall have any force or effect.
- (b) *Rule II—Meetings.*
- (1) *Regular meetings.* Meetings will be held on the second and fourth Monday of each month at 7:00 p.m., or as otherwise agreed upon by a majority of Council, and recessed or adjourned at approximately 10:30 p.m. Whenever the date of a regular meeting falls on a legal holiday, Council may, by majority vote, change the day and hour.
 - (2) *Special meetings.* See Charter Section 4.08.
 - (3) *Closed sessions.* See Charter Section 4.08.
- (c) *Rule III—The Chair; powers and duties.*
- (1) *Call to order; roll call; agenda; minutes.* The Mayor shall take the Chair at the hour appointed for Council to meet and shall immediately call Council to order. The roll call shall then be taken by the Clerk. The agenda for each meeting, which is prepared by the Mayor, may, by a majority vote of Council, be amended. The Clerk shall not be required to read the minutes during the meeting unless a motion is made to direct him or her to do so. Council shall be polled for any addition and/or correction.
 - (2) *Temporary Chairperson.* In the absence of the Mayor, the Deputy Mayor shall preside and shall have the same power to vote as other Council members. In the absence of both the Mayor and the Deputy Mayor, the senior Council member shall preside as if Deputy Mayor. If two or more members have equal Council seniority, the oldest member shall preside.
 - (3) *Conduct of meetings.* The Chair shall preserve decorum and conduct the meetings according to Rule V of these Rules. The meetings shall be conducted under Robert's Rules of Order, except when such Rules conflict with the Charter or these Rules of Council.
 - (4) *Appeals from decisions of the Chair.* If any member transgresses any of these rules of Council, the Chair shall, or any member may, call him or her to order and, in the latter instance, the Chair shall render a decision as to the point of order. In the case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand and be the decision of Council?" The ruling of the Chair shall be sustained unless overruled by a majority vote of the members of Council present. Should the Chair transgress any of these rules of Council, a point-of-order call shall be made by any member of Council. If the point of order is not resolved in the ensuing discussion, a majority vote of members of Council present shall decide the issue.
 - (5) *Votes.* The Clerk shall call the roll at all times. The order of the vote shall be taken in an order as predetermined by a majority vote of City Council, with the Mayor voting last. The Clerk shall announce the number of votes on each side. It shall not be in order for members to explain their votes while a vote is being taken.
- (d) *Rule IV—Members; duties and privileges.*
- (1) *Addressing the Chair.* Any member about to speak on a question or make a motion shall address the Chair as Mr. Mayor or Ms. Mayor, or as Mr. Chairperson or Ms. Chairperson if a member other

than the Mayor is presiding. In response, the Chair shall pronounce the name of the member entitled to the floor.

Any member of the audience desiring to address Council shall be recognized by the Chair, shall state his or her name and address in an audible tone for the record and shall limit his or her remarks to the question under discussion.

(2) *Limitation of debate.* Members addressing Council shall confine themselves to the question under discussion and avoid personalities. No member shall be allowed to speak more than once upon any subject until every member choosing to speak has had an opportunity to be heard for a time not longer than five minutes, without leave of Council upon a majority vote. Additional comments shall include only new information. Material previously expressed shall not be rediscussed. This paragraph shall pertain to both the audience and members of Council.

(3) *Voting.* See subsection (c)(5) hereof and Charter Subsection 4.08(c).

(e) *Rule V—Order of business.* The order of business of Council shall be as follows:

- (1) Call to order;
- (2) Pledge of Allegiance to the Flag;
- (3) Roll call;
 - A. A motion to excuse absentees for reason;
- (4) Minutes of previous meetings;
 - A. Approval of previous minutes;
- (5) Special guests;
 - A. Announcements;
- (6) Public hearings on proposed ordinances;
- (7) Board reports;
- (8) Introduction of ordinances;
- (9) Adoption of resolutions;
- (10) Reference of legislative proposals to committees;
- (11) City Manager's report;
- (12) Committee reports:
 - A. Safety;
 - B. Finance and governmental affairs;
 - C. Service;
 - D. Community affairs;
- (13) Bids;
- (14) Unfinished business;
- (15) New business;
- (16) General floor discussion;
- (17) Dates of future committee meetings; and
- (18) Adjournment.

(f) *Rule VI—Committees.*

- (1) *Standing committees.* The standing committees are Finance/Audit, Safety, Service, and Community Affairs. Other necessary committees are hereby authorized. Appointment of all committee members shall be made by vote of Council at a regular or special meeting.
- (2) *Committee of the whole.* The Mayor shall preside when Council resolves itself into the Committee of the Whole.
- (3) *Meetings.* Committees shall meet on call of the Chairperson. All meetings shall be open to the public to the same extent as meetings of the entire Council when dealing with matters of the same general type of subject matter. The Clerk shall publish a schedule of meetings by the fifth day of each month. Such schedule shall include all meetings scheduled for the month as of that day.
- (4) *Quorum.* A majority of members of a committee shall constitute a quorum.
- (5) *Temporary Chairperson.* In the absence of the Chairperson, the member named next shall act as temporary Chairperson.
- (6) *Reports.* Reports of committees shall be agreed to by a majority thereof. All documents referred shall be returned to Council with the report of the committee. Upon motion, and by a majority vote, Council may relieve a committee of further consideration of any question and order the question to be placed on the agenda. When any matter is referred to a committee with instruction to report at a time named in the order of reference, failure to report at such time shall be considered as a report without recommendation, unless the time for report is extended by Council. If no such extension is granted, the committee shall immediately return to the Clerk the documents pertaining thereto, and the matter shall take its appropriate place on the agenda.

(g) *Rule VII—Ordinances and resolutions.* (See Article V of the Charter.)

- (1) *Pre-introduction of ordinances and resolutions.*
 - A. An exact copy of an ordinance which has been approved as to form, or a resolution to be introduced, shall be delivered to the Clerk of Council not later than 8:00 p.m. on the Thursday before the regular Monday Council meeting. In the case of a special Council meeting, the ordinance or resolution shall be delivered to the Clerk of Council not less than 48 hours before the special meeting.
 - B. Emergency ordinances shall be held exempt from the 48-hour time requirement if the subject of the emergency ordinance is the reason for calling the special Council meeting. However, emergency ordinances to be introduced at a regular Council meeting shall be subject to the 48-hour time requirement.
 - C. The Clerk of Council shall notify each member of Council not later than 24 hours prior to the Council meeting and make a copy of the ordinance or resolution available as of that time.
- (2) *Passage of resolutions.* Resolutions shall be read in their entirety before Council unless such reading is waived by a majority of Council, in which case a synopsis will be presented and, after a properly seconded motion to accept and after discussion, voted upon. (See Sec. 220.01(h) Rule VIII-Motions.)
- (3) *Introduction of proposed ordinances.* Ordinances may be introduced by a reading of the title and a synopsis of the proposed ordinance. Six copies of all ordinances being introduced shall be made available in their entirety for perusal by the public during the meeting. The Chair shall require their

return to the Clerk at the close of the meeting for re-use at the hearing. An ordinance shall be accepted for introduction after a majority vote on a properly seconded motion to accept for introduction and discussion. (See Sec. 220.01(h) Rule VIII-Motions.) After acceptance, the Chair shall establish a date for the public hearing.

- (4) *Public hearing on proposed ordinances.* Six copies of the proposed ordinance shall be made available in their entirety for perusal by the public during the hearing. After the opening of the hearing, the title and a synopsis shall be read. The Chair shall then call for questions of clarification of the proposed ordinance. Comments for the proposed ordinance and then comments opposed to the proposed ordinance, from the general public, shall be heard. Comments from Council shall be heard next. After Council comments, a motion for, against, or to take up the matter again at a future specified date, shall be in order. A seconded motion shall be voted upon as specified in Sec. 220.01(h)(5) Rule III and the Charter. The procedure described in this subsection shall apply to both regular and emergency ordinances.
- (5) *Emergency ordinances.* Emergency ordinances shall be accepted as described in subsection (g)(4) hereof.
- (h) *Rule VIII—Motions.* When a motion is made, it shall be restated by the Clerk before voting and shall be listed in the minutes of the Council. A motion shall not be withdrawn by the movant without the consent of Council if it has been seconded. Unless otherwise required by law, a motion shall be deemed passed if it receives the affirmative vote of a majority of the members present. Upon the Mayor's ordering of the roll call vote, it is the duty of every member who has an opinion on the question to express it by his or her vote, but he or she cannot be compelled to do so by any rule and may, therefore, abstain from voting.
- (i) *Rule IX—Legislative proposals.* The Clerk shall keep a docket of legislative proposals referred to each of the standing committees. If Council is unable to agree upon the committee to which any particular legislative proposal should be referred, then the reference may be made by the Chair. References to committees shall be made only at regular or special Council meetings and a synopsis of the measure shall be read at the time of reference.
- (j) *Rule X—Miscellaneous.*
- (1) *Amending Council rules.* These rules may be amended or altered, or new rules may be adopted, by resolution, after review by the Governmental Affairs Committee and the Municipal Attorney.
- (2) *Enforcement of Council rules.* Any action taken by Council which is not in accordance with the Rules of Council shall be voided if a written protest is filed with the Clerk by any Council member within three days of the infraction. Such protest shall state the section(s) and paragraph(s) violated. The matter in question shall then be made the subject of a special meeting to be held not more than seven days after the date the protest was filed.
- (3) *Quorum.* A majority of all members elected to Council shall constitute a quorum. If a quorum is not present, the Chair may instruct the Sergeant-at-Arms to escort any unexcused member(s) in the City to the meeting.
- (4) *Election of the Deputy-Mayor.* No person shall be considered a candidate for the office of Deputy-Mayor until he or she has been nominated by a member and a secret ballot has been taken. No person shall be declared elected unless he or she receives a majority vote of Council. The Clerk and

the Mayor shall count the votes in the presence of Council. After the Mayor announces the winner, the ballots shall be destroyed. No entry of votes shall be entered into the minutes. Only the name of the winning candidate shall be so entered. If no one member receives a majority vote, a second ballot shall be taken, the candidates being limited to the two receiving the most votes on the first ballot.

- (5) *Municipal Attorney.* The Municipal Attorney shall, when requested by the Mayor or a member of Council, give a verbal opinion on any question of law concerning Bellbrook Municipal affairs in open Council. If he or she deems the matter of greater importance, he or she may take a reasonable time to submit his or her opinion in writing. He or she shall be required to frame all ordinances into proper legal form. He or she shall not be required to draw any resolution, except upon a majority vote of Council.
- (6) *Sergeant-at-Arms.* The Police Chief or his or her duly appointed representative, when requested, may be called upon to maintain order at the discretion of the Chair.
- (7) *Return of documents.* Upon expiration of a Council member's term of office, he or she shall submit to the Clerk of Council the following documents, if he or she is not re-elected:
 - a. The Zoning Code;
 - b. The Comprehensive Plan;
 - c. The Municipal Code; and
 - d. Other City property.
- (8) *Temporary modification.* Council may temporarily modify these rules at any time by a majority vote of Council.
- (9) *Motions to table.* Motions to table, after being seconded, may be debated by members of Council. Each member shall be afforded the opportunity to speak and the Chair shall strictly limit such discussion to three minutes for each member.

After Council discussion, members from the audience may address the Chair, but must contain their comments to a three-minute time limit.

Discussion shall be limited to the question to table.

(Res. 77-M, passed 10-10-77; Res. 78-J, passed 3-13-78; Res. 80-T, passed 8-25-80; Res. 97-L, passed 10-13-97; Res. 2003-G, passed 3-17-03; Res. 80-4, passed 8-25-80; Ord. No. 2019-9, § 1, 4-22-2019)

Sec. 220.02. - Removal of Council members.

- (a) *Grounds for removal.* Council may remove any member of Council from office, including the Mayor, for any of the following reasons:
 - (1) Loss of status as a qualified elector of the City;
 - (2) An intentional violation of any express prohibition of the City Charter;
 - (3) Conviction of a felony;
 - (4) Failure to attend three consecutive regular meetings of Council without being excused by Council;

or

 - (5) Medical disability adversely affecting the operation of the Municipal government.

- (b) *Institution of proceedings.* Removal proceedings may be instituted under this section by adoption of a resolution at a regular meeting of Council. Such resolution shall state the name of the person against whom the proceedings are instituted, enumerate one or more of the grounds set forth in subsection (a) hereof as the basis for the institution of such proceedings and set a date for a hearing on such charges, which date shall be not less than 30 days nor more than 60 days from the date of such resolution. The hearing date shall be provisional only and such hearing shall be held unless the accused files a written request therefor or cannot be found for service of notice.
- (c) *Investigation.* Upon adoption of a resolution instituting removal proceedings, the Municipal Attorney shall investigate all alleged grounds for removal and shall prepare a written report thereon. The report shall include the names of all witnesses available to testify at the removal hearing and shall set forth the matters which the Municipal Attorney expects to prove. The Municipal Attorney shall provide copies of his or her report to the Clerk of Council and to all members of Council, including the accused, at least seven days prior to the date of the hearing.
- (d) *Publication.* The Clerk shall publish notice of the hearing in one or more newspapers of general circulation in the City at least 15 days in advance of such hearing.
- (e) *Presiding Officer.* The Mayor shall be the Presiding Officer in all removal proceedings under this section, except in cases wherein the Mayor is the accused. In such cases, the Deputy-Mayor shall be the Presiding Officer. The Presiding Officer shall have authority to issue subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before him or her for appearance or use in connection with any investigation under subsection (c) hereof, or for appearance or use at any hearing held in accordance with subsection (f) hereof.
- (f) *Conduct of hearing.* The Presiding Officer shall preside at hearings held pursuant to this chapter and shall administer all oaths, rule on the admissibility of evidence, set the order for the hearing and maintain order throughout. The Municipal Attorney shall act as prosecutor and shall conduct the examination of all witnesses against the accused. The accused may be represented by counsel, may cross-examine all witnesses and may present witnesses of his or her own. The accused may also give his or her own sworn or unsworn statement. No formal rules of evidence need be followed and the ruling of the Presiding Officer shall be final, unless overruled by a majority of Council members constituting the hearing panel. No person shall refuse to obey a lawful order of the Presiding Officer given during the course of the hearing.
- (g) *Witnesses; compensation.* Witnesses who are compelled to give testimony at a hearing under this section shall be entitled to the same privileges, immunities and compensation as are allowed witnesses in civil cases before the courts. Costs of the proceeding shall be payable from the general fund of the City.
- (h) *Deliberation of panel.* At the conclusion of the evidence, the Council members who are conducting the hearing shall meet in closed session for a discussion of the merits of the case, both for and against the accused. Following such session the panel shall be reconvened and shall sit in session as a special meeting of Council for the purpose of introducing and acting upon a resolution of removal, which shall be prepared by the Municipal Attorney. No such resolution shall be adopted except upon the concurring vote of five members of the panel.
- (i) *Adoption of resolution of removal.* The accused member shall be removed from office immediately upon the adoption of the resolution of removal, and a vacancy shall then be deemed to have occurred. If the resolution fails, then the accused shall take his or her seat in the special meeting convened under subsection (h) hereof.

- (j) *Citations against witnesses.* Upon completion of its action on the resolution, Council shall consider citations against witnesses for failure to appear or failure to give testimony or produce records, as ordered by the Presiding Officer pursuant to subsections (e) and (f) hereof. By an affirmative vote of five members of Council, a witness may be declared in contempt of Council and his or her case shall be referred to the Municipal Attorney for appropriate action before the proper court.
- (k) *Disability.* No member of Council shall be removed from office upon grounds of medical disability, except upon competent medical testimony given either at the removal hearing or by deposition at which the accused has an opportunity to be represented and to cross-examine the witness.
- (l) *Excused absences.* If the minutes of a regular Council meeting, as approved by Council, show that an absence of a Council member was excused by Council, then such excuse may not thereafter be revoked and such absence may not be used in any manner as grounds for removal from office. A previously nonexcused absence may be excused by the hearing panel or by Council in a regular or special session at any time before the adoption of a resolution of removal.
- (m) *Demand for hearing.* If the accused Council member desires a removal hearing as prescribed in subsection (f) hereof, then he or she shall file a written request therefor with the Clerk of Council. Such request shall have no effect unless filed within three days of the date when the accused receives actual notice of the passage of the resolution prescribed in subsection (b) hereof. At the time of passage of such resolution, the Clerk of Council shall make a record entry of the presence or absence of the accused. If the accused is not present at the time of passage of the resolution, then the Clerk of Council shall certify a copy of the resolution for personal service upon the accused by an officer of the Division of Police. Council need not hold the prescribed removal hearing if the accused receives actual notice of the passage of the resolution initiating removal proceedings and fails to make a timely filing of the demand prescribed by this subsection. In such a case, Council may adopt a resolution of removal at any regular or special meeting upon the affirmative vote of five Council members.
- (n) *Records.* The Clerk of Council shall make a verbatim record of all hearings held pursuant to this section.

(Ord. 78-40, passed 10-9-78)

Sec. 220.99. - Penalty.

Whoever violates or fails to comply with subsection 220.02(f) or (j) is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).

(Ord. 78-40, passed 10-9-78)