

CITY OF BEDFORD, OHIO

ORDINANCE NO. 031-23

AN ORDINANCE AMENDING **CHAPTER 123 TITLED “RULES OF COUNCIL”** OF THE CODIFIED ORDINANCES OF THE CITY OF BEDFORD ADMINISTRATIVE CODE AND DECLARING AN EMERGENCY

WHEREAS, Council of the City of Bedford desires to update and amend the Rules of Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bedford, County of Cuyahoga, and the State of Ohio:

Section 1. That City Council hereby Amends **Chapter 123 Titled “Rules of Council,”** of the Administrative Code to read as follows **effective the First Council Meeting in September 2023:**

**CHAPTER 123  
Rules of Council**

- |   |                                       |
|---|---------------------------------------|
| <b>123.01 Organization; procedure.</b>        | <b>123.11 Exceptions.</b>             |
| <b>123.02 Quorum.</b>                         | <b>123.12 Repeals and amendments.</b> |
| <b>123.03 Voting.</b>                         | <b>123.13 Revivor.</b>                |
| <b>123.04 Removal.</b>                        | <b>123.14 Signatures.</b>             |
| <b>123.05 Vacancies.</b>                      | <b>123.15 Clerk of Council.</b>       |
| <b>123.06 Resignations.</b>                   | <b>123.16 Committees.</b>             |
| <b>123.07 Meetings to be public.</b>          | <b>123.17 Order of business.</b>      |
| <b>123.08 Regular and adjourned meetings.</b> | <b>123.18 Robert’s Rules.</b>         |
| <b>123.09 Special meetings.</b>               | <b>123.19 Amendment to rules.</b>     |
| <b>123.10 Legislation.</b>                    | <b>123.20 Dispensation of rules.</b>  |
|   | <b>123.21 Conflict of interest</b>    |

CROSS REFERENCES

Council - see CHTR. Art. II

Initiative, referendum and recall - see CHTR. Art. VI

Clerk of Council - see ADM. 121.01

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**123.01 ORGANIZATION; PROCEDURE.**

At 8:00 p.m. on January 2 following each Municipal election, unless the second is a Sunday or a holiday, on the following day, Council shall meet at City Hall and organize and elect one (1) of its members as Vice Mayor, who shall serve for a period of two years (2 yrs.) thereafter. If Five (5) Members agree, the Meeting may commence at 7:00 p.m. The Mayor shall preside at all meetings of Council and shall have a voice and vote in all its proceedings, but no veto. He shall preserve order and decorum, prevent personal reflection and confine members in debate to the question. He may, in common with any other member, call any member to order who shall violate any of the rules and shall, when in the chair, decide all questions of order subject to the appeal of Council on demand of two (2) members. On such appeal there shall be no debate, but each member making the appeal may briefly state his reason for the same and the presiding officer shall have the same right to a similar brief statement. In the absence of the Mayor, the Vice Mayor shall discharge the duties and be clothed with all the powers of the Mayor. In the absence of both the Mayor and the Vice Mayor, the Councilmen present may choose one (1) of their members as Mayor pro tempore, who, during such absence, shall discharge the duties and be clothed with all the powers of the Mayor.

(Ord. 2703-63. Passed 10-7-63)

**123.02 QUORUM.**

Four (4) members shall constitute a quorum to do business and a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Should any member of Council be absent from as many as four (4) consecutive regular meetings, he shall thereby forfeit his seat in Council, unless such absence is authorized and excused by Council.

(Ord. 1-32. Passed 1-2-32)

**123.03 VOTING.**

Every member shall vote on any question on the call of the ayes and nays unless excused by the unanimous consent of the other members present, and any member not being so excused who fails or refuses to vote on any question when the ayes and nays are being taken shall be counted as voting in the affirmative.

(Ord. 1-32. Passed 1-2-32)

**123.04 REMOVAL.**

Council shall be the judge of the election and qualifications of its own members. It may expel any member for gross misconduct or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude while in office, violation of the Charter or persistent failure to abide by the rules of Council. However, such expulsion shall not take

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place without the concurrence of five (5) members nor until the accused member shall have been notified of the charge against him and given an opportunity to be heard.  
(Ord. 1-32. Passed 1-2-32)

**123.05 VACANCIES.**

Any vacancy in Council, except as otherwise provided by Charter, shall be filled by appointment by the remaining members of Council pursuant to the terms of the Charter. ~~Such appointee shall hold office until the next regular Municipal election taking place more than sixty (60) days after such vacancy occurs. However, the term of a member shall not be lengthened by his resignation and subsequent appointment. At such next regular Municipal election there shall be chosen, in the manner provided in the Charter, a person to fill the unexpired term caused by such vacancy. The person chosen at such election shall immediately, upon his qualification, succeed such appointee and shall serve during the remainder of the unexpired term.~~  
(Ord. 1-32. Passed 1-2-32)

**123.06 RESIGNATIONS.**

The resignation of a member of Council shall not take effect until the same has been accepted by vote of the majority of the members, exclusive of the person tendering the resignation.  
(Ord. 1-32. Passed 1-2-32)

**123.07 MEETINGS TO BE PUBLIC.**

All meetings of Council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.  
(Ord. 1-32. Passed 1-2-32)

**123.08 REGULAR AND ADJOURNED MEETINGS.**

Regular meetings of Council shall be held in the City Hall on the first (1st) and third (3rd) Mondays of each month at ~~8:00 p.m.~~ 7:00 p.m., except that when any such Monday is a legal holiday Council shall meet in regular session on the following day at 7:00 p.m..

By resolution concurred in by all members present, any regular meeting may be adjourned to any later date prior to the date of the next regular meeting, which adjourned meeting shall be considered a regular meeting. Any absentee shall be notified personally by telephone or by written notice served personally or at his regular place of residence at least twenty-four hours (24 hrs.) prior to the date and hour of the adjourned meeting.  
(Ord. 1475-55. Passed 2-21-55)

**123.09 SPECIAL MEETINGS.**

A special meeting of Council may be called by the Mayor or by any two (2) members thereof, or by the City Manager, upon at least forty-eight hours (48 hrs.) personal telephone notice, ~~or~~ by written notice served personally upon each member or left at his usual place of residence, by email or by text message, unless waived by five (5) members of Council. Such notice shall state the subjects to be considered at the meeting; no other subject shall be considered therein. Said Meeting may be set at anytime convenient to Council as the Mayor shall determine.

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Special meetings may be called by a majority vote by a resolution passed at any regular meeting, and an absentee at such regular meeting shall be notified thereof as hereinbefore provided.  
(Ord. 1-32. Passed 1-2-32)

**123.10 LEGISLATION.**

Council shall act by ordinance, resolution or motion duly adopted at a regular or special meeting, and shall require for its passage or adoption the concurrence of at least four (4) members of Council. The vote upon its passage or adoption shall be taken by ayes and nays and entered on the Journal.

Where, by the affirmative vote of six (6) of the members elected to Council, a motion is passed to suspend the rules requiring that an ordinance or resolution be read on three (3) different days, such ordinance or resolution shall be read on one (1) day only, except in the case of zoning ordinances requiring mandatory referral to the Planning Commission pursuant to Section 1921.01 herein. Following the reading thereof, such ordinance or resolution shall require for its passage or adoption the concurrence of at least four (4) members of Council, and the vote upon its passage or adoption shall be taken by ayes and nays and entered on the journal. The ordinance or resolution so passed or adopted in the manner hereinbefore described shall become effective thirty (30) days following the date of passage or adoption.

An ordinance or resolution which shall contain an emergency provision, stating therein the reason for the emergency, shall require a suspension of the rules in the manner and form hereinbefore stated on first and second readings and shall further require for its passage or adoption the concurrence of at least five (5) members of Council. The vote upon its passage or adoption shall be taken by ayes and nays and entered on the journal. The ordinance or resolution shall, upon passage, become effective immediately.

Ordinances or resolutions which require the reading thereof on three (3) different days shall, on the first reading, be read in their entirety or by heading an explanation of the Law Director where such legislation is of unusual length and without the request of Council for reading in its entirety. The second and third readings thereof may be restricted to the reading of the ordinances or resolutions by title only, unless at least two (2) members of Council request a complete reading thereof.

(Ord. 5641-86. Passed 5-19-86)

**123.11 EXCEPTIONS.**

When any law of the State, if applicable, or any provision of the Charter, if applicable, or any provision of an ordinance hereafter passed, if applicable, requires the concurrence of more than the majority of the members of Council in order to legally adopt an ordinance or resolution, the law of the State, the provision of the Charter or the provision of such subsequent ordinances shall govern.

(Ord. 1-32. Passed 1-2-32)

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**123.12 REPEALS AND AMENDMENTS.**

Whenever an ordinance or resolution is repealed or amended, such repeal or amendment shall in no manner affect pending actions, prosecutions or proceedings, civil or criminal. When the repeal or amendment relates to the remedy, it shall not affect pending actions, prosecutions or proceedings, unless so expressed, nor shall any repeal or amendment affect causes of such action, prosecution or proceeding existing at the time of such amendment or repeal, unless otherwise expressly provided in the amending or repealing act.

(Ord. 640-44. Passed 4-6-44)

**123.13 REVIVOR.**

No ordinance or resolution or section thereof shall be revived or amended unless the new ordinance or resolution contains the entire ordinance, resolution, section or sections to be revived or amended and the ordinance, resolution, section or sections so amended shall be repealed.

(Ord. 1-32. Passed 1-2-32)

**123.14 SIGNATURES.**

Any ordinance or resolution passed by Council shall be signed by the Mayor, or other presiding officer, ~~and~~ by the Clerk and by the Law Director.

(Ord. 1-32. Passed 1-2-32)

**123.15 CLERK OF COUNCIL.**

The Clerk of Council shall keep its record and perform such other duties as may be required by ordinance or resolution.

(Ord. 1-32. Passed 1-2-32)

**123.16 COMMITTEES.**

At the organization meeting, the Mayor may appoint the following standing committees, each consisting of not less than three (3) members. The first-named member shall be Chairman thereof.

Finance Committee

Legislative Committee

Safety and Public Welfare Committee

Public Relations Committee

Street and Sidewalk/Water and Sewer Committee

Domestic and Commercial Waste Committee

Recreation Committee

Cable Television Committee.

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The Mayor may appoint such other committees as he/she deems appropriate. The Mayor may choose not to establish said committees and discuss matters as a Committee of the Whole.

(Ord. 5641-86. Passed 5-19-86)

**123.17 ORDER OF BUSINESS.**

1. ~~Roll call.~~ Call to Order.
2. ~~Disposal of journal or minutes.~~ Pledge of Allegiance.
3. ~~Unfinished business.~~ Roll call.
4. ~~Consideration of ordinances and resolutions.~~ Disposal of journal or minutes.
5. ~~Reports and communications of City Manager, Director of Finance and Director of Law.~~ Presentations.
6. ~~Reports from standing committees.~~ Unfinished business.
7. ~~Reports from special committees.~~ Reports and communications of City Manager, Director of Finance and Director of Law.
8. ~~Personal communications from citizens.~~ Consideration of ordinances and resolutions.
9. ~~Miscellaneous business.~~ Personal communications from citizens.
10. Adjournment.

(Ord. 2703-63, passed-10-7-63)

**123.18 ROBERT'S RULES.**

In the absence of any rule upon the manner of business, Council shall be governed by the latest edition of Robert's Parliamentary Law, 1951 Edition, or as such work may be hereafter revised and published.

(Ord. 2176-60. Passed 3-7-60)

**123.19 AMENDMENT TO RULES.**

These rules may be repealed, amended or altered or new rules adopted by a vote concurred in by five (5) members of Council on the report of a committee to which the subject has been referred at a previous meeting.

(Ord. 1-32. Passed 1-2-32)

**123.20 DISPENSATION OF RULES.**

These rules or any of them may be temporarily suspended at any meeting of Council by a concurrent vote of five (5) members.

(Ord. 1-32. Passed 1-2-32)

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**123.21 CONFLICT OF INTEREST.**

No member of Council, nor the City Manager, nor any other officer or employee of the Municipality, shall be directly or indirectly interested in any contract, job, work or service with or for the Municipality; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the Municipality: and contract with the Municipality in which any declared Council. or officer or employee is or becomes interested may be void by Council. Nor shall the Mayor or members of Council, or directors of departments, during their terms of office, nor any other employee of the Municipality, during his employment by the Municipality, practice law or give legal advice or be associated with another in the practice of law in any manner, matter or controversy in which the Municipality is or may become a party, except on behalf of the Municipality as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any such officer or employee found guilty thereof under the terms of the Charter or under the provisions of the general law shall forthwith forfeit his office, and the office shall be filled in accordance with the provisions of the Charter as to vacancies.

All complaints of conflict of interest shall be made in writing in affidavit form and delivered to either the City Manager or the Clerk of Council. If a person so accused is an employee of the City, the City Manager shall cause a copy of the complaint to be served upon the accused and a copy to the Civil Service Commission. The City Manager shall investigate the truth of the charges and take such disciplinary action as the case may require. If the accused is an elected or appointed official of the City, the City Manager or Clerk of Council shall cause facsimile copies of the complaint to be distributed to members of Council and to the Law Director, with a copy to the accused. Council shall, within thirty (30) days, conduct a preliminary hearing, in private, to determine whether there exists a probable cause to believe that the charges against the accused are true. If Council, by a three-fourths (3/4) margin, shall decide that there exists probable cause to believe the charges are true and are supported by reasonable and credible evidence, after giving the accused a full opportunity to be heard in reply, shall take such action as the law permits, depending upon the circumstances of the case, to enforce the Charter and ordinances of the City and the laws of the State of Ohio relating to conflict of interest. Council shall, at the next regular Council meeting following such affirmative vote finding the probability of conflict of interest, make such notation, recommendation, resolution or ordinances as they shall desire at the Council meeting and have the same recorded upon the minutes. If Council shall not find the probability of a conflict of interest by such vote, then the accusation shall not be made public. During the pendency of such proceedings and unless and until the matter be recorded upon the minutes of Council during a regular meeting, no person shall cause to be made public any of the charges, replies or information obtained for or against the accused nor shall they invade the privacy of the accused pending a full and final determination by Council, except as otherwise provided by State law.

The willful and intentional violation of this section is hereby declared to be unlawful and upon conviction, the accused shall be found guilty of a misdemeanor. Nothing herein

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contained shall prevent the accused from being prosecuted under any other provision of State law.

(Ord. 5641-86. Passed 5-19-86)

Section 2. The remaining provisions of Chapter 123 not herein modified shall remain in full force and effect.

Section 3. It is 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 all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure immediately necessary for the public peace, health, safety, and welfare and for the further reason that Council desires to immediately implement said changes in the Administrative Code.

WHEREFORE, this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

1<sup>st</sup> Rdg.: 4/17/23

2<sup>nd</sup> Rdg.: 5/1/23

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Stanley C. Koci, Mayor-President of Council

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Tracy M. Simons, Clerk of Council

Prepared and approved as to legal content by: \_\_\_\_\_

John J. Montello, Law Director

PASSED: May 15, 2023