

**BEACHWOOD CITY COUNCIL
LEGAL AND PERSONNEL COMMITTEE MEETING AGENDA
MONDAY, NOVEMBER 9, 2020, 7:15 PM**

*Please note, this meeting will be held by video conference via Zoom and
livestreamed on the City of Beachwood website at www.beachwoodohio.com and can be viewed on Spectrum Channel 1020
and AT&T U-Verse Channel 99.*

*This Legal and Personnel Committee Meeting has been duly noticed and is being held in accordance
with Ohio Revised Code Section 121.22 specific to recent Amendments made in light of the
current COVID-19 declared emergency.*

Eric Synenberg
Justin Berns
Barbara Bellin Janovitz
James Pasch

Agenda Items

1. Mayor's Report
2. Executive Session discussion and update regarding Pending Litigation
3. Discussion regarding Council Rules
4. Discussion regarding an Ordinance Enacting New Provisions of the City's Codified Ordinances at Chapter 165 Pertaining to Employees Generally; and declaring this to be an urgent measure
5. Any other matters coming before the Legal and Personnel Committee

#

121.02 Rules of Procedure.

Section 1- Meetings.

Rule 1.1 Organizational Meetings.

At the first Council meeting in January following the election of Council members, or earlier in time of a real and present emergency, or as soon thereafter as practicable, Council shall meet in Council Chambers and organize. In an emergency, the Organizational meeting may be held at an alternate location as determined by the Safety Director or Chief of Police. The Mayor, or a person appointed by the Mayor, shall call the meeting to order and shall preside as the temporary Chair only until the President of Council is elected. At such Organizational meeting, Council shall elect one (1) of its members to be the Council President for a term not beyond the next Organizational meeting, and Council members of all Board and Commissions required by the City Charter and Ordinances, shall be elected to serve not beyond the next Organizational meeting. At the Organizational meeting. Council shall also elect one (1) of its members to be the Council Vice President. Charter Article III, Section 2.

Rule 1.2 Regular Meetings.

Council shall ordinarily hold its Regular meetings in Council Chambers located at City Hall, at 7:00 p.m., the first and third Mondays of each month. In recognition of various holidays observed by residents of the City and holidays established by Federal and/or State law, Council may change the Regular meeting date or adjourn to an alternative date where the Regular meeting date conflicts with such holidays. In an emergency, a Regular meeting may be held at an alternate location as determined by the President of Council. Where it is doubtful that a quorum will be present, Council may adjourn to an alternative meeting date. BCO 121.01. Council may also convene a Regular meeting directly following the Organizational meeting as provided for in Rule 1.1.

The Council President or acting president shall have the sole authority to ~~adjourn or~~ cancel any regularly scheduled Council meeting in the event that a quorum will not be present or for other good cause.

The Council President shall notify the Clerk of Council who will then notify interested parties of the cancellation, including, but not limited to:

Council members

Mayor

City employees

Media/press

School personnel/students

Scheduled speakers

Rule 1.3 Special Meetings.

After its Organizational meeting, Council shall meet at such times prescribed in these rules. Such Council meetings shall be known as Regular meetings. All other Council meetings shall be known as Special meetings.

Special meetings may be called by a vote of Council taken at any Regular or Special meeting thereof, or shall be called by the Clerk of Council upon the written request of the President of Council, or by any four (4) members of Council. Notice in writing of each Special meeting called at the request of the President of Council, or by any four (4) members of Council shall state the date and time, and the subject or subjects to be considered at such meeting. No subject or subjects, other than those listed in this written notice shall be considered at such Special meetings. The written notice required by this section shall be served by the Clerk of Council upon the Mayor and each member of Council, either personally, by email, or by leaving a copy thereof at his or her usual place of residence, not less than twenty-four (24) hours proceeding the time for the meeting. BCO 121.02. In the event that a Special meeting is called by a vote of Council taken at any Regular or Special meeting from which any member of Council was absent, written notice of such Special meeting shall be given to such absentee in the manner provided herein.

The Mayor and any Council member shall be deemed conclusively to have waived such notice by their attendance at the Special meeting that was the subject of the notice.

All Special meetings of Council shall be held in Council Chambers at City Hall or such other place(s) in the City as Council may direct, providing that notice of the change in location shall be posted at City Hall and on the City's website no later than one (1) hour prior to the meeting.

Rule 1.4 Holiday Scheduling.

Council shall hold at least two (2) Regular Council meetings during each calendar month, except that Council may provide for only one (1) Regular Council meeting per month during the months of June, July and August, when a quorum will not be present or when Council has no agenda. Charter Article III, Section 5(3)(A). The anticipated Regular Council meeting calendar for each year shall be set by the President of Council no later than in January of each year.

Rule 1.5 Executive Sessions.

An Executive Session may be called during any Regular, Special or Committee meeting in compliance with BCO 105.03 and the Ohio [Open Meetings Act](#) ~~Sunshine Law~~. Ohio R.C. 121.22.

- A. Subject to Rule 1.5(C), Council members shall each regard all information disclosed or discussed at or during any Executive Session to be absolutely privileged and confidential. It shall be the personal duty of each Council member to refrain from disclosing directly or indirectly to any third parties (“Third Parties”) any and all information disclosed or discussed at or during any Executive Session.
- B. For purposes of this Rule, “Third Parties” does not include the following, so long as the Third Party participated in the Executive Session:
1. The Mayor;
 2. The Law Director;
 3. The Clerk of Council;
 4. The Mayor’s Assistant Administrative Officer; and
 5. Other members of Council.
- C. Specific information disclosed or discussed at or during any Executive Session may be disclosed by any Council member(s) only under one or more of the following circumstances:
1. When such disclosure is expressly authorized by a vote at a public meeting by a majority of the members of Council, but only to the extent so authorized;
 2. When such disclosure is expressly requested to be made by the Mayor at any public meeting of Council, at which a quorum of Council Members is present, but only to the extent of such request; or
 3. When such disclosure is otherwise required by law.
- D. When in the determination of any three Council members one or more other Council members are reasonably suspected to have violated this Rule, the Remaining Members of Council (i.e., the “Remaining Members,” meaning all Council members excluding the Council member(s) believed to have violated this Rule), shall appoint one of the Remaining Members to preside over an investigation into such charges or the matter may be referred by the Remaining Members to the Ohio Ethics Commission. The Council member(s) charged with violating this Rule shall be afforded reasonable notice and an opportunity to be heard on the charges, and are entitled to be represented by legal counsel. If a majority of the Remaining Members subsequently determine that the member(s) charged with violating this Rule has/have in fact violated this Rule, the Remaining Members shall have full power to determine such penalty for the violation(s) as a majority of them deem fit,

including without limitation ~~no penalty whatsoever or imposing a forfeiture of that member(s)' seat on Council~~ penalties ranging from none whatsoever to forfeiture of that member's seat on Council per the process detailed in the City Charter.

E. These provisions are in addition to and cumulative of all other statutes, rules, ordinances and regulations pertaining to Council member's obligations respecting Executive Sessions, including without limitation the Ohio Public Meetings laws under Ohio R.C. 121.22.

Rule 1.6 Ohio Open Meetings ActSunshine Law.

The Organizational meeting, all Regular meetings, Special meetings, Executive Sessions, and Committee meetings shall be conducted in accordance with the Ohio Open Meetings ActSunshine Law. Ohio R.C. 121.22. All meetings of Council and its committees shall be public, and any and all citizens shall have access to the minutes and records of these meetings at all reasonable times.

Rule 1.7 Quorum.

A majority of Council shall constitute a quorum to conduct business, but a lesser number may adjourn from time to time to compel the attendance of absent members. Charter Article III, Section 5(2).

Rule 1.8 Order of Business.

1. Pledge of Allegiance

2. Call to Order

3. Roll Call

4. Reports

 a. Mayor

 b. Council Members (non-agenda items)

 c. Department Directors

5. Citizen's Remarks

6. Approval of Minutes

7. Legislation

8. Correspondence

9. Adjournment

1.8 Council Meeting Agenda

Except for emergency matters or other special matters requiring the immediate attention of Council, a listing of business to be considered by Council shall be prepared and delivered to each member at least ~~four~~ **three (3)** days prior to each regular Council meeting and posted on the City's website. It is the responsibility of the Clerk to prepare and deliver the agenda and all supporting documentation under the general supervision and direction of the President of Council. All members of Council and the Administration are encouraged to cooperate with the Clerk in making the agenda complete and accurate. While nothing herein will prevent the introduction of new business not listed on the agenda, Council, **by a simple majority vote**, may require additional time to study any item not included on the agenda.

Council may, upon a majority vote of its members, modify the order or contents of the agenda at a Council meeting.

Section 2- Council Organization.

Rule 2.1 Officers.

At the Organizational meeting of Council, Council shall by a simple majority vote, through the use of a roll call vote, elect from among its members a President of Council and a Vice-President of Council to serve as officers of Council for a term not beyond the next Organizational meeting. Charter Article III, Section 2; BCO 121.025.

Rule 2.2 Removal of Officers.

The officers of Council shall serve at the pleasure of Council. A vote of a majority of members of Council shall be required to remove an officer.

Rule 2.3 Presiding Officer.

The President is the presiding officer of Council. In the event the Council President is for any reason unable to perform the duties of Council President, the Council Vice-President shall act in place of the Council President and shall be the presiding officer of Council. Charter Article III, Section 2. BCO 121.025. If neither the President nor Vice-President is present, the most senior member of Council shall call the meeting to order, and Council should immediately elect a President pro tem to be the presiding officer of Council during such meeting.

Rule 2.4 Vacancy of Officer.

Any vacancy in the office of President of Council, whether occurring by death, resignation, removal or disqualification, or by succession to the office of Mayor, shall be filled by the Vice-President of Council for the remainder of the unexpired term of President of Council. The vacancy

so created in the Office of Vice-President of Council shall be filled by a Council member elected by the majority of the remaining members of Council, without first appointing a replacement council member. The successor shall hold office for the balance of the unexpired term of Vice-President of Council. **If both the Office of President and the Office of Vice-President are vacant, the remaining members of Council shall through the use of a roll call vote, elect from among its remaining members a President of Council and a Vice-President of Council to serve as officers of Council for the balance of the unexpired term of the President and Vice-President.** Vacancies in Council shall be filled in accordance with Article III, Section 3 of the Charter.

Rule 2.4 Duties of the President.

The President of Council shall preside over all Regular and Special meetings of Council, meetings of the Council Committee of the Whole and public hearings. Charter Article III, Section 5. The President of Council shall coordinate the work of the committees and prepare Council meeting agendas. The President shall preserve order and decorum at all times, confine debate to the question under discussion and decide all Points of Order.

Rule 2.5 Duties of the Vice-President.

The Council Vice-President shall act in the place of the President in the event the Council President is for any reason unable to perform the duties of Council President. Article III Section 2.

Rule 2.6 Clerk of Council.

At the Organizational meeting required by Article III, Section 2 of the Charter, or as soon thereafter as may be convenient, Council shall appoint a Clerk of Council and Assistant Clerks of Council to serve until the next Organizational meeting, unless such appointment is terminated by Council at an earlier date. The responsibilities of the Clerk shall be those set forth in the Charter or in the laws of the City or of the State. In the absence or unavailability of the Clerk, the Assistant Clerks shall have the same authority and responsibility as the Clerk and shall act under the direction and control of the Clerk. Article III, Section 4; BCO 121.12. In the absence of the Clerk, the Assistant Clerk shall act under the direction and control of the Law Director.

Rule 2.7 Vacancy in Clerk Position.

During the temporary absence or unavailability of the Clerk of Council, one of the Assistant Clerks shall perform the duties of the Clerk of Council. If no individual holds the position of Assistant Clerk, Council shall by an affirmative vote of a simple majority of its members, appoint a like-qualified individual to perform the duties of the Clerk's office.

Section 3- Committees.

Rule 3.1 Standing Committees.

The standings committees of Council shall be as follows:

Audit Committee: Council shall appoint one member of the residential or business community.

Building and Grounds

Communications

Economic Development

Finance and Insurance

Intergovernmental Relations

Legal and Personnel

Planning and Zoning

Public Works

Recreations and Community Services

Residential Housing: Council shall appoint one member who is a resident homeowner.

Safety and Public Health

Storm Water Commission

BCO 121.14

Rule 3.2 Temporary Committees.

The President of Council may appoint temporary committees as are necessary to carry out the duties of Council.

Rule 3.3 Committee Appointments.

The President of Council shall appoint all Chairs, and members of said standing and temporary committees in accordance with Article III, Section 2 of the Charter, at each Organizational meeting of Council to serve terms not beyond the next Organizational meeting. BCO 121.14. Nothing shall preclude the President of Council from appointing additional members to a standing or temporary committee or to remove a member during a term. [However, the President shall justify this action in an open meeting of Council.](#)

Rule 3.4 Number of Members on Standing and Temporary Committees.

There shall be three (3) or four (4) members on each standing or temporary committee. The number of members on temporary committees shall be established by the President of Council.

Rule 3.5 Attendance by Non-Committee Members.

Council members may attend Committee meetings of standing or temporary committees of which they are not a member. ~~however, they shall be considered as being in attendance as a member of the general public and not in their official capacity.~~

Rule 3.6 Committee Chair.

The Chair shall be the first name appearing on the list of committee members.

Rule 3.7 Committee Meetings.

The Committees shall meet in Conference Room A or in Council Chambers beginning at 5:30 p.m. on the days of any regularly scheduled Council meeting and at such other times deemed necessary. Notice of Council committee meetings when scheduled shall be posted on the City's website at least three (3) calendar days prior to the meeting. BCO 105.02.

Rule 3.8 Duties of Committees.

(A) Committees sit as a deliberative body rather than in a legislative capacity, for informal debate or preliminary consideration of matters awaiting legislative action. All proposed Ordinances and Resolutions, except those of a purely ceremonial nature, may be referred by the President of Council to one (1) of the standing committees of Council or Council's Committee of the Whole, as deemed appropriate to the subject matter.

(B) Nothing in these rules shall preclude any standing or temporary committee from proposing an Ordinance or Resolution on its own initiative.

Rule 3.9 Quorum for Committees.

Committees containing three (3) members must have two (2) members present for a quorum. Committees containing four (4) members must have three (3) members present for a quorum. A majority vote of the members of the committee is necessary to take action.

Rule 3.10 The President and Committees.

The President of Council shall be an ex officio member of all committees of which he or she is not a member, or does not Chair, but shall not vote upon any question coming before those committees. The President of Council may, however, be counted as a member of a committee for the purpose of making a quorum. The President may also serve as a regular member with full voting power for a maximum of forty-five (45) days in the event of the death, ~~or resignation, or removal~~ of a Council member from a committee. If a member is removed from a committee, the President of Council shall fill any vacancy within five (-5) days by appointing another member of Council to fill the unexpired term. In the event of a death or resignation, The-the President of Council shall

fill any vacancy occurring on a committee within forty-five (45) days after the vacancy occurs by appointing another member of Council to fill the unexpired term.

Rule 3.11 Committee of the Whole.

The entire membership of Council may meet as a Committee of the whole when it wishes, so that the entire Council may consider an issue. The President of Council shall act as its Chair.

Section 4- Parliamentary Procedures.

These procedures shall apply to all meetings of Council and its committees.

Rule 4.1 Call to Order.

At the time appointed for Council to meet, the President shall take the Chair and immediately call the members to order.

Rule 4.2 Roll Call.

Before proceeding, the Clerk shall call the roll and enter into the minutes the members present or absent.

Rule 4.3 Suspension of the Rules.

Council's Rules of Procedure may be temporarily suspended at any meeting of Council by an affirmative vote of five (5) members of Council. The vote on any suspension shall be taken by a roll call vote.

Rule 4.4 Amendment to the Rules.

Council's Rules of Procedure are to remain in full force and effect until amended or repealed by Council. The Rules of Procedure may be amended or altered, or new rules may be adopted, by a simple majority vote of Council members present at any meeting of Council, so long as the proposed amendment, alteration, or new rule is in writing and provided to Council in advance of the meeting at which it may be considered.

Rule 4.5 Questions and Motions.

When a motion is made and seconded, the President of Council or the Clerk of Council shall restate the motion, which then places it before Council. Any such motion and any amendment thereto may be withdrawn by the mover and or seconder thereof at any time before a decision if a majority of Council members present shall agree. Following debate, the President of Council or the Clerk of Council shall put the question to a vote and announce the results of the vote. A Council member may call for a vote to end debate. Calling for the vote or known as "Calling for the Question" shall require a first and a second and then approval of five (5) members of Council. This vote shall

be separate from and before the vote on the pending matter. There shall be no debate on the vote Calling for the Question.

Rule 4.6 Reconsideration.

Any Council member who previously voted with the prevailing side may move to reconsider any vote or proceeding of Council. A motion for reconsideration shall be made no later than the next Regular meeting. An action taken by Council shall only be reconsidered once.

Rule 4.7 Point of Order.

A Point of Order is a motion made by a Council member when it is believed that Council's Rules of Procedure are being violated. A Point of Order motion may be made when another member has the floor and does not require a second. The President of Council must determine the validity of the motion. If the decision is that the Rules of Procedure are being violated, the President of Council shall enforce the rule.

Rule 4.8 Point of Information.

A Point of Information is requested by a Council member to the Council President seeking information relevant to the business at hand. The President of Council shall direct the request to the appropriate person and all information shall be exchanged through the President of Council in order to maintain decorum.

Rule 4.9 Procedures Not Included in Council Rules.

In the absence of any rule governing matters of business in either Council's Rules of Procedure, the City Charter, or the Statutes of the State of Ohio, the most recent version of Robert's Rules of Order, Newly Revised shall govern the parliamentary procedures for City Council.

Section 5- Debate and Decorum.

Rule 5.1 Preservation of Decorum.

The President of Council shall preserve decorum and maintain order at all times, decide all Points of Order, and confine Council members to the question before Council. The use of profane or vulgar language is absolutely forbidden, whether by Council members or by others attending the Council meeting.

Rule 5.2 Power to Preserve Decorum.

The Council may, with a majority vote, vote to suspend the meeting to preserve order and/or decorum.

Rule 5.3 Speaking by Council Members.

Any Council member desiring to speak shall raise his or her hand for recognition by the President of Council. Upon recognition, the Council member shall be allowed to speak. ~~No Council member shall speak longer than five (5) minutes at one time, without leave, and no Council member shall speak again on the same motion or matter until all members of Council desiring to speak on that motion or matter have had an opportunity to do so. Notwithstanding, speaking by members of Council may be extended by the President of Council in his or her sole discretion.~~

Rule 5.4 Speaking by Members of the Administration.

The Mayor and any member of the Administration desiring to speak shall raise his or her hand for recognition by the President of Council. Upon recognition, the Mayor or member of the Administration shall be allowed to speak ~~for no longer than five (5) minutes at any one time. Notwithstanding, speaking by the Mayor and members of the Administration may be extended by the President of Council in his or her sole discretion.~~

Rule 5.5 Speaking by Non-Members of Council. See Section 7.

Rule 5.6 Videotaping of Council Meetings.

The video shall serve as the official minutes for all Council meetings, including Committee meetings of Council. A written summary of the meeting which details the general discussion on each agenda item, as well as the vote(s) on all Ordinances, Resolutions and Motions shall also be kept. In the event that the video is not functioning during any meeting, the audio shall serve as the official minutes for all Council meetings, including Committee meetings of Council. In the event that the audio is not functioning during any meeting, Clerk shall prepare detailed written minutes of the meeting and any future meetings until the audio is restored.

Section 6- Enacting Legislation.

Rule 6.1 Council Actions.

Council shall act officially only by Ordinance, Resolution or Motion. The form of all Ordinances and Resolutions shall be as follows: "Be it Ordained by the Council of the City of Beachwood, State of Ohio." BCO 121.03.

Rule 6.2 Requests for the Introduction of New Legislation.

All new legislation requests must be received by the Clerk of Council by 12:00 noon on the second Tuesday preceding the meeting at which it is to be introduced. Legislation received after the time stated above will be deferred until the next Regular Council meeting unless otherwise authorized by the Council President. Requests for legislation may be made by the Mayor, the Council President ~~and or~~ any four (4) members of Council.

Rule 6.3 Motions.

When a motion is made and seconded, it shall be stated by the President or Clerk of Council before any debate shall be in order. Any such motion and any amendment thereto may be withdrawn by the movers thereof at any time before decision, if a majority of the members of Council agree.

Rule 6.4 Number of Readings.

Resolutions and Ordinance shall, before passage, be read by title only on three (3) separate meetings of Council, provided that this requirement may be dispensed with by the affirmative vote of five (5) members of Council and provided, further, that such Resolution or Ordinance shall be read in full when so requested by any member of Council. BCO 121.03.

Rule 6.5 Voting.

(A) All voting of Council, whether after a reading or a final vote, shall be taken by roll call, the Clerk calling the names of each of the members in alphabetical order and recording the vote in the minutes of the meeting. A majority of the members of Council shall vote “yes” to pass any Ordinance, Resolution or Motion, at a first or second reading or to adopt the issue on the third and final reading unless a greater number is required or a lesser number is permitted by this Charter. Charter Article III, Section 7(1)(A).

(B) All votes shall be recorded as “yes” or “no”. A vote to “abstain” shall be counted as voting with the majority of those who do vote. A member who does not vote due to a conflict of interest shall not participate in discussion or vote on the issue and shall not sit with Council during the proceedings relating to that issue. Charter Article III, Section 7(1)(B).

(C) In the event a member of Council declares an inability to vote due to a conflict of interest, the member shall make a full explanation of such conflict, which shall be recorded in the minutes of the meeting. The requirements of a quorum and other voting on that issue shall be the same as if the office were vacant. Charter Article III, Section 7(3).

Rule 6.6 Passage or Adoption.

The affirmative vote of at least four (4) members of Council shall be required for the passage of every Ordinance, Resolution or Motion unless a greater number is required by Charter or by Ohio R.C. 727.12 relating to the passage of a resolution declaring the necessity of an improvement to be paid for in whole or in part by special assessment. BCO 121.03.

Rule 6.7 When Legislation Becomes Effective.

Each Ordinance or Resolution providing for 1) the appropriation of money, 2) tax levies, or 3) improvements petitioned for by a majority of the owners of property to be assessed, and 4) emergency or urgent measures declared by Council to be necessary for the immediate preservation of the public peace, health or safety or the efficient operation of the City, shall go into immediate effect, provided, however that in the case of emergency or urgent measures, the reasons for the

emergency or urgency shall be set forth in one section of the Ordinance or Resolution, and such emergency or urgent measures shall require a vote of at least two-thirds (2/3rds) of the members of Council for passage. No other Ordinance or Resolution shall go into effect until thirty (30) days after its final passage. Charter Article III, Section 6(4).

Rule 6.8 Resolutions of Congratulations and Commendations.

Resolutions of congratulations, commendations, condolences, and the like, which are not of a general and permanent nature, may be voted and acted upon at once and are not subject to the three (3) reading rule.

Section 7- Citizen's Remarks.

Rule 7.1 Citizens Addressing Council.

Individual citizens/members of the public shall be permitted to address Council at Regular and Special meetings during the Citizen's Remarks portion of the meeting.

Rule 7.2 Time Allotted.

No individual shall be permitted to speak longer than five (5) minutes. In total, the Citizen's Remarks portion of the meeting shall continue for no longer than thirty (30) minutes unless so extended at the discretion of the President or a majority of Council.

Rule 7.3 Speaking Roster.

Any individual wishing to address Council shall sign the speaking roster prepared by the Clerk of Council and include a mailing and email address. The roster shall be on the table at the back of the Council Chambers until such time as the President of Council begins the Citizen's Remarks portion of the meeting.

Rule 7.4 Conduct of Speakers.

Each individual must identify himself or herself and their address and state the subject of his/her comments, which shall be addressed to the President of Council. If necessary, the President of Council shall have the power to equitably divide the time available among the individuals wishing to address Council. All individuals shall observe Council's Rules of decorum. No debate, disrespectful conduct or obscenities shall be permitted. The President of Council may end any comment that is disruptive, embarrassing, harassing or is otherwise objectionable.

Rule 7.5 Response.

Council will not respond to questions posed during the Citizen's Remarks portion of the meeting, but will refer questions to someone from the Administration who ~~should~~ will respond within a reasonable period of time.

Section 8- Council Members Code of Conduct.

Rule 8.1 Principles of Conduct.

These principles of conduct describe how Council members should treat each other, members of the community and the public and work together for the common good of the City. Conducting the City's business in an atmosphere of respect and civility ~~it is~~ required. Council members are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed herein.

Each Council member expressly agrees ~~that as part of his or her oath of office,~~ to these principles of conduct:

A. Consistently demonstrate the principles of professionalism, respect, and civility in working for the greater good of the City and its residents.

~~B. Treat each other with trust, respect, honesty, fairness, sensitivity, and dignity.~~

~~BC. Commit to act and be seen as acting with integrity and impartiality that will bear the closest scrutiny.~~

~~D. Commit to working with City officials and staff in a conscientious and respectful manner.~~

~~E. Support a positive and constructive environment for residents, business, and City officials and staff.~~

~~F. Refrain from abusive conduct, personal charges, or verbal attacks upon the character or motive of other members of Council, other City officials and staff, members of the community, and the public.~~

~~CG. Refrain from influencing any person in any improper way to try to obtain any advantages or favors.~~

~~DH. Refrain from commenting on matters of pending or threatened litigation.~~

~~I. Avoid personal comments that could offend others.~~

~~J. Listen courteously and attentively to all public discussion.~~

~~E. When confronted with a conflict of interest, completely abstain from making any decision about or influencing how the matter is resolved. Such abstention or recusal should include refraining from: voting, discussing, reviewing, recommending, inspecting, investigating, or taking any other action on the matter.~~

~~K. Remember that even conversations thought to be private can be considered public.~~

FL. Comply promptly and in accordance with the City's Public Records Policy to all public records requests. All replies with documents shall be provided directly to the Law Department and not to the party requesting the documents.

GM. Maintain information provided as legal advice as privileged and confidential unless that privilege is waived by the Mayor and all City Council members. Consider all communications, whether verbal or in writing from legal counsel whether from the City's Law Director, Assistant Law Director, Prosecutor, or from outside counsel, as privileged and confidential unless stated otherwise.

Section 9- Communications.

~~Rule 9.1 Communications to Council from the Administration.~~

~~Each Department shall provide a monthly report to Council on the status of ongoing matters.~~

Rule 9.12 Council Notifications of Significant Incidents.

The Mayor or the Mayor's designee shall use his or her best efforts to coordinate notifications to Council of major crime, fire, or other disasters or incidents in a timely manner but no later than twenty-four (24) hours after the occurrence.

Rule 9.23 Communications to Council from the Public.

Communications from the public directed to City Council shall be included on Council's next regularly scheduled Council meeting agenda for ~~purposes of notification to consideration by~~ Council.

Rule 9.34 Communication from Mayor to President of Council regarding absence from the City.

During the Mayor's absence from the City or inability to perform the duties of the office, the Council President, or if necessary, the Council Vice-President, shall become the acting Mayor and have all of the powers and duties of the Mayor for such period, but not the power of veto, and shall continue to have all the powers and duties of the Council President or Council Vice-President, and of a Councilmember. Charter Article IV, Section 3(1).

Section 10- Miscellaneous.

Rule 10.1 Enforcement of Rules.

The President of Council and all Committee Chairs shall conduct all Council and Committee meetings in accordance with these Rules of Procedure. ~~If there is a conflict between these Rules and the City's Charter, the City Charter shall supersede the conflicting provision of these Rules.~~ If any member of Council, in speaking or otherwise, shall violate any Rule, the President of

Council or Committee Chair, upon a motion for a Point of Order by any member of Council, shall call the member to order. If the member is speaking when the motion for a Point of Order is made, the member shall immediately cease speaking unless permitted by the President of Council or Committee Chair to explain. The question of the Point of Order shall be decided without debate, at the President of Council's or Committee Chair's discretion. The President of Council or Committee Chair will either rule that the Point of Order was well taken (correct) and require the member to abide by the rule or not well taken (incorrect). Thereafter, the business that was interrupted shall then continue.

Rule 10.2 Review of Rules.

Subject to the direction of the President of Council, there shall be a comprehensive review of these Rules by Council no later than every five (5) years.

Rule 10.32 Violations of Rules.

Subject to any other more specific enforcement provisions set forth in these Rules and in addition to any other local, state or federal enforcement provisions, violators of these rules may be penalized by either a public or private reprimand.

INTRODUCED BY:

(AS AMENDED) ORDINANCE NO. 2020-134

AN ORDINANCE ENACTING NEW PROVISIONS OF THE CITY'S CODIFIED ORDINANCES AT CHAPTER 165 PERTAINING TO EMPLOYEES GENERALLY; AND DECLARING THIS TO BE AN URGENT MEASURE

WHEREAS, the City is a home rule municipality, and a political subdivision of the State of Ohio; and

WHEREAS, the City's Charter at Article I empowers the City to, "...have all powers, general or special, governmental or proprietary, including, without limitation, all powers of local self-government and municipal home rule which may now or hereafter lawfully be possessed or exercised by any city under the Constitution and laws of the State of Ohio or the Constitution and laws of the United States"; and,

WHEREAS, the City has the obligation to safeguard the rights of its residents and visitors and the statutory authority to require the same of its own employees; and

WHEREAS, the public's right to and demand for equitable, lawful treatment under the law and the above-mentioned state and federal constitutional obligations, in addition to the City's legal authority to act, are grounded in both its Home Rule Charter and the City's Code and impose upon the City a heightened obligation to regulate and supervise its employees; and

WHEREAS, such Ordinances and regulations are clearly in the public interest and Council expressly declares the same a public purpose.

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

Section 1: New Beachwood Codified Ordinance Section 165.08 shall be enacted to read as follows:

"Section 165.08 Report to Council of Investigations being conducted by outside entities into alleged criminal acts.

The Mayor shall report in writing to Council at the time an investigation into alleged criminal acts is conducted in any City Department by any outside entity within ten (10) days after the investigation has commenced. Thereafter, the Mayor shall provide an update to Council periodically as to the status of the investigation or investigations but in no event shall the updates be provided less frequently than once every three (3) months."

Section 2: New Beachwood Codified Ordinance Section 165.09 shall be enacted to read as follows:

“Section 165.09 Waiver of Notification to Council required for any personnel placed on administrative paid leave.

In the event any personnel is placed on administrative paid leave per applicable City Policy, and the administrative paid leave extends longer than three (3) months, the Mayor and/or his or her designee shall notify City Council in writing of this occurrence. The Mayor shall notify City Council in writing every three (3) months, thereafter, for so long as said leave shall continue. The reasons for the paid administrative leave shall also be explained to Council in the notification from the Mayor.”

Section 3: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public where required by Chapter 105 of the Codified Ordinances of the City.

Section 4: This Ordinance is declared to be an urgent measure which is immediately necessary for the public peace, health or safety or the efficient operation of the City, and for the further reason it is necessary to approve the new provisions promptly as required; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

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

Attest: I hereby certify this legislation was duly adopted on the 19th day of October, 2020, and presented to the Mayor for approval or rejection in accordance with Article III, Section 8 of the Charter on the 20th day of October, 2020.

Clerk

Approval: I have approved this legislation this 20th day of October, 2020, and filed it with the Clerk.

Mayor

