CITY OF FAIRBORN
COUNCIL WORK SESSION
May 4, 2026, at 5:00 p.m.
Fire Training Room

COUNCIL MEMBERS	Present	Absent
Dan Kirkpatrick, Mayor	☒	☐
Clint Allen, Councilman	☒	☐
Sylvia Chess, Councilwoman	☒	☐
Brian Dodd, Councilman	☒	☐
Rodney McCubbins, Deputy Mayor	☒	☐
Mary Reaster, Councilwoman	☒	☐
Tana Stanton, Councilwoman	☒	☐

STAFF MEMBERS PRESENT

Gebhart, McClure, Schell, and Taylor.

Mike Gebhart, City Manager, reviewed the proposed time schedule to include a brief update of the Council Rules 5:00 to 5:25 p.m., a brief update would be provided on the Finance Director's search and then 5:30 to 5:50 p.m. Council Comments and questions. He and Mike McNamee will team up on the update to the Council Rules presentation.

COUNCIL RULES HANDBOOK PROPOSED UPDATES

Mike Gebhart, City Manager, stated last year at the first meeting in October Council approved the first update to the Rules of Council since 2014. Tonight they will be going through some proposed updates to improve clarity, consistency, and usability of the rules. What comes out of the discussion tonight will guide what they start to put together and bring back to Council for an approval before they put it on the agenda by Resolution to approve the Rules of Council. The following Sections were discussed: **Section 5** – City Manager Annual Performance Evaluation; **Section 9** – Public Participations/Citizen Comment and **Section 12** - Censure and Discipline. See attached Memo dated May 1, 2026, outlining the proposed updates.

Councilman Dodd suggested that moving the City Manager evaluation up a month would be beneficial because during the first meeting in December they could theoretically have three new Councilmembers and a new Mayor if it worked out that way, and to throw them into that process would not be fair to them or the City Manager. How can they do an evaluation if they just started? Mr. Gebhart stated he is okay with moving it up so that it starts in late September or early October that would be fine. Councilman Dodd stated they could move it forward to, either way works. Mr. Gebhart explained the way the contract reads now he has to have an evaluation within 90 days of January 1st. Councilwoman Reaster pointed out they have not done that at this point. Mayor Kirkpatrick agreed they had not taken care of that yet. Mr. Gebhart stated they did the first year, but not last year's. Right now, Mayor Kirkpatrick has it and he is compiling it;

but the contract says within 90 days of January 1st there must be an evaluation. That is why he said let's move it forward a month so that the sitting Council has that evaluation and if anyone new comes on they have that year with whomever the City Manager is moving forward. Mayor Kirkpatrick stated at the fourth bullet down it says it incorporates Department Director input which is basically what they are going to use as a Council as feedback about how the City Manager is doing. Councilman Dodd stated he likes the whole process, but he does not like Council doing it in December as there could be new members. Councilwoman Stanton stated Mr. Dodd is just saying if they could do it in November. Councilman Allen asked is it within 90 days of January 1st or on either side, or what? Mr. Gebhart stated it is within. Mr. Gebhart stated it is not a problem if they get it done earlier, that is fine also. It is always going to be annual. It would just come down in November rather than January. Mr. Gebhart stated he could make the adjustment so that it reads that way. Councilwoman Stanton stated it is also kind of nice because the other two months are holiday months. Mayor Kirkpatrick stated he liked the idea of doing it earlier as those who have been working with the City Manager have the opportunity to give some final input. Councilman Allen thinks it is a valid point. As long as they set a date and stick to the rhythm, it is good. On the timing piece they get caught up in we need to get this, and we need to get that. So, whatever the rhythm is that they build for that would be we get the input from the directors by this date. Mayor Kirkpatrick agreed that it is key. Robin McClure, HR Director, agreed. Councilman Allen stated one of the inputs he would like to have considered is a mid-term review. A middle of the year review, so it is not so much a formal review, just a check in. Councilman Dodd agreed with that idea.

Councilwoman Reaster recommended that they are now at May 4th and quite a bit passed the due dates she thinks that in order for them to stay consistent and stay on task and on target with the timelines they utilize the Calendar that here is our date where the director feedback is due and then include all of the directors on that Calendar input. That way it is there, and it is in black and white and everyone knows where it is. If it is not in writing, as evident, it does not get done. The same thing for Council they need a calendar appointment that they all get, and it says ok you need to start working on your review. Because Council is not doing it and she knows if she did not get her review at work, she would be pretty upset.

Deputy Mayor McCubbins asked if they had considered an off-cycle type thing to move away from the end of the year where all kinds of stuff is happening like maybe June of every year. Councilwoman Reaster stated then you are getting into everyone taking vacations. Mr. Gebhart stated it is whatever Council would like to do. He stated his contract is January 2nd of every year. Deputy Mayor McCubbins stated in the federal government they close everything down September 30th. October and November are always difficult with so much being due. He gets the sense with the City it is the actual calendar year. Councilwoman Chess stated they could entertain doing it during the retreat. Mr. Gebhart stated they would still need to get all the directors' feedback.

Councilwoman Reaster stated 90 days prior to January 2nd would be October 4th of the preceding year. So, if they have the deadline as the first Monday of October, and the directors provide all of the input, and she thinks they need a formalized Directors' input form if there is not one already, it would work. Ms. McClure stated, yes, there is a form already. Councilwoman Reaster stated all of that would be due to Council the first Monday of October and that would give them four weeks to compile their individual details, submission, thoughts and opinions and then by the first meeting in November they should

all meet and talk through it and then before Thanksgiving Mr. Gebhart should have his review and know how they feel about his performance. Mayor Kirkpatrick stated the new incoming City Councilmembers and Mayor the week following that would work well. Councilman Dodd agreed. Councilwoman Reaster stated that does not put anyone on a tight timeline and gives enough time for due diligence. If they do that and they put it on the Calendar that keeps them all accountable to that commitment. Is that reasonable? Mr. Gebhart stated he would write it up and send that out to Council to see if that timeline works and then Robin McClure will take care of sending out Calendar invites once that occurs. Councilwoman Chess asked if they could take a look at the retreat as well to see if they could fit that in as well. Mr. Gebhart stated when Council does this, they go into executive session for that so there would have to be an executive session at the retreat, but it could be considered. Councilwoman Chess stated it should not take that long. She feels both ideas are a possibility. Mr. Gebhart stated he would work on that.

Section 9 Public Participation and Citizen Comment was discussed next. Mr. Gebhart stated it is important that everyone understands that there is a bill going through the Ohio House – House Bill 609 which may do this eventually. It is in committee right now, but it would require public hearing or public comment on every item on the agenda. If they would like to take a look at House Bill 609. It was introduced last fall and it is in the local government subcommittee right now. Deputy Mayor McCubbins asked if House Bill 609 is going to apply to local government. Mr. Gebhart stated, yes, from what he has read it would include all local governments and township, and county boards would also fall under that. Mike McNamee, City Solicitor, stated as it stands right now the law in Ohio is there is no absolute right of citizens to comment during a public meeting. The reason for that is there is still freedom of speech, but in a public meeting, and he thinks Mr. McCubbins pointed this out in one of his emails, it is a business meeting for the City, so you are able to control it for time, manner, and scope. Then we also rely on Robert's Rules of Order, and the Mayor does an excellent job at controlling the gavel. There are citizens who are interested in our community, and it is in their best interest, and they should have the opportunity to speak so that a balance is struck. The balance that we currently have is citizens are allocated 5 minutes during the citizens comment section of the meeting. The citizens' comments come after we do all of our legislation. That is the rub. He believes Councilwoman Stanton suggested this based upon some of her meetings which is could citizens at least have the opportunity to speak on agenda items prior to citizens comments. There are a couple of different ways you can do that and one is to identify legislation that is not subject to public comment, which would be Resolutions and allow people to speak on each Resolution. Again, he is not giving a direct answer, he is just feeding information here. A Resolution only comes to Council one time. One option is to let everyone speak at the beginning allocating two minutes and they must specify what the Resolution is and then make the comments and then that same person can come back. One of the concerns there is they are extending the meeting. The other option would be to every time we come to a Resolution which is typically more mundane and not as important, it is basically just taking care of business type things, allow people to speak then. Those are the only two real options they see, and the bottom line is it is up to Council, unless this Bill passes then they would have to comply with the Bill. He is assuming that there will be a general law of the State of Ohio so we would have to be in compliance. In the interim, maybe pick one or leave things the same is also an option. Then do it on a trial-and-error basis and see how it plays out and then they could always make exceptions as they go.

Councilwoman Stanton asked if they law that they are considering one or the other of the options that Mr. McNamee just stated. Mr. McNamee stated candidly he has not seen that yet. When Mr. Gebhart just said it was the first he has heard about it. He's made a mental note to get that, and he can send an email to all of Council attaching the law and giving a summary if they would like that. Mayor Kirkpatrick stated depending on how it goes it could significantly extend meetings if there were public comments on every Resolution. It is very seldom that a Resolution has public comments. It is much more common with Ordinances than Resolutions. Councilman Dodd asked if they are going to put the horse in front of the cart. Should they wait and see what they do at the State House? Mr. Gebhart stated he feels there is some merit to that, but at the same time he thinks if that is the way Council wants to go the important thing is that if there are questions about option one and option two that we continue to discuss those in work session so that if we are compelled to do something there is nothing in there about the two minute limit per speaker. It basically gives us the ability to set all of those parameters. It says the public would be able to comment on any piece of legislation on the agenda. We would have to create all the parameters that are there. He does not know what kind of support there is for HB 609. That is not one of the things he has been able to see in the research that he has done. Who knows if they will pass it or not? He thinks as long as Council is ready to go if they need to it is important. Councilman Dodd thinks they should leave it the way that it is now and wait and see what the Statehouse does because then they don't have to jump through hoops and change again. As Mr. Gebhart said though, they need to be discussing it and have an idea of where they want to be. Councilwoman Reaster stated there are a lot of caveats to this House Bill. It talks about a lot of things above and beyond just City Council meetings, townships, and school boards. It talks about medical and all kinds of things in HB 609 as it was introduced and it could change as it goes through the House. Mr. McNamee agreed and it is going to take a minute for that to work its way through committee and the House. Deputy Mayor McCubbins stated he had a conversation with a representative last week about this and he said he was stunned at the fact that local government even allows this step because they would never get anything done at the state level if they allowed comments. They debate all that in committees. Mr. McNamee stated and the stakes are a lot higher there also. They are dealing with statewide issues and things of that nature. Deputy Mayor McCubbins likes the way they are doing it now. When they feel it is important to get transparency on a Resolution they do have a public hearing. This is supposed to be a business, and these 5.5- or 6-hour meetings are crazy. If we are going to do this, we are going to have to change the way we do business. Which he thinks is smaller agendas and getting Council here a little bit later. Mr. Gebhart stated there is a lot wrapped up in this.

Councilwoman Stanton stated Sylvia had mentioned a suggestion in the retreat that about instead of having it physically at the meeting that there could be an online option just to make it easier and clear to someone that they were submitting something that was going to count as a comment toward something. She thinks there are a handful of people that know what to do. Like, they know oh I give my comments to Julie and she makes Council gets them as part of the Council meeting packet. Councilman Chess stated that was somewhat of her idea. Deputy Mayor McCubbins is not opposed to that idea at all, but his idea is that they tell citizens all the time if you have concerns or questions, call or email them and they don't. If they are not going to email Council, are they going to fill out a form? There is a generic email they could send out to and then Julie could dispense it. What they see right now is there are citizens who have their favorite council member and those are the ones they bombard, not always on email, it is usual in person, and the rest

of Council never hears about it until it comes to the floor. Councilwoman Stanton agreed and said that is even if they just have the information. She has talked to people, and she thinks if they had something written that if they want their comments added to this meeting if they could put that on a page with the agenda or with the Council so that it is really clear. You click here or you do this and that is how all the Council members will get your input before the meeting. Then it would be with the record of the meeting. Deputy Mayor McCubbins stated they do that with the Planning Board. If a citizen gives a comment it is included in the package. Councilwoman Stanton suggested something that makes it clearer for people.

Councilwoman Reaster stated it would be nice for Council to have some sort of minutes from Councilwoman Stanton's meetings since they are driven based on the agenda so that they know what the comments and concerns are that are being brought to her. The only time Council sees or hears that to Rodney's point is when it comes to the floor. So, a quick synopsis after her meetings would be great. Councilwoman Stanton stated she stopped having those meetings, but she was trying to bring thing up in meetings when she could. Mr. Gebhart stated he would love if Council is approached with questions, if they would send them to Julie and include all of Council and the City Manager so that when there is answer that comes back it can be shared with everybody. He would rather be able to give everyone the information because if one person has that question, someone else is going to have that question as well. Councilwoman Chess thinks that would provide consistency across the board. So, they are all speaking the same language. Councilman Allen thinks it is great to get the input and more important that they are able to provide good answers. Being peppered with questions in the public tends to get kind of tough, especially if we are asking a director to answer a question that they are going to need to do a little bit of research to make sure that we get the right answer. He has always advocated for some type of frequently asked questions portal or spot so some of these things can be answered consistently and true. You can ask any Council member a question and they might give a slightly different answer. It is better if they have that repository that hey these are some of the frequently asked questions. Especially when it comes to Resolutions and Ordinances so that they can take this right off the top. He thinks that will help with the efficiency of moving the meetings and things like that and now one gets the surprise attach of questions. Councilwoman Chess asked if that was being done in the past. Councilwoman Reaster asked if she was asking about the goings on sheet that highlighted the things that were going on. Councilwoman Reaster asked if that was a Rob thing? Mr. Gebhart stated maybe, he would have to take a look and see what he had.

Mr. Gebhart stated anyone who has questions about what is on the agenda he is fine with them emailing the staff member that is going to present that as long as you cc him in on it, so he knows what is going on. Changes are nine times out of ten he is going to turn around and ask the director because they know the information all the way down to the weeds level. He does not have any problem with that email as long as he is cc'd in on it. If it has something to do with anything that might be considered legal, make sure to include Mike McNamee in on it. They will get answers to them as quickly as they can. Councilwoman Chess also thinks that dealing with consistency and transparency that they need to follow protocols that they have been following already and give him they opportunity to disperse whatever they are trying to convey to his own people and then him submit that to Council because that is protocol. Mr. Gebhart stated they can talk about that a little more. His interpretation of the Charter is a little different than his

predecessors as long as he is included in on the communication. He has had predecessors who were ridged, that if I said hello to you in the hallway, I needed to report that back to the City Manager. He does not think it needs to be that way. We all interact with each other a lot. As long as he is included in the discussion, he is ok with it. If Council has a question about a change in zoning, a lot of the changes he can answer for them, but he needs to go to Kathleen for that, so he is ok with her asking Kathleen who is making the presentation, just cc him and Cherise Schell in. The Charter says that Council can not give direction to staff. It does not say they cannot talk to them. As long as they are not saying I need this on my desk by 1:00 this afternoon. Mr. McNamee stated the important part here is that even by your question you are not suggesting to the director that he take some type of action. Councilman Dodd thinks it would be great if all of Council is cc'd in as well. Mr. Gebhart agreed.

Mr. McNamee since as long as they are talking about this the best practices on his emails, they want to reserve the attorney-client privilege there should be no distribution to third parties, always make that clear. Mr. Gebhart stated they would work on that and bring something back to Council.

Mr. McNamee explained they had an action for censure that was the first time and the process was questioned by several councilmembers so there has been some suggestions to update that process. From his perspective, again, in terms of best practices he thinks the suggestions are a definite improvement. The way the proposed amendment to Council goes is before censure can proceed a Councilmember can submit the basis of a censure to Julie. This gives the initiating notice of the censure. Then it gets placed on an agenda and then it moves forward. During the first meeting, which is basically the introduction and the notice at the City Council meeting. The Councilmember, that is the subject matter of the proposed censure will have the opportunity to speak here and then the Clerk will provide written notice to the Councilmember after that first meeting confirming that the matter will be scheduled for a public hearing at a subsequent meeting. So, at a subsequent meeting that is when a public hearing will occur and the Councilmember that is promoting the censure will take the charge on that. It is a full opportunity for everyone to be heard. It will be very public and then after the public hearing the question is called and there is either an adoption or a rejection of the censure. Basically, it is first initiation hearing teeing the action up and then a public hearing and then a vote on it. This is different than what was done the last time. Councilwoman Reaster asked if that is consistent with other municipalities and how they do things. Mr. McNamee stated candidly there are not a lot of municipalities that have a process per say for censure, but for those that do he would say everyone wants due process and it is probably best practice. Councilwoman Reaster said she likes that it is clear and structured. Mr. McNamee stated the important part is a censure is not any action removing the council member from Council. Councilwoman Reaster stated the outcome doesn't change it is just the process is very clearly defined. Councilman Allen appreciates it. He thinks they can all agree that we literally stumbled on how they should do this at the end of the day. He appreciates the process. He thinks it is a process and also understanding that Council serves at the will of the people. They are not there to stop a person from serving in their capacity that they were elected to serve, but they can make a statement about something they did not care for after they have a clear understanding of what is what.

Mike Gebhart, City Manager, stated since it is 5:36 p.m. they will add this topic to the next work session. Mike McNamee, City Solicitor, stated they would table the additional topics of the Council Rules. Mr. Gebhart reviewed the upcoming work session schedule: May 18th would be the Moratoriums discussion that the Deputy Mayor asked for data centers and vape shops. We will do the quarterly financial update with Janel Regelski as the acting Finance Director of June 1st. The 15th is open. July 6th will be a discussion about a public safety drone. This drone can get anywhere in the City in 70 seconds. It can carry an AED. It could take Narcan. If there is some type of dispute and there is a weapon outside this could put eyes on that incident before our officers are in harm's way. Ben Roman, Police Chief, will be here to discuss that on the 6th. On the 20th the YMCA and Five River's Health want to come in and give a presentation. He will send everyone dates for a signup for Council to take a tour of the Edgemont Facility near Edwin C. Moses is phenomenal. That is what they are talking about bringing to Fairborn as part of this YMCA complex. Then on August 10th will be the Capital Budget. Right now, all we have open is June 15th. We may push some things down so we can have some discussion about Rules of Council with the updated things before that and so we may do moratoriums on the 1st of June and move the quarterly finance to June 15th and then keep everything else the same. That is the tentative scheduled moving forward.

He suggested Council get out on the you tube Brinc with a "c" and you can see some videos about the drone. It is something to look at. Councilman Allen asked if there are other municipalities using it now. Mr. Gebhart responded, the City of Dayton, the City of Huber Heights, and the particular bid he saw was for the City of Englewood. So, for 365 days there would be no charge, and they would come collect their equipment and go. He thinks it is primarily a policing tool. Secondary, you could attach a life jacket to this thing if someone is in the river and drop it down to them. Councilwoman Chess asked if this would create a debate about invasion of privacy. Mr. Gebhart explained we use a drone now. Both Fire and Police use a drone within the parameters of the law that allows them to operate now. Mr. McNamee stated a drone is not going to violate an expectation of privacy. If it is looking in your living room window it is a problem, but if it is out in the open there typically is not an expectation of privacy. Mr. Gebhart stated they will update the calendar and incorporate the suggestions given tonight and send those drafts out by the end of the week.

Mr. Gebhart explained that the Finance Director job is posted. We have several applicants already. It will run for an additional 2.5 weeks approximately. It is running both internally and externally. He feels confident they will find the right fit and they will put the measures in to make sure that person is correct. He is pleased to this point. Robin McClure, HR Director, stated for the big publications it does take a minute for them to put it out there. The Ohio GFOA, OML and things like that are different locations it takes just a few minutes to get up and running.

Councilwoman Chess asked during the hot and cold summer months does the drone have the ability to count visibly how many people are out there in the streets or in the park somewhere. Mr. Gebhart stated right now, no, they do not do that. We tend to use the drones when there is some emergency need whether it is someone in the river or some criminal issue. We do not throw the drone up for that. This one he does not believe will allow us to do that either. The big problem for us is if we identify there is a homeless issue where do we go from there. He is not sure what other things Brinc might have, this one is solely for public safety and primarily Police and secondary to Fire. He will get more

information for that as well. They will see what other communities use drones for. Deputy Mayor McCubbins stated the VA does a point in time count every year and it is always done when it is cold. Greene County does it as well, They come to Fairborn every year and do a count. She was just wondering, since the population is increasing, do we have an increase in that population as well?

The police officer who was in attendance spoke up saying from what they see on the road in Fairborn specifically there is really only like two or three homeless people that they deal with on a frequent basis. Most of the time it seems like it is people that are passing through. He will be honest they have nominal resources to get them where they need to be and get them assistance.

COUNCIL COMMENTS

Deputy Mayor McCubbins asked that flock cameras be investigated to make sure we are not violating any laws with those. Councilwoman Chess said she thought some City was doing away with them. Councilwoman Reaster stated Dayton has suspended their contracts.

Mayor Kirkpatrick asked Council to return the Fourth of July Parade signups to Julie for Penny. He also asked if anyone signs up for a car to be driven by the Miatta Club and decide to bring your own vehicle, please let them know ahead of time. Councilwoman Chess asked who was in charge of the parade. Mr. Gebhart explained Parks and Recreation Department runs the parade. She asked if it is too late to add people that might want to be in the parade. Mr. Gebhart stated no there is plenty of time to register. Councilwoman Chess stated a lot of the universities in Greene County want to participate. Mayor Kirkpatrick stated they would love to have them. Councilwoman Chess thinks if all the bands participated it would make it amazing. Councilman Dodd agreed. Mr. Gebhart stated he would send her the contact information for April Floyd at Parks and Recreation. Mayor Kirkpatrick discussed the magnetic car signs for the parade as well.

ADJOURNMENT

Councilwoman Reaster moved to adjourn the meeting. Councilman Allen seconded. Yeas, seven: Reaster, Allen, Chess, Dodd, McCubbins, Stanton and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 5:50 p.m.

MAYOR

CLERK, CITY OF FAIRBORN

MEMORANDUM

TO: Mayor Dan Kirkpatrick and Members of City Council
FROM: Michael Gebhart, City Manager
DATE: May 1, 2026
SUBJECT: Council Work Session Briefing for May 4, 2026, meeting

The purpose of this Work Session is to provide Council with an overview and discussion on proposed updates to the City's Rules of Council Handbook. Council may also discuss additional revisions to the Rules of Council for future consideration.

Rules of Council Handbook – Proposed Updates (See Attachment A)

Staff has prepared proposed updates to the Rules of Council Handbook for Council review and discussion. The proposed changes are intended to improve clarity, consistency, and overall governance processes.

Council may also raise and discuss additional potential revisions to the Rules of Council during this work session.

Section 5 – City Manager Annual Performance Evaluation

A new section has been proposed to establish a clear and consistent process for conducting the City Manager's annual performance evaluation in accordance with the City Manager's Employment Agreement.

Key elements of the proposed update include:

- Aligning the evaluation process with the requirements of the Employment Agreement, including completion of the evaluation each December
- Initiating the process in late October or early November through the distribution of Department Director feedback forms
- Utilizing Department Director input as informational feedback to assist Council in its independent evaluation
- Providing Council with compiled materials in advance of December meetings
- Structuring the evaluation process across two Council meetings in December for discussion and finalization
- Requiring a written summary of the evaluation to be provided within thirty (30) days of completion
- Establishing a timeline for Council and the City Manager to develop goals for the upcoming year no later than March 15

The intent of this section is to ensure the evaluation process is conducted in a timely, organized, and consistent manner while remaining aligned with the City Manager's Employment Agreement.

Section 9 – Public Participation/Citizen Comment

Council has raised concerns regarding the absence of an opportunity for citizen comment on resolutions or ordinances that do not require a formal public hearing. Council has discretion to expand opportunities for public input to enhance transparency and engagement.

- One option would allow limited public comment at the time legislation is introduced, generally limited to two minutes per speaker, which would maximize accessibility but may increase the length and complexity of meetings.

- A second option, recommended for consideration, would create a dedicated public comment section prior to new business, limited to agenda items to be voted on that do not otherwise require a public hearing. This approach would include parameters such as a two-minute time limit, requiring speakers to identify the specific ordinance or resolution number, and limiting participation to individuals who reside in Fairborn or own property within the City. This structure provides a more targeted and efficient mechanism for public input while maintaining control over meeting length and ensuring relevance.

Section 12 – Censure and Discipline

Updates to the Censure section have been drafted to provide a clear, consistent, and transparent process for addressing concerns related to Councilmember conduct.

Key elements of the proposed update include:

- Establishing a two-meeting process (introduction and public hearing)
- Providing notice and an opportunity for response by the Councilmember involved
- Defining procedures for public hearing, Council discussion, and final action
- Clarifying that censure is a formal expression of Council's position and does not remove a member from office

The goal of this update is to ensure due process, consistency, and clarity in the event a censure is considered.

ATTACHMENT A

PROPOSED ADDITION TO: SECTION 5 – ADMINISTRATIVE AFFAIRS OF THE CITY

Reference: Charter §3.01

7. City Manager Annual Performance Evaluation.
Council shall conduct an annual performance evaluation of the City Manager for the preceding calendar year in accordance with the City Manager's Employment Agreement. The evaluation shall be conducted each December.

- Administration
  The Human Resources Director shall administer and coordinate the evaluation process on behalf of Council with the Mayor.

- Distribution of Department Director Feedback Forms
  In late October or early November of each year, the Human Resources Director shall distribute confidential feedback forms to all Department Directors and the City Solicitor.

- Submission of Department Director Feedback
  All completed feedback forms from Department Directors and the City Solicitor shall be returned to the Human Resources Director within fourteen (14) days of distribution.

- Compilation of Department Director Input
  The Human Resources Director shall compile all submitted feedback into a comprehensive summary document. Individual responses shall remain confidential to the extent permitted by law.

- Distribution to Council
  The compiled summary shall be provided to City Council no later than seven (7) days following the submission deadline and shall be used for informational purposes only to assist Council in its independent evaluation of the City Manager.

- Council Evaluation Materials
  The Human Resources Director shall distribute evaluation materials to all members of City Council prior to the first regular Council meeting in December.

- First Meeting Review
  Council shall review and discuss the compiled materials in executive session at the first regular Council meeting in December.

- Second Meeting Review and Finalization
  Council shall conduct final review and deliberation in executive session at the second regular Council meeting in December and complete the evaluation.

- Written Summary
  A written summary of the evaluation shall be provided to the City Manager within thirty (30) days of the evaluation meeting, consistent with the Employment Agreement.

- Salary Review
  The City Manager's salary shall be reviewed in conjunction with the annual evaluation in accordance with the Employment Agreement.

- Goals and Performance Objectives
  Council and the City Manager shall establish goals and performance objectives for the upcoming year no later than March 15th, consistent with the Employment Agreement.

- Compliance with Law
  All discussions related to the City Manager's evaluation shall occur in accordance with Ohio Revised Code §121.22 regarding executive session.

Recommended Timeline (Administrative Guidance Only)

October / Early November
Human Resources Director distributes confidential feedback forms to Department Directors and the City Solicitor

Mid-November
Department Director feedback due (within fourteen (14) days)

Late November
Human Resources Director compiles feedback and provides summary to Council within seven (7) days for informational purposes

December – First Regular Meeting
Council reviews compiled materials and begins discussion (executive session)

December – Second Regular Meeting
Council conducts final review and completes evaluation (executive session)

Within 30 Days
Written evaluation summary provided to the City Manager

By March 15
Council and City Manager establish goals for the upcoming year

PROPOSED UPDATE TO: SECTION 9 – PUBLIC PARTICIPATION / CITIZEN COMMENTS

Council has raised concerns regarding the absence of an opportunity for citizen comment on resolutions or ordinances that do not require a formal public hearing. While resolutions are generally intended for routine or lower-level administrative matters, Council may choose to expand opportunities for public input to enhance transparency and public engagement. Two primary options have been identified for Council's consideration.

- **Option 1** – Comment at Introduction of Legislation: Allow limited public comment (2 minutes per speaker) at the time legislation is introduced. This would apply broadly to applicable ordinances and resolutions. Consideration: While this approach maximizes accessibility, it will likely increase the length and complexity of Council meetings, particularly where multiple items are introduced.

- **Option 2** – Dedicated Public Comment Section (Recommended): Create a separate section of the Council meeting agenda, prior to new business, limited to agenda items that will be voted on during the meeting and that do not otherwise require a public hearing. Parameters include: (a) 2-minute time limit per speaker; (b) the speaker must identify the specific ordinance or resolution number; and (c) participation is limited to individuals who reside in Fairborn or own property within the City. Consideration: This approach provides a targeted and efficient mechanism for public input while maintaining control over meeting length and ensuring relevance of comments.

PROPOSED UPDATE TO: SECTION 12 – CENSURE AND DISCIPLINE

Censure is a formal, public action of City Council expressing disapproval of the conduct, actions, or statements of one of its members. It is intended to uphold the standards of conduct, decorum, and ethical responsibilities expected of elected officials. A censure does not remove a Councilmember from office, limit their voting rights, or alter their legal authority as an elected official.

- **Initiation of Censure**
  A censure proceeding may be initiated by any member of Council by submitting a written statement of concern to the Clerk of Council. The statement shall identify the conduct at issue and the general basis for the proposed censure. The Clerk shall include the item on a future Council agenda in accordance with standard agenda procedures.

- **First Meeting – Introduction and Notice**
  At the first meeting, the proposed censure shall be introduced, and the statement of concern shall be read into the record or summarized. No final action shall be taken at this meeting. The Councilmember, who is the subject of the proposed censure shall be provided an opportunity to respond if they choose. Following the first meeting, the Clerk of Council shall provide written notice to the Councilmember confirming that the matter will be scheduled for a public hearing at a subsequent meeting.

- **Second Meeting – Public Hearing and Consideration**
  At a subsequent regular or special meeting, a public hearing shall be held on the proposed censure. The Councilmember subject to censure shall be provided a full and fair opportunity to speak, present information, and respond to the concerns raised. Councilmembers may engage in discussion in accordance with the Rules of Council and standards of decorum. Following the public hearing and Council discussion, Council may consider a motion to adopt the censure.

- **Adoption**
  Adoption of a censure shall require an affirmative vote of a majority of the members elected to Council. The vote shall be conducted by roll call and recorded in the journal.

- **Effect of Censure**
  A censure constitutes a formal expression of Council's position and shall be entered into the official record. While it does not remove the Councilmember from office or restrict their legal authority, Council may, as a matter of internal governance, consider related actions such as committee or board appointment assignments, consistent with applicable law and Council policies.

- **Due Process and Fairness**
  All censure proceedings shall be conducted in a manner that ensures fairness, respect, and due process. The purpose of censure is to address conduct and uphold the integrity of Council, not to limit representation or the ability of a Councilmember to fulfill their elected duties.

- **Legal Limitations**
  Nothing in this section shall be interpreted to authorize Council to remove a member from office. Removal may occur only in accordance with the Fairborn City Charter, the Ohio Revised Code, or by judicial action.

- **Parliamentary Authority**
  Any procedural matters not specifically addressed in this section shall be governed by Robert's Rules of Order, as provided in these Rules of Council.