

ORDINANCE NO. 2015-15

INTRODUCED BY: Mayor Rinker and Council as a Whole

**AN ORDINANCE PROPOSING AN AMENDMENT
TO ARTICLE V, SECTION 6(E) OF THE CHARTER OF MAYFIELD VILLAGE
TO ALLOW COMPETITION FOR APPOINTMENT TO THE POSITION OF
CHIEF WITHIN THE POLICE AND FIRE DEPARTMENTS
TO INCLUDE INDIVIDUALS OUTSIDE THE DEPARTMENT
SHOULD THERE BE TWO OR LESS QUALIFIED INTERESTED INDIVIDUALS
FROM THE SUPERVISORY LOWER RANKS,
AND TO ELIMINATE CLASSIFIED CIVIL-SERVICE STATUS
FOR PART-TIME EMPLOYEES**

WHEREAS, Article IX of the Village Charter currently requires that the Charter Review Commission convene every five years to review the Charter; and

WHEREAS, the Charter Review Commission is required to have a review session with the Mayor and Council and to recommend to the voters any amendments to the Charter as in its judgment are desirable; and

WHEREAS, the Charter Review Commission and the Chiefs have recommended to the voters the following proposed amendments to Article V, Section 6(E).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO THAT:

SECTION 1. Article V, Section 6(E) of the Charter of the Village of Mayfield is amended to read as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. This ordinance upon adoption by Council shall be referred to the Clerk of the Cuyahoga County Board of Elections not later than sixty (60) days before the November 3, 2015 election. Upon this proposed amendment being approved by the majority of the electors voting thereon, it shall become part of the Charter of Mayfield Village, Ohio.

SECTION 3. Pursuant to the mandates of the Charter, a copy of the full text of this proposed amendment shall be delivered to the residents of the Village not less than thirty (30) days before the election and, pursuant to law, a legal notice will be published once a week for two consecutive weeks at least fifteen (15) days prior to the election.

SECTION 4. The language appearing on the ballot on November 3, 2015 shall be as follows:

**PROPOSED CHARTER AMENDMENT
(MAJORITY AFFIRMATIVE VOTE REQUIRED)**

SHALL ARTICLE V, SECTION 6 (E), BE AMENDED SO AS TO ALLOW COMPETITION FOR APPOINTMENT TO THE POSITION OF CHIEF WITHIN POLICE OR FIRE DEPARTMENTS TO INCLUDE INDIVIDUALS OUTSIDE THE DEPARTMENT IN THE EVENT THERE ARE TWO OR LESS QUALIFIED AND INTERESTED INDIVIDUALS FROM THE SUPERVISORY LOWER RANKS, AND TO ELIMINATE CLASSIFIED CIVIL-SERVICE STATUS FOR PART-TIME EMPLOYEE?

SECTION 5. This ordinance shall take effect and be in full force from and after the earliest period allowed by law and upon signature by the Mayor.

SECTION 6. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

WILLIAM BUCKHOLTZ
Council President

First Reading: _____ 2015

Second Reading: _____ 2015

Third Reading: _____ 2015

PASSED: _____ 2015

BRUCE G. RINKER, Mayor

APPROVED AS TO FORM:

JOSEPH W. DIEMERT, JR., DIRECTOR OF LAW

ATTEST: _____
MARY E. BETSA, Clerk of Council

EXHIBIT A

ARTICLE V

SECTION 6. CIVIL SERVICE COMMISSION

(E) Promotions.

The position of Chief of Police and Chief of Fire, when a vacancy occurs, shall be filled by promotion from among persons holding positions in the rank below, providing that there are two or more persons in such next lower rank who are willing to take the examination and are qualified pursuant to standards as determined by the Civil Service Commission . In the event there are not two persons willing to compete for such examination from the next lower supervisory rank, then the Commission has the authority to permit competition for such appointment from the next lower rank, as well as to include competition from qualified individuals outside the Department as determined by the Civil Service Commission. The intent being to provide promotions from supervisory ranks, and to provide flexibility to go outside the department once supervisory ranks are no longer capable of providing 2 qualified and willing candidates.

No positions except the Chiefs of each Department, above the rank of patrol officer in the Police Department or firefighter in the Fire Department shall be filled by original appointment. Vacancies in positions above the rank of patrol officer or firefighter shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled in the respective department. Promotion shall be by successive ranks so far as practicable. No person in either the Police Department or the Fire Department shall be eligible to take an examination for promotion to a position in a higher rank unless the person has served at least twenty-four (24) months in the next lower rank, provided in those cases where there are less than two persons in such next lower rank who have served twenty-four (24) months, therein and are willing to take the examination, the twenty-four (24) month service requirement shall not apply. If the non-application of the twenty-four (24) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. In the event two (2) persons are unwilling to compete for such examination, then the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination.

~~For purposes of this paragraph (E) only, part time firefighters in the Fire Department shall be deemed to be within the classified service, and shall be eligible for promotion, and receive credits on their examinations for seniority and efficiency, in the same manner as provided by the general laws of the state applicable to members of the Fire Department who are within the classified service, provided that this provision shall apply only: (i) at such times as the Fire Department has less than two (2) regular full-time members holding the rank of firefighter; or (ii) in the event there shall be less than two (2) full-time regular members of the Fire Department who are eligible and willing to take a promotional exam for promotion to fill a vacancy.~~

Except as otherwise provided in this paragraph (E) of Article V, Section 6, of this Charter, all promotions of employees within the classified service shall be made in accordance with the general laws.

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