ORDINANCE NO. 2020-14
INTRODUCED BY: Mayor Bodnar

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

WHEREAS, Article XI 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 judgement 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, Cuyahoga County, State of 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 Cuyahoga County Board of Elections not later than sixty (60) days before the November 3, 2020 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, 2020 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 THE POLICE AND FIRE DEPARTMENTS AND ASSISTANT CHIEF OF FIRE WITHIN THE FIRE DEPARTMENT IN THE EVENT THERE ARE TWO OR LESS QUALIFIED AND INTERESTED INDIVIDUALS FROM SUPERVISORY LOWER RANKS?

SECTION 5. This ordinance shall take effect and be in full force from and after the earliest period allowed by law and upon signature of 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 meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

_____
STEPHEN SCHUTT
Council President

First Reading: _____, 2020

Second Reading: _____, 2020

Third Reading: _____, 2020

PASSED: _____, 2020

_____
BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

_____
ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST:

_____
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

ARTICLE V

SECTION 6. CIVIL SERVICE COMMISSION.

(E) Promotions.

The position of Chief of Police, ~~and~~ Chief of Fire, and Assistant Chief of Fire, when a vacancy occurs, shall be filled by promotion from among persons holding positions in the supervisory ranks ~~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 ranks below, then the Commission has the authority to permit competition for such appointment from the next lower rank (patrol officer in the Police Department and firefighters in the Fire Department), 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~~ the position of Chief of Police, Chief of Fire, and Assistant Chief of Fire, 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 nonapplication 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.

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. (Amended 11-3-15.)