

ORDINANCE NO.: 51 -2009
INTRODUCED BY: Mayor and All of Council

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE VI, SECTION 4, REGARDING THE RESIDENCY REQUIREMENTS FOR FUTURE CHIEFS OF POLICE AND FIRE SO AS TO COMPORT WITH STATE LAW; AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee has recommended to place the issue of amending the Charter at Article VI, Section 4, before the electorate in order to revise the residency requirements for future Chiefs of Police and Fire so as to comport with recent state law ; and

WHEREAS, pursuant to Charter, Article XIV, Council shall submit these proposed amendments to the electorate; and

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendments to the electors at the next regular municipal election that occurs not less than 60 nor more than 120 days from the passage of such ordinance.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 3rd day of November, 2009, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law, the question of the amendment of the Charter of the City of Richmond Heights at Article VI, Section 4, "Department of Public Safety", so that, as amended, it shall read in pertinent part as follows:

ARTICLE VI

ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS

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SECTION 4. DEPARTMENT OF PUBLIC SAFETY.

* * *

(c) The Division of Police shall consist of a Chief of Police and such other officers, patrolmen and patrolwomen, and personnel as the Council shall deem necessary and advisable, all of whom shall be appointed in accordance with the provisions of this Charter and the Rules and Regulations of the Civil Service Commission.

The Chief of Police shall be appointed by the Mayor from a list of the top five (5) candidates who have successfully passed a civil service examination and may be from within the Division of Police and/or from outside of the Division of Police, provided, that in order to be eligible to take a test for the position of Chief of Police, all applicants shall hold or shall have held the position of a police lieutenant or higher in a municipal corporation and shall have served in that capacity beyond any probationary period applicable to that position.

The Chief of Police shall, upon appointment, serve a probationary period of one year. Upon the termination of his or her service during a probationary period as Chief of Police, he or she shall, if appointed from the Division of Police, revert to the civil service status held by him or her at the time of appointment to the position of Chief of Police. After service of the probationary period, he or she may only be removed from office for cause under Civil Service Rules and Regulations.

As a condition of employment, from and after the effective date of this subsection, the Chief of Police shall reside within Cuyahoga County or any county adjacent to Cuyahoga County ~~a fifteen (15) mile radius of the City Hall of the City of Richmond Heights~~ during ~~his or her~~ the Chief's employment. In cases of new appointments or promotion, the Chief of Police shall have three months to comply with this section. Failure of the Chief of Police to comply with this section shall result in immediate termination without further action by the City.

* * *

(d) The Division of Fire shall consist of a Fire Chief and such other officers, firefighters and personnel as the Council shall deem necessary and advisable, all of whom shall be appointed in accordance with the provisions of this Charter and the Rules and Regulations of the Civil Service Commission.

The Fire Chief shall be appointed by the Mayor from a list of top five (5) candidates who have successfully passed a civil service examination and may be from the Division of Fire and/or from outside of the Division of Fire provided that in order to be eligible to take a test for the position of Fire Chief, all applicants shall hold or shall have held the position of a fire lieutenant in a municipal corporation and shall have served in that capacity beyond any probationary period applicable to that position.

As a condition of employment, from and after the effective date of this subsection, the Fire Chief shall reside within Cuyahoga County or any county adjacent to Cuyahoga County ~~a fifteen (15) mile radius of the City Hall of the City of Richmond Heights~~ during ~~his or her~~ the Chief's employment. In cases of new appointments or promotions, the Fire Chief shall have three months to comply with this section. Failure of the Fire Chief to comply with this section shall result in immediate termination of employment without further action by the City.

Section 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendment and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Richmond Heights", and the question to be submitted on said ballot shall be substantially in the following words:

"Shall Article VI, Section 4, of the Richmond Heights Charter be amended to require the Chiefs of the Divisions of Police and Fire to reside within Cuyahoga County or any county adjacent to Cuyahoga County during the Chiefs' employment with the City?"

Section 3: The Clerk of Council is directed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law, and to certify a copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, as provided by law.

Section 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City of Richmond Heights for the reason that it is necessary to timely submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the general election to be held on November 3, 2009, in compliance with the Ohio Constitution and the City Charter, and, therefore, shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED:_____

Daniel J. Ursu, Mayor

APPROVED:_____

ATTEST:_____

Betsy Traben
Clerk of Council

David H. Roche
President of Council