

BAY VILLAGE 2022 CHARTER REVIEW COMMISSION

Dear Members of Bay Village City Council.

Every ten years a group of nine residents from our City are appointed to serve as the Charter Review Commission per the requirements of our City Charter. The purpose of the Commission is to review all aspects of the Charter and propose any changes to City Council. The Charter requires that Council place these changes before the voters for their approval or disapproval. The 2022 Charter Review Commission met in open meetings between February and August to conduct its review. Every meeting included an opportunity for public input. What follows are the changes to our Charter that the Commission unanimously approved for submission to the electorate.

Respectfully submitted from the 2022 Charter Review Commission,

Michael Young, Chairman
Brian Cruse
Scott Dwyer
Jennifer Lesny Fleming
Lynn Linder
Clete Miller
Peter Petto
Jim Strunk
Tara Wendell

Existing Language:

PREAMBLE

We, the people of the Village of Bay in the County of Cuyahoga and State of Ohio, in order to secure for ourselves the benefits of municipal home rule and exercise all the powers of local self government, do adopt this Charter of our Municipality:

Language approved by the Charter Review Commission for change: (change shown in italics)

“We, the people of *Bay Village*, in the County of Cuyahoga and State of Ohio, in order to secure for ourselves the benefits of Municipal Home rule and exercise all the powers of local self government, *and to affirm the values of representative democracy, political leadership, citizen participation, sustainability, diversity and inclusiveness*, do adopt this Charter of our Municipality.

ARTICLE II - THE COUNCIL

Section 2.4 Vacancies

Existing Language:

Any vacancy in Council shall be filled by appointment by a majority vote of the remaining members of Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment within thirty (30) days of expiration of Council's time period for appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified. A successor shall be elected at the next regular municipal election provided that:

- (1) Such election occurs more than two (2) years prior to the expiration of the unexpired term; and
- (2) The vacancy occurs more than seventy-five (75) days prior to such election.

Language approved by Charter Review Commission for change:

“Any vacancy in Council shall be filled by appointment by a majority vote of the remaining members of Council. *Council may first select one of its members to fill the vacancy. If no Council member is selected to fill the vacancy, Council shall fill by appointment from qualified applicants who are not current members of Council.* If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment within thirty (30) days of expiration of Council's time period for appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified. A successor shall be elected at the next regular municipal election provided that:

(1) Such election occurs more than two (2) years prior to the expiration of the unexpired term; and

(2) The vacancy occurs more than seventy-five (75) days prior to such election.”

ARTICLE VI CIVIL SERVICE COMMISSION

2022 Charter Review Commission

Re: Article VI Civil Service Commission, proposed edits to Sections 6.3, 6.4 and 6.5

Section 6.3 CLASSIFICATION OF SERVICE

Existing Language:

SECTION 6.3 - CLASSIFICATION OF SERVICE.

The civil service of the Municipality is hereby divided into unclassified and classified service. The unclassified service shall include:

- (a) All officers elected by the people;
- (b) All directors of departments, and assistants to the directors;
- (c) All officers and employees appointed by the Council, and a secretarial assistant to the Mayor;
- (d) All members of boards or commissions appointed by the Mayor;
- (e) Provisional employees whose employment without extension by the Commission shall not exceed one hundred and twenty (120) days;
- (f) Any office or position requiring peculiar or exceptional qualification;
- (g) Persons who shall have served the Municipality with fidelity for at least one year next preceding the taking effect of this Charter so long as remaining in the same or a similar position;
- (h) Unskilled labor.

Notice of any provisional appointment shall be given in writing by the appointing authority to the Secretary of the Commission within five (5) days after such appointment is made.

The classified service shall be comprised of the Chief of the Division of Police and the Chief of the Division of Fire and all other positions not specifically included within the unclassified service.

All original appointments shall be for a probationary period of one (1) year, except for the Divisions of Fire and Police which shall be for two (2) years. All promotional appointments shall be for a probationary period of four (4) months. During the probationary period for original appointees, the employee may be dismissed, removed or reduced without restriction by the appointing authority. At the end of the probationary period for promotional appointees, the appointing authority shall transmit to the Civil Service Commission a record of the promoted employee's service, and if such service is unsatisfactory the promoted employee may, with the approval of the Civil Service Commission, be reduced to the position previously held by such employee without restriction, but reduction or dismissal may be made during the promoted employee's probationary period as is otherwise provided by law.

Language approved by the Charter Review Commission for change:

Section 6.3 CLASSIFICATION OF SERVICE

The civil service of the City is hereby divided into classified and unclassified service. The classified service shall include all sworn members of the police and fire departments, including Chief of Police Department and Chief of the Fire Department, and all full-time Police, Fire/EMS Dispatchers. The unclassified service shall include all directors other than classified members, elected officials, members of boards and commissions, and all employees not specifically included in the classified service.

All original appointments shall be for a probationary period of one (1) year, except for the Divisions of Fire and Police which shall be for two (2) years. All promotional appointments shall be for a probationary period of *twelve (12) months*. During the probationary period for original appointees, the employee may be dismissed, removed or reduced without restriction by the appointing authority. At the end of the probationary period for promotional appointees, the appointing authority shall transmit to the Civil Service Commission a record of the promoted employee's service, and if such service is unsatisfactory the promoted employee may, with the approval of the Civil Service Commission, be reduced to the position previously held by such employee without restriction, but reduction or dismissal may be made during the promoted employee's probationary period as is otherwise provided by law.

Section 6.4 DUTIES

Existing Language:

The Commission shall provide by rule for ascertainment of merit and fitness as the basis for appointment and promotions in the classified service of the Municipality, as required by the Constitution of the State of Ohio and for appeals from the action of the Mayor in any case of transfer, reduction or removal, and the action of the Commission on any such appeal shall be final. The Commission shall keep a record of its proceedings and examinations, which shall be open to public inspection and shall, in all matters not in conflict with this Charter, conduct its affairs in accordance with the provisions of the general law.

Language approved by the Charter Review Commission for change:

The Commission shall provide by *rules of Civil Service Commission* for ascertainment of merit and fitness in the classified service of the *City, as required by the Constitution of the State of Ohio; for the basis and method for determination of eligibility, certification, appointment and promotion of candidates for the positions in the classified service; for the conduct of the affairs of the commission;* and for appeals from the action of the Mayor in any case of transfer, reduction or removal, and the action of the Commission on any such appeal shall be final. The Commission shall keep a record of its proceedings and examinations, which shall be open to public inspection. *The Commission shall have the authority to adopt rules and regulations in accordance with home rule which may differ from State law, to govern its proceedings and fulfill its duties hereunder, and in such event of a conflict with State law, rules adopted by the Commission shall supersede provisions of State law and be determinative and govern the Commission's proceedings.*

Section 6.5 REMOVAL

Existing Language:

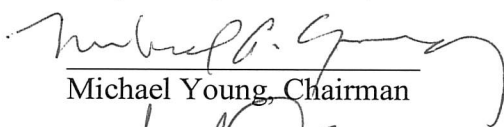
The Mayor may at any time suspend any Commissioner for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided however that such suspension shall not be effective without the concurrence of two-thirds (2/3) of the total number of Councilmen provided for in this Charter, or until such

Commissioner shall have been notified in writing of the charge against him at least ten (10) days in advance of any hearing upon such charge, and he or his counsel has been given an opportunity to be heard, present evidence, or examine any witness appearing in support of such charge.

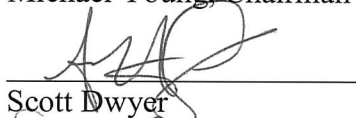
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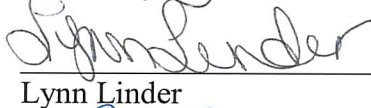
Respectfully submitted,



Michael Young, Chairman



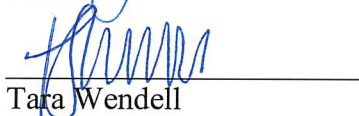
Scott Dwyer



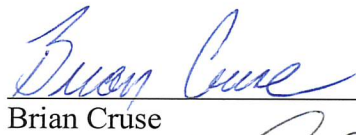
Lynn Linder



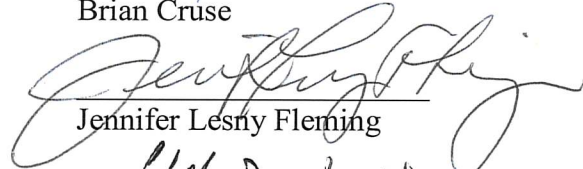
Peter Petto



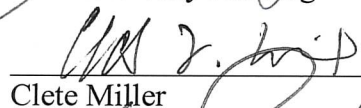
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