

ORDINANCE NO. 22-87
INTRODUCED BY: Mr. Kelly

AN ORDINANCE
**TO PROVIDE FOR AN ELECTION ON THE ADOPTION OF AN AMENDMENT TO
ARTICLE VI SECTION 6.3 OF THE CHARTER OF THE CITY OF BAY VILLAGE
PERTAINING TO THE CIVIL SERVICE COMMISSION CLASSIFICATION OF
SERVICE, AND DECLARING AN EMERGENCY.**

WHEREAS, Section 13.6 of the Charter of the City of Bay Village requires that the Charter Review Commission meet every ten years to review the Charter; and

WHEREAS, the 2022 Charter Review Commission for the City of Bay Village has proposed amendments to the Charter to be presented to the electors pursuant to Section 13.6;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the current Section 6.3 of the Charter of the City of Bay Village states:

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.

SECTION 2. That the question of the adoption of the following proposed Charter Amendment be submitted to a vote of the qualified electors of the City of Bay Village at the general election to be held on the 8th day of November, 2022 as prescribed by general law, where a majority affirmative vote is required for passing and the proposed new language is provided herein in italics:

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 3. That the ballot for said election shall, at the top thereof, be entitled, "Proposed Amendment to City Charter Ballot." Thereunder shall be printed, "A Majority Vote is Necessary for Adoption." The question to be submitted on the ballot shall be substantially in the following words: "Shall the proposed amendment to Article VI Section 6.3 of the Charter of the City of Bay Village REGARDING CIVIL SERVICE COMMISSION CLASSIFICATION OF SERVICE be adopted?"

SECTION 4. That notice of the time and place of holding such election shall be given as required by law.

SECTION 5. That the Clerk is hereby directed to either publish the full text of the proposed Charter amendment in a newspaper of general circulation within the municipal corporation once a week for two consecutive weeks at least fifteen days prior to the election, or mail a copy of the proposed Charter amendment to each elector whose name appears upon the registration books of the last regular election held in said City, at least 30 days before the date of such election.

SECTION 6. That the City pay the cost of printing and mailing copies of said proposed Charter Amendment or publishing said notice.

SECTION 7. That the Clerk is hereby directed to certify a copy of this ordinance to the Board of Elections of Cuyahoga County.

SECTION 8. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.


SECTION 9. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to place said proposed amendment on the ballot in a timely fashion so the electors may decide the question proposed, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: August 22, 2022


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: August 22, 2022


MAYOR

081822 jt