

Ordinance No. 199-18

AN EMERGENCY ORDINANCE

Authorizing and directing the submission to the electors of the City of Cleveland of a proposal to amend Sections 116 and 126 of the Charter of the City of Cleveland, relating to the police force, control by Chief, and division into classified and unclassified service.

**Council Members Zone and Kelley
(by departmental request)**

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it must be certified to the election authorities immediately in order for the question to appear at a special election to be held on May 8, 2018, and providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council authorizes and directs the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting of the City of Cleveland on Tuesday, May 8, 2018, of a proposal to amend the Charter of the City of Cleveland by amending existing Sections 116 and 126 to read as follows:

§ 116 Division of Police; Control by Chief

The Police Force shall consist of a Chief, ~~three~~ any number up to five Deputy Chiefs of Police, ~~eleven~~ any number up to seventeen Commanders of Police, and such other officers, ~~patrolmen~~ patrol officers and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint ~~a fourth~~ one of the Deputy ~~Chief~~ Chiefs of Police to protect the people from homeland security threats and ~~a twelfth~~ one of the ~~Commander~~ Commanders of Police for community policing. In case of riot or like emergency the Mayor may appoint additional ~~patrolmen~~ patrol officers and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. The Chief of Police shall have exclusive control of the stationing and transfer of ~~patrolmen~~ patrol officers and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

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§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All directors and assistant directors of departments.
- (c) The Clerk of Council.
- (d) The Chief of Police, ~~four~~ any number up to five Deputy Chiefs of Police, and ~~twelve~~ any number up to seventeen Commanders of Police.
- (e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.
- (f) The secretary to the mayor and one secretary for each director of a department.
- (g) Executive Assistants to the Mayor and Special Assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.
- (h) Temporary employees for a period not to exceed ninety (90) days and seasonal employees for a period not to exceed one hundred and eighty (180) days.
- (i) Students enrolled in a recognized educational institution and in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.
- (j) School crossing guards.
- (k) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, the noncompetitive class and the general labor class.

- (a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

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(b) The noncompetitive class shall include all positions requiring specialized training, or skills requiring certifications or licensure, and qualifications of a scientific, business, managerial, professional or educational character, as may be determined by the Commission. The fitness of applicants in the non- competitive class shall be based on the applicant's knowledge, skills and abilities relative to the qualifications for the position.

(c) The general labor class shall include semi-skilled and unskilled labor positions for which it is impractical to give competitive tests. The positions shall be filled from a registration list established and maintained by the Commission. The Commission shall register applicants for positions in the general labor class either continuously or at times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the intention to so accept registrations shall be made by the Commission. Priority of registration shall determine an applicant's place on the registration list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission.

Section 2. That the foregoing proposed amendments to the Charter, on receiving at least a majority of the votes cast at the May 8, 2018, special election, shall become effective immediately on its adoption.

Section 3. That the Clerk of Council is authorized and directed promptly to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on May 8, 2018, on the amendments to the Charter of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of Council is authorized and directed to cause the full text of the proposed amendments to the Charter to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the special election to be held on May 8, 2018, as provided in Article XVIII, Section 9 of the Constitution of the State of Ohio, Section 731.211 of the Revised Code, and Section 200 of the Charter of the City of Cleveland.

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Section 6. That the ballot submitting the question of the adoption of the proposal shall read as follows:

PROPOSED CHARTER AMENDMENT
CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.
"Shall Sections 116 and 126 be amended to authorize a change in the number of Deputy Chiefs in the unclassified service from four to any number up to five and the number of Commanders of Police in the unclassified service from twelve to any number up to seventeen?"

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

NK:nl
2-26-18

FOR: Director McGrath

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REPORT
after second Reading

Council Members Zone and Kelley (by departmental request)

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READ FIRST TIME on FEBRUARY 26, 2018
and referred to **DIRECTORS** of Public Safety, Finance, Law;
COMMITTEES on Safety, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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PASSAGE RECOMMENDED BY
COMMITTEE ON
SAFETY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE

