

ORDINANCE NO. 20-113

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF SANDUSKY OF A PROPOSED AMENDMENT TO SECTION 27 OF THE CHARTER OF THE CITY OF SANDUSKY BY AMENDING THE MINIMUM QUALIFICATIONS TO BE CONSIDERED FOR APPOINTMENT TO THE CHIEF OF THE DEPARTMENT OR DIVISION OF POLICE, AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee appointed by this City Commission pursuant to Section 87 of the Charter has recommended that Section 27 of the Charter be amended in order to amend the minimum qualifications to be considered for appointment to Chief of the Department or Division of Police; and

WHEREAS, the Charter Review Committee recommended any active or former full-time law enforcement officer, with not less than ten (10) years of prior full-time law enforcement service within the twelve (12) years immediately preceding the date of their application for Chief of Police, and either holding or previously held the permanent rank of Sergeant (or its equivalent) or higher, be eligible to be considered for appointment to Chief of Police; and

WHEREAS, it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio and its citizens, to provide for the usual daily operation of a municipal department, to provide that the Clerk of this City Commission can certify this ordinance to the election authorities immediately in order for the question to appear on the ballot at the election to be held on November 3, 2020, and by reason thereof, the City Commission finds that an emergency exists regarding the aforesaid, and it is advisable that this ordinance be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL THE MEMBERS THEREOF CONCURRING, THAT:

Section 1. Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Section 82 of the Charter of the City of Sandusky, this City Commission hereby authorizes and directs the submission to the electors of the City of Sandusky at an election to be held at the usual places of voting in said City on November 3, 2020, of the following proposal to amend Section 27 of the Charter of the City of Sandusky, Ohio:

That existing Section 27 of the Charter be amended to read as follows:

“§27 CIVIL SERVICE.

The Civil Service Commission of the City of Sandusky, Ohio, shall be comprised, and the members thereof shall be appointed in compliance with the laws of the State of Ohio, and said Civil Service Commission shall adopt rules and regulations consistent with, and shall enforce and be governed by the Civil Service law of the State of Ohio as the same is presently in effect, or as it may be enacted or amended hereafter, with the express exception that in the process of filling any vacancy in the offices or positions of Chief of the Department or Division of Police, or Chief of the Department or Division of Fire of the City the procedures set forth herein shall be utilized, and the same shall supersede, override, govern, apply and prevail over any law, statute or regulation of the State of Ohio in conflict or inconsistent therewith, and be binding and applicable in such circumstances in and upon the City of Sandusky, and all of its officers, commissions and employees.

When a vacancy occurs in the office or position of Chief of Police, or the office or position of Chief of Fire, a Selection Board shall be appointed. In each such situation the Selection Board shall be composed of the President of

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the City Commission or a member of the City Commission designated by said President, who shall serve as the Chairman of the Selection Board, the Chairman of the Civil Service Commission of the City of Sandusky, Ohio, or a member of said Civil Service Commission designated by said Chairman, and three (3) other resident electors of the City of Sandusky who are not officers or employees of said City who shall be appointed by the President of the City Commission with the advice and consent of the City Commission. It shall be the duty and responsibility of the Selection Board in each said instance to examine, and certify to the City Manager of the City of Sandusky, Ohio, the name or names of individuals who are eligible for appointment to the office or position involved.

When a vacancy occurs in either office, the City Manager of the City of Sandusky, Ohio, promptly shall report the fact of said vacancy to the President and members of the City Commission. Concurrently the City Manager shall take appropriate steps to notify such individuals who are qualified to apply for consideration for appointment to said vacant office or position, of the existence of said vacancy, and that applications for consideration for appointment to the same may be filed in the office of the City Manager up to and within a period of time to be determined by the City Manager not less than ten (10) days after the notice of said vacancy is effected as required hereby. After the expiration of said application period, the City Manager shall promptly deliver to the Chairman of the Selection Board all of the applications which have been timely and appropriately filed in the office of the City Manager.

Any active or former full-time law enforcement officer, with not less than ten (10) years of full-time law enforcement service within the twelve (12) years immediately preceding the date of their application hereunder, and either holding or previously held the permanent rank of Sergeant (or its equivalent) or higher, shall be qualified and eligible to so apply and to be considered for appointment in relation to a vacancy in the position or office of Chief of the Department or Division of Police.

Any active full-time firefighter with not less than ten (10) years of prior active full-time service as a firefighter, and holding the permanent rank of Captain or higher, as of the date of the application of said officer hereunder, shall be qualified and eligible to so apply and to be considered for appointment in relation to a vacancy in the position or office of Chief of the Department or Division of Fire.

Applications shall be in written form and shall be personally executed by the applicant. They shall contain the information required by this section, the address of the applicant, and such other pertinent information as the City Manager may require. Applications shall be submitted on forms prescribed by the City Manager. Each applicant as part of the application process shall attest to the truth of the representations and information set forth in the application thereof, and that said applicant is qualified and eligible to make such application.

The Selection Board, on the basis of merit and fitness, shall determine the qualifications of each applicant hereunder by administering such written examinations, psychological examinations and evaluations, oral assessments and examinations, and such other examinations, evaluations, and/or screening processes and procedures as said Board deems appropriate and practicable in determining the relative capacity and abilities of the applicants to discharge the duties and responsibilities of the position or office to which they aspire. Thereafter, on the basis of its evaluation and determination, the Selection Board shall certify to the City Manager the names of not more than three (3) applicants who are eligible to serve in the office or position which is vacant and to which they aspire whom the Board deems best qualified and able to perform the duties and responsibilities of said position. Said certification shall be the result of the exercise of judgment and discretion of the members of the Selection Board, and of the Board itself, arrived at individually and collectively as a result of the evaluation process described herein.

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The City Manager shall appoint to the vacancy at issue one (1) of the three (3) persons certified by the Selection Board as eligible and qualified for said appointment. Said appointment shall be for a probationary period of six (6) months. If the appointee satisfactorily completes said probationary period, the City Manager then shall make said appointment permanent.”

Section 2. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, then such amendment shall thereupon take effect and such Section 27, as so amended, shall thereupon be a part of the Charter and existing Section 27, in its present form, of the Charter shall thereupon be repealed.

Section 3. It is the desire of the City Commission that the ballots for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT
A majority affirmative vote is necessary for passage.

Shall Section 27 of the City Charter be amended to adjust the minimum qualifications to be considered for appointment to Police Chief, by allowing any full-time law enforcement officer with ten (10) years law enforcement experience within the last twelve (12) preceding years and having held the rank of Sergeant or higher to be considered for appointment to Police Chief?

	YES
	NO

Section 4. The Clerk of the City Commission is hereby authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Erie County on or before 4:00pm on August 5, 2020.

Section 5. The Board of Elections of Erie County shall cause an appropriate notice to be duly given of the election to be held on November 3, 2020, on the foregoing amendment to the Charter of the City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 6. The Clerk of this City Commission is hereby authorized and directed to mail a copy of the proposed Charter amendment to each elector at least thirty days prior to the election to be held on November 3, 2020, as provided in Section 82 of the Charter, in Article XVIII, Section 9 of the Constitution of the State of Ohio, and in Section 731.211 of the Ohio Revised Code.

Section 7. There is hereby appropriated from the General Fund a sufficient sum of money to pay expenses related to the aforesaid mailing and election.

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Section 8. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 9. That, for the reasons set forth in the last preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage and due authentication by the President and the Clerk of the City Commission.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST: _____

MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed: August 3, 2020