

Cuyahoga Falls City Council
Public Affairs Committee Meeting
April 21, 2003

Members: Mr. James, Chair
Mr. Gorbach
Mr. Flinn

Mr. James called the meeting to order at 7:37 p.m. Mr. Flinn was absent.

The minutes from the April 7, 2003 Public Affairs Committee meeting were approved as submitted.

LEGISLATION CONSIDERED

Temp. Ord. No. B-67
Temp. Ord. No. B-68
Temp. Ord. No. B-69

DISCUSSION

Temp. Ord. Nos. B-67, B-68 and B-69

Mr. James indicated that after a discussion with Mr. Arrington, they were going to hold all three pieces of legislation. He stated he would read all three tonight and they would be discussed accordingly.

Mr. James read B-67, B-68 and B-69 (second reading). Mr. Arrington stated we are a chartered city. When the Civil Service Commission was established, the City decided to go with what State law states. This legislation would just add three words to the charter: "or City ordinance" to allow for an exception to state law. The State can make changes to its laws that the City does not like and this legislation would give the City an option to make an exception by going through City Council. In both police and fire, they propose to appoint from the top ten. Right now, State law provides for the Rule of One. That means, whoever scores the highest on the Civil Service exam gets the job. The City has had to promote people who were under disciplinary procedures. In 1995, the Charter Review Commission recommended the Charter be changed but Council did not approve it. In reviewing this particular issue, they have found several major cities are more open in the hiring process. For example, Cincinnati's mayor can appoint the police and fire chief from anywhere in the world. In Columbus, the chief is appointed to five-year terms. After two terms, he/she is out. Akron's chief is appointed to four-year terms with no limit on the number of terms served. Anyone who passes the test in Barberton is eligible to be appointed. Fairlawn's appointments are open to inside or outside individuals. In all of these cases, the

appointments are made by the Mayor. Dayton has a screening committee who reports to the City Manager who then makes the appointment. Currently, Dayton's Asst. Chief came from Washington D.C., the Deputy Chief from Cleveland and another Deputy Chief from Arlington, VA. The proposal before Council states appointments can be made from nationwide applicants, and cannot be political appointees. The middle managers go to the Rule of 10 to make it consistent with every other Department within the City. It would also allow an individual to "jump" a promotion (i.e., from patrolman to lieutenant--skipping sergeant.) These amendments would not have any affect on current incumbents, and successors would be under the new procedures.

Mr. James stated that promoting from within is tried and true. The military is proof of that. He does not think it is a bad thing. He realizes he would start from the bottom if he transfers into a new department, but that is something he knows. Mr. Arrington agreed it is generally accepted. What they are trying to do is open up the opportunities for the City to have the best person doing the job. Mr. James felt that the City's police and fire forces are doing a great job. When it comes to promoting from within, he feels if he is striving for a position and someone comes in from outside the City, he would not like it.

Mr. Gorbach indicated he has heard that if Council does not approve these changes, that Administration would be putting those changes on the ballot. He feels there is room for negotiation and stated it would work to everyone's advantage to sit down and discuss the issues. He believed representatives from the safety forces would need to be included in those discussions since they are the ones affected. Some language changes could be prepared that everyone would be happy with. We are talking about changing 44 years of tradition and practice. We are going from a completely objective selection process to a completely subjective one. He would like to see something in between. He agrees that sometimes the best test-taker is not the best manager. He also thinks that skipping ranks may not be a good practice because you could end up with someone supervising an individual he was just reporting to yesterday. Mr. James asked Administration if it would be willing to sit down with the Public Affairs Committee and a representative of police and fire to talk about what would be best. Mr. Arrington stated what they wanted to do was get the issue before Council, and what is before us tonight may be different from what ends up before us later. This will get a dialog going. Another example he gave was when the City merged with Northhampton Twp. and their police chief had to come into the City's force as a Lieutenant and had to begin to work his way up through the ranks all over again. He stated Administration would like to hold this. They have some gentlemen who would like to address City Council. He also stated that having a Rule of Three does not help when you only have two individuals eligible to take the test. Mayor Robart stated these procedures have been in place a long period of time. Forty-four years ago, we were a much smaller community. We now have 94 officers plus the dispatchers and detective bureau. You need someone who can manage people. The Rule of One contributed to the problem

we just experienced. Practice has shown that the City has always promoted from within. They can compromise. The Rule of Ten will be able to fix a bad system.

Mrs. Hummel stated she is on the Charter Review Commission and that this was not an issue that was brought to Council in 2000. There were other things that were considered. It has had one pass at the Charter Review Commission and no action was taken. She pointed out that they have not been looking solely at written tests but also use assessment tests which are more subjective and shows more than just a written test. As far as the example of how Cincinnati appoints its police personnel, from what she has been reading in the newspaper, that is not working for them. She is not sure she would want to hold the Cincinnati Police Department up as something to aspire to. She also pointed out that the Mayor's cabinet are all political appointees. She is not saying they are not qualified, just that they are political appointments. She would not like to see that kind of appointment brought to the police and fire departments. She does not think it would work in terms of morale.

Mr. Walters asked about the issue of the chief being subject to approval of the majority of Council. Right now, it takes the guesswork out of making a choice. It would be difficult for Council to approve or disapprove an appointment not knowing the individuals background and history. Mrs. Klinger stated there are a lot of changes and a lot of information to weigh before anyone can decide what to do. She asked about the references Mr. Arrington made regarding having to promote individuals who were under disciplinary action. Mr. Arrington stated that under current rules, the top test taker gets the job....period. Mr. Barnhart stated what Council needs to keep in mind is that the City needs to get the best person for the job. We are not getting that now. He feels sure that Council would have sufficient information to make a decision. These are important positions and he thinks the way it is set up now needs to be improved.

Mr. Gorbach stated it is very important how we get to an agreement and that the current police and fire personnel buy into it. We may not get all 94 to agree but we need to have most. They have to know they can have an equal shot. If someone is promoted, everyone needs to know it is the best guy and that they are ready to follow his lead. Council cannot just do what Administration wants. It cannot just do what it wants. We cannot allow recent events to temper the language. He thinks we should work towards something that will work well enough to possibly be in place for the next 44 years.

Don Nelsch of North Haven Blvd. stated he was at the last Charter Commission meeting. They did discuss some changes to the Charter but did not feel they had the votes on Council to do anything about it. They had five charter changes but did not want to jeopardize those because of the ones that were not likely to be approved.

Steve Durkett, the President of the Firefighters, was present. He stated he met with Mayor Robart. The union is opposed to this as now written, but he has found that they have some common ground. He is asking that members of Council, Administration and the police and fire unions sit down to come up with new legislation.

Sgt. Perry Tayback, President of FOP Gold stated his membership strongly opposes this change as written. He would like to work with the Mayor and Administration to come up with something they can work with.

James Dieks from FOP Blue stated they also oppose the legislation as written. They are willing to sit down to come up with something more workable.

Mr. James stated there is a strong consensus to get together with some of the people here. He asked Administration if that was possible. Mr. Arrington stated it was. Mr. Barnhart asked what would happen if there are two people who get the exact same score on a test. Mr. Arrington stated that seniority rules.

Mr. Gorbach stated he is pleased with the outcome of these discussions. Everyone was a little anxious and he thinks we made some good ground. There were some positive comments from the audience, Council and Administration. He feels this is the right way to do it. Mr. Arrington suggested that a committee be formed consisting of Administration, the Public Affairs Committee and a representative of each union. Mr. James stated he would get with the Mayor to come up with a date and time. Mrs. Pyke stated she felt that the officers who spoke tonight did so with a high level of professionalism. We depend on them a lot and she does not want anyone to be angry. We are trying to do something that is in the best interest of the City.

Committee recommended holding B-67, B-68 and B-69.

Other Business

Mr. Potts stated that a review of the new sign ordinance is scheduled to be discussed at the next Planning Commission meeting tomorrow at 5:30 if anyone was interested in attending.

Meeting adjourned at 8:35 p.m.