

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 105 - 2012

6
7 AN ORDINANCE AMENDING SECTION 129.01 OF TITLE
8 FIVE, PART ONE OF THE CODIFIED ORDINANCES,
9 RELATING TO AUTHORIZED STAFFING OF THE POLICE
10 DEPARTMENT, AND DECLARING AN EMERGENCY.
11

12 WHEREAS, Article III, Section 7 of the City Charter authorizes this Council to
13 provide for the authorized staffing of officers and employees in the Police Department;
14 and

15
16 WHEREAS, under Article XVIII, Section 3 of the Ohio Constitution, exercise of the
17 City's discretion in appointments and promotions within the classified service of the
18 City is a matter of local self-government (*State ex rel. Bednar v. City of North Canton*
19 (1994) 69 Ohio St. 3d 278); and

20
21 WHEREAS, Article VII, Section 2 of the City Charter expressly authorizes this
22 Council to enact ordinances with respect to appointments and promotions that will
23 prevail over state statutory provisions in case of conflict,
24

25 NOW, THEREFORE, BE IT ORDAINED by the City of Cuyahoga Falls, County of
26 Summit and State of Ohio that:
27

28 Section 1. Section 129.01 of the Codified Ordinances of the City of Cuyahoga Falls
29 is hereby amended to read in full as follows (new text underlined; deleted text in
30 ~~strikethrough~~):
31

32 129.01 COMPOSITION.

33 (a) Subject to the sufficiency of annual or supplemental appropriations for
34 personal services. ~~The~~ Police Department shall be composed of ~~the Chief of Police and~~
35 ~~such additional~~ the following sworn officers and other personnel; ~~as established by~~
36 ~~ordinance of Council.~~
37

38 Sworn Officers:

- 39 1 Chief
- 40 1 Captain
- 41 5 Lieutenants
- 42 10 Sergeants
- 43 56 Patrol Officers
- 44

45 Civilian Employees

- 46 1 Community Service Officer
- 47 1 Secretary II
- 48 2 Secretary I
- 49 6 Regular Part-Time Laborers
- 50 1 Juvenile Diversion Caseworker
- 51

52 (b) When sufficient appropriations are available and a valid civil service eligible
53 list exists, vacancies in classifications in the Police Department shall be filled from a
54 certified list of candidates within thirty (30) days. If there is no eligible list for a vacant
55 position, the Director of Public Safety shall forthwith request that the Civil Service

56 Commission conduct the needed examinations for the purpose of producing an eligible
57 list. An appointment to fill the vacancy shall be made within thirty (30) days after the
58 Commission certifies a list of candidates from a new eligible list. Nothing in this
59 subsection shall be construed to apply to appointments to the unclassified service, or to
60 limit the Commission's authority to waive competitive examinations in accordance with
61 its rules.

62
63 Section 2. Existing Section 129.01 of the Codified Ordinances, as re-enacted by
64 Ord. No. 45-1998, passed March 9, 1998, is hereby repealed.

65
66 Section 3. Ordinance No. 90-2010, passed July 26, 2010, is hereby repealed.

67
68 Section 4. Any other ordinances and resolutions or portions of ordinances and
69 resolutions inconsistent herewith are hereby repealed but any ordinances and
70 resolutions or portions of ordinances and resolutions not inconsistent herewith and
71 which have not previously been repealed are hereby ratified and confirmed.

72
73 Section 5. It is found and determined that all formal actions of this Council
74 concerning and relating to the adoption of this ordinance were adopted in an open
75 meeting of this Council and all deliberations of this Council and any of its committees
76 that resulted in such formal action were in meetings open to the public, in compliance
77 with all legal requirements including Chapter 107 of the Codified Ordinances.

78
79 Section 6. This ordinance is hereby declared to be an emergency measure necessary
80 for the preservation of the public peace, health, safety, convenience and welfare of the
81 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the
82 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
83 take effect and be in force immediately upon its passage and approval by the Mayor;
84 otherwise it shall take effect and be in force at the earliest period allowed by law.

85
86
87 Passed 12/27/12

Diana Colvettchio
President of Council *PRO TEM*

88
89
90
91
92 Clerk of Council

Cathleen J. Meacham
Clerk of Council

93
94
95 Approved: 12/31/12

D. Robart
Mayor