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3 CITY OF CUYAHOGA FALLS, OHIO

4  
5 ORDINANCE NO. 58 - 2017

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 ~~striketrough~~):

31  
32 129.01 COMPOSITION.

33 (a) Subject to the sufficiency of annual or supplemental appropriations for personal  
34 services, the Police Department shall be composed of the following sworn officers and  
35 other personnel:

36  
37 Sworn Officers:

- 38 1 Chief
- 39 2 Captains
- 40 4 Lieutenants
- 41 10 Sergeants
- 42 56 Patrol Officers

43 Civilian Employees:

- 44 ~~1 Community Service Officer~~
- 45 1 Secretary II
- 46 2 Secretary I
- 47 ~~6 Regular Part-Time Laborers~~
- 48 1 Juvenile Diversion Caseworker

49 Regular Part-Time Community Service Officers and Regular Part-Time Laborers  
50 as needed and subject to annual or supplemental appropriations.

51  
52 (b) When sufficient appropriations are available and a valid civil service eligible list  
53 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. 17-2015, passed February 23, 2015, is hereby repealed.

65  
66 Section 3. Any other ordinances and resolutions or portions of ordinances and  
67 resolutions inconsistent herewith are hereby repealed but any ordinances and  
68 resolutions or portions of ordinances and resolutions not inconsistent herewith and  
69 which have not previously been repealed are hereby ratified and confirmed.

70  
71 Section 4. It is found and determined that all formal actions of this Council  
72 concerning and relating to the adoption of this ordinance were adopted in an open  
73 meeting of this Council and all deliberations of this Council and any of its committees  
74 that resulted in such formal action were in meetings open to the public, in compliance  
75 with all legal requirements including Chapter 107 of the Codified Ordinances.

76  
77 Section 5. This ordinance is hereby declared to be an emergency measure necessary  
78 for the preservation of the public peace, health, safety, convenience and welfare of the  
79 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the  
80 affirmative vote of two-thirds of the members elected or appointed to Council, it shall  
81 take effect and be in force immediately upon its passage and approval by the Mayor;  
82 otherwise it shall take effect and be in force at the earliest period allowed by law.

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84  
85 Passed 7-31-17

Mary Ellen Pyke  
President of Council

Don Leonard  
Clerk of Council

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93 Approved: 8-1-2017

[Signature]  
Mayor