

ORDINANCE NO.: 102-2023
INTRODUCED BY: Mayor Thomas and All of Council

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE VI, SECTION 4(c), TO REVISE THE THRESHOLD ELIGIBILITY REQUIREMENT FOR PRIOR EXPERIENCE TO BE AN APPLICANT FOR THE POSITION OF CHIEF OF POLICE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XIII, Section 2, of the City Charter, this Council has the authority to place the issue of amending the Charter before the City's electorate and in this instance may do so to revise the threshold requirement related to the prior experience necessary to be eligible to apply for the position of Chief of Police in the City of Richmond Heights;

WHEREAS, the Ohio Constitution provides that the Council shall submit such amendments to the electors at a regular election that occurs not less than 60 days from the passage of an ordinance such as this Ordinance, which next general election is on November 7, 2023; so, therefore, the Council is required to file this Ordinance with the Cuyahoga County Board of Elections by September 8, 2023.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 7th day of November, 2023, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law, the question of the amendment of the Charter of the City of Richmond Heights, at Article VI, Section 4 --"Department of Public Safety", at subdivision (c) regarding the Division of Police (the "Amendment"), so that, as amended, it shall read in pertinent part as follows:

ARTICLE VI
ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS

* * *

SECTION 4. DIRECTOR OF PUBLIC SAFETY.

* * *

(c) The Division of Police shall consist of a Chief of Police and such other police officers, patrolmen and patrolwomen, and personnel as the Council shall deem necessary and advisable, all of whom shall be appointed in accordance with the provisions of this Charter and the Rules and Regulations of the Civil Service Commission.

The Chief of Police shall be appointed by the Mayor from a list of the top five (5) candidates who have successfully passed a civil service examination and may be from within the Division of Police and/or from outside of the Division of Police, provided, that in order to be eligible to take a test for the position of Chief of Police, all

applicants shall hold or shall have held the position of a police lieutenant, or its equivalent position or higher, in a municipal corporation law enforcement agency that employs peace officers as defined in section 109.71 of the Ohio Revised Code or a law enforcement agency as defined in United States Code 34 USC § 10534(c)(2), or their successor statutes, and shall have served in that capacity beyond any probationary period applicable to that position.

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Section 2. The Board of Elections of Cuyahoga County is hereby directed to provide for the voting upon said Amendment and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Richmond Heights", and the question to be submitted on said ballot shall be substantially in the following words:

"Shall Section 4(c) of Article VI of the Charter of the City of Richmond Heights be amended to revise the eligibility requirement for an applicant for the position of Chief of Police of the City of Richmond Heights to have served in the position of police lieutenant, or its equivalent position or higher, in a law enforcement agency as such an agency is defined by Ohio or federal statutory law?"

Section 3: The Clerk of Council is directed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law, and on or before September 8, 2023, to certify a copy of this Ordinance to the Board of Elections of Cuyahoga County, Ohio, as provided by law.

Section 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

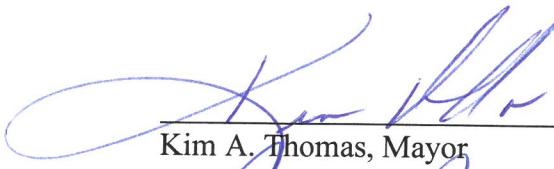
Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

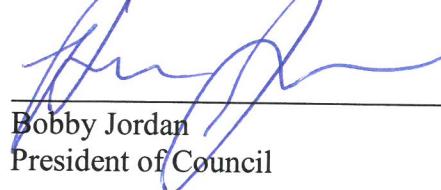
Section 6: This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City of Richmond Heights for the reason that it is necessary to timely submit the proposed Charter Amendment to the Board of Elections by September 8, 2023, for placement upon the ballot for the general election to be held on November 7, 2023, in compliance with the Ohio Constitution and, therefore, shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: July 25, 2023

APPROVED: July 25, 2023

ATTEST: Donnie Hunter
Donnie L. Hunter
Clerk of Council


Kim A. Thomas, Mayor


Bobby Jordan
President of Council