

ORDINANCE NO.: 19-0-06  
SPONSOR: MAYOR ADAMSON  
INTRODUCED: JUNE 5, 2019

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NEW FRANKLIN A PROPOSAL TO AMEND SECTIONS 7.01 AND 7.03 OF THE CHARTER, AND DECLARING THAT THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE.

WHEREAS, the Charter Review Commission has reviewed the Charter of the City of New Franklin; and,

WHEREAS, the Charter Review Commission recommends repealing and amending, as applicable, Sections 7.01 and 7.03 of the Charter in various aspects; and

WHEREAS, Council desires to provide for submission of the proposed amendments to the electors of the municipality at the upcoming general election on November 5, 2019.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

**SECTION ONE:**

That the proposal of the Charter Review Commission to repeal and amend, as applicable, Sections 7.01 and 7.03 of the Charter shall be submitted to a vote of the qualified electors of the City of New Franklin at the general election to be held on November 5, 2019.

**SECTION TWO:**

That in the event the foregoing amendments to the City Charter are approved by a majority of the electors voting thereon, such amendments shall become a part of the Charter of the City of New Franklin and shall become effective as provided therein; and the present sections or part sections of the Charter shall thereby be deemed repealed as they are affected.

**SECTION THREE:**

The ballot language for said issues shall read substantially as follows:

City of New Franklin  
Proposed Amendments to Charter

Shall Section 7.01 and Section 7.03 be amended to replace the Civil Service Commission with a Personnel Advisory and Appeals Board, while retaining the constitutional requirement that all appointments and promotions be made solely on the basis of merit and fitness, as follows:

## 7.01 Establishment

The following boards and commissions are hereby created and established as Municipality boards and commissions:

- 1) ~~The Civil Service Commission Personnel Advisory and Appeals Board~~
- 2) The Parks and Recreation Board
- 3) The Planning and Zoning Commission
- 4) The Board of Zoning Appeals
- 5) The Charter Review Commission

## ~~7.03 Civil Service Commission~~

### ~~(A) Composition and Term~~

~~The Civil Service Commission shall consist of three (3) members, appointed for staggered terms of six (6) years, or until their successors have been appointed.~~

~~The members of the Civil Service Commission shall be appointed by the Mayor with majority approval of Council.~~

~~Members of the Civil Service Commission shall be persons of recognized competence in personnel administration, public administration, labor relations, law, or a relevant field.~~

### ~~(B) Powers and Duties~~

~~The Civil Service Commission shall provide by written rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the Municipality, and for appeals from actions of transfer, disciplinary action, reduction, or removal of classified personnel under the civil service provisions.~~

### ~~(C) Classification of Service~~

~~All compensated positions in the service of the Municipality shall be in the classified service and shall be appointed pursuant to competitive examination, except the following, which shall comprise the unclassified service of the Municipality:~~

- 1) ~~The Mayor and Members of Council, and~~
- 2) ~~All directors and division heads, and~~
- 3) ~~Members of all Municipality boards and commissions, and~~
- 4) ~~Members of any reserve or part time police force~~

~~or unit, and volunteer or part time members of any fire force or division; and~~

~~5) Consultants and others engaged to provide services as independent contractors; and~~

~~6) Temporary employees who are employed for not more than one hundred eighty (180) days continuously, nor more than one hundred eighty (180) days in a twelve (12) month period; and~~

~~7) The Clerk of Council, other employees of Council, and the secretary of each Municipality board or commission established by this Charter or by ordinance, provided that if such Clerk, employee, or secretary shall hold other employment within the classified service of the Municipality, this section shall not exempt such person from the requirement of competitive examination to hold such other employment.~~

~~Except as otherwise provided by this Charter, Council may pursuant to Section 6.01, determine which additional administrative positions shall be considered classified or unclassified.~~

#### 7.03 PERSONNEL ADVISORY AND APPEALS BOARD

##### (A) COMPOSITION AND TERMS

The Personnel Advisory and Appeals Board shall consist of three (3) disinterested qualified electors of the Municipality not holding other public office, to be appointed by Council. Each member shall serve, without compensation, for a term of six (6) years. Each member shall have been a resident of the Municipality or territory annexed thereto for a period of two (2) years preceding the appointment and shall continue to remain a resident during the member's term. In the event of a vacancy, Council shall appoint a qualified elector to complete the unexpired term. Members shall serve no more than two (2) consecutive full six (6) year terms. Meetings of the Personnel Advisory and Appeals Board shall be open to the public except as may be provided by State law.

##### (B) POWERS AND DUTIES

As set forth below, the Personnel Advisory and Appeals Board shall have jurisdiction over personnel matters for Municipal employees, other than the Mayor and the Directors of Finance, Law, Service and Safety, except

provisions covered by collective bargaining agreements, and shall not be required to extend its jurisdiction to any other city, or school district or political subdivision of the State or their employees, Any employee, except for Department Managers and other similarly situated employees as designated by Council, shall have the right to appeal grievances involving dismissals or suspensions for periods of longer than three (3) days or eligibility rulings, to successively higher levels of the

Municipal management until satisfied, or until heard and decided by the Personnel Advisory and Appeals Board; provided, however, that such aggrieved employee presents the grievance to the Board within thirty (30) days of final determination of the grievance by the Mayor.

Any Department Manager or similarly situated employee as designated by Council aggrieved by the final determination of the Mayor may appeal grievances involving dismissals or suspensions for periods of longer than three (3) days or eligibility rulings to the Personnel Advisory and Appeals Board within thirty (30) days of the final determination of the Mayor.

(C) PERSONNEL PRINCIPLES AND RULES

(1) All appointments and promotions of Municipal employees shall be made solely on the basis of merit and fitness demonstrated by examination, demonstrated job performance or other evidence of competence. Department Managers, Division Heads, and other similarly situated employees as designated by Council shall serve at the pleasure of the Mayor, subject to the City's standard performance evaluation process by the Mayor, with right of appeal as provided in Section 7.03(B).

(2) The Mayor shall propose such personnel rules to the Personnel Advisory and Appeals Board which assure compliance with the principles and policies referenced above, as well as all constitutional and Federal/State mandates. The Personnel Advisory and Appeals Board shall report to Council its recommendations thereon, and Council may by ordinance adopt such rules and amendments consistent herewith.

\_\_\_\_ FOR  
\_\_\_\_ AGAINST

**SECTION FOUR:**

The City of New Franklin Clerk of Council shall send a certified copy of this ordinance to the Summit County Board of Elections on or before August 7, 2019.

**SECTION FIVE:**

The Clerk is authorized and instructed to give notice of the proposed amendments in accordance with Ohio Revised Code Section 731.211.

**SECTION SIX:**

The City of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION SEVEN:**

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of New Franklin and for the reason that it is immediately necessary to certify the Resolution to the Summit County Board of Elections in order to meet the deadline for said election. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: June 5, 2019

Kelly Kepler  
Kelly Kepler, Clerk

David Stock  
David Stock, President  
19-0-06

APPROVED: June 5, 2019

Paul F. Adamson  
Paul F. Adamson, Mayor

ENACTED EFFECTIVE: June 5, 2019

ON ROLL CALL: Cotts Yes Jones Yes  
Hargett Absent Fetterman Yes  
Stock Yes Hawk Yes  
Norris Yes

Publications on June 14, 2019 and June 21, 2019

Kelly Kepler  
Kelly Kepler, Clerk