

# COUNCIL CHAMBER

City of Berea, Ohio

ORDINANCE No. 2014-59

By Nick Haschka Sponsored By Mayor Cyril M. Kleem

## AN ORDINANCE

### AMENDING BEREA CODIFIED ORDINANCE SECTION 135.13, CERTIFICATION, OF CHAPTER 135, CIVIL SERVICE COMMISSION, IN PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF BEREA, AND DECLARING AN EMERGENCY.

WHEREAS, The State of Ohio, in 2003 and in 2007, amended its Revised Code section relating to expanding the list of eligible candidates from which civil service appointments can be made in order to make it possible to have a larger pool of candidates for such positions; and

WHEREAS, The City administration and City Council of Berea have determined that, where possible, choosing a civil service employee from a larger pool of eligible candidates may be beneficial to the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Section 135.13, Certification, of Chapter 135, Civil Service Commission, of Part One, Administrative Code, of the Codified Ordinances of the City of Berea, which has heretofore read as follows:

#### 135.13 CERTIFICATION.

(a) Filling of Vacancies. The Commission shall certify to the appointing authority the names and addresses of the ten persons standing highest on the eligible candidate list for the position to be filled.

(Ord. 97-29. Passed 4-7-97.)

(b) Objections to Certification. An appointing authority may submit written objections to the Commission objecting to the certification of any eligible candidate and setting forth specific reason therefor. Such objection must be based on just cause, and the person against whom the objection is made shall be notified, and within five days after the date of such notice may submit a written response to be heard by the Commission. If the objection is sustained by the Commission, the next highest name on the eligible candidate list shall be certified to the appointing authority, and notice of withdrawal of certification shall be sent to the person against whom the objection was sustained.

(c) A person certified from the same eligible list to the appointing authority and passed over five times shall be removed from the Eligible List.

(Ord. 91-38. Passed 3-18-91.)

shall be and is hereby amended to read in its entirety as follows:

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Ord. \_\_\_\_\_ No. 2014-59

By Haschka Sponsored By Mayor Klemm

## 135.13 CERTIFICATION.

(a) Filling of Vacancies. The Commission shall certify to the appointing authority the names and addresses of the ten persons ranking highest on the eligible candidate list for the position to be filled, or the names and addresses of the highest ranking twenty-five percent (25%) of persons on the eligible candidate list, whichever is the greater number.

(b) Objections to Certification. An appointing authority may submit written objections to the Commission objecting to the certification of any eligible candidate and setting forth specific reason therefor. Such objection must be based on just cause, and the person against whom the objection is made shall be notified, and within five days after the date of such notice may submit a written response to be heard by the Commission. If the objection is sustained by the Commission, the next highest name on the eligible candidate list shall be certified to the appointing authority, and notice of withdrawal of certification shall be sent to the person against whom the objection was sustained.

(c) A person certified from the same eligible list to the appointing authority and passed over five times shall be removed from the Eligible List.

**SECTION 2.** That the remaining existing Sections of Chapter 321 which are not amended herein, shall be and remain in full force and effect as previously written and codified.

**SECTION 3.** That 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 4.** That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary to allow the City of Berea to proceed to obtain an eligibility list of available, qualified candidates for open civil service positions as quickly as possible and for the reason that it provides for the usual daily operation of the Housing Department. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: June 16, 2014

ATTEST: [Signature]  
Clerk of Council

[Signature]  
President of Council

APPROVED: June 19, 2014

[Signature]  
Mayor

APPROVED AS TO FORM:

[Signature]  
Acting Director of Law