

CITY OF EAST CLEVELAND

REVISED: PERSONNEL & APPOINTMENTS COMMITTEE AGENDA

TUESDAY, APRIL 27, 2021 – 6:30 P.M.

CHAIR: Ernest Smith, Councilor Ward 3

Members: Korean Stevenson, Ward 4; Timothy Austin, Councilor at Large

[\(541\) East Cleveland City Council - YouTube](#)

JOIN ZOOM MEETING LINK:

<https://us02web.zoom.us/j/81190771472?pwd=cHZ6OTIYMIhycDRWbFNPYTBRNm9uUT09>

MEETING ID: 811 9077 1472

PASSCODE: 137786

ONE TAP MOBILE:

+13126266799,,81190771472#,,,,*137786#

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CALL TO ORDER BY THE CHAIR

ROLL CALL

DISCUSSION:

PROPOSED LEGISLATION TO ADOPT:

CITY COUNCIL EXPENDITURES PROCEDURES: Council members are issued a personal line item in the budget. This line item allows for each Council member to conduct City business activities relevant to their position as a Council member and working with residents. (see attached proposed Policies)

RESOLUTIONS:

ORDINANCE NO. 30 -21

AN ORDINANCE TO AMEND SECTION 123.08 OF THE EAST CLEVELAND CODIFIED ORDINANCES TO INCREASE THE APPLICANT POOL FOR FIRE AND POLICE CHIEF POSITIONS AND TO GIVE CITY THE ABILITY TO HIRE AN OUTSIDE APPLICANT.

Requested By: Mayor Brandon L. King

Sponsored By: Ernest Smith, Councilor Ward 3

ORDINANCE NO. 31-21

AN ORDINANCE TO AMEND SECTION 28 OF THE EAST CLEVELAND CHARTER REGARDING THE CIVIL SERVICE COMMISSION IN THAT THE CITY OF EAST CLEVELAND AND ITS COUNCIL MEMBERS ARE BEING SUMMONED TO PLACE THIS REVISION ON THE NEXT AVAILABLE AGENDA FOR CONSIDERATION AND PASSAGE. SHALL THE CHARTER OF EAST CLEVELAND REQUIRE A REVISION OF AN ORDINANCE TO BE PLACED ON THE BALLOT, THE CITY SHALL COMPLY FOR THE CONSIDERATION OF THE RESIDENTS OF THE CITY OF EAST CLEVELAND AND DECLARING AN EMERGENCY.

Requested By: Councilor Juanita Gowdy

Sponsored by: Councilor Ernest Smith, Chair of Personnel & Appointments Committee

RESOLUTION NO. 34-21

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF REV. DAVID HUNTER TO THE EAST CLEVELAND CIVIL SERVICE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2027.

Requested By: MAYOR BRANDON L. KING

Sponsored By: ERNEST SMITH, COUNCILOR WARD 3

RESOLUTION NO. 35-21

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF WILLIAM UNDERWOOD TO THE EAST CLEVELAND CIVIL SERVICE COMMISSION FOR A FULL TERM EXPIRING DECEMBER 31, 2027.

Requested By: MAYOR BRANDON L. KING

Sponsored By: ERNEST SMITH, COUNCILOR WARD 3

REMARKS FROM THE PUBLIC (LIMITED TO 2 MINUTES)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

Business: The Personnel Committee provides monitoring and oversight of matters involving personnel policies that affect staff and makes recommendations to Council as-a-whole regarding employee recruitment, compensation, and evaluation of employee performance.

CITY COUNCIL EXPENDITURES PROCEDURES

1. Council members are issued a personal line item in the budget which was reinstated as of 2019. This line item allows for each Council member to conduct City business activities relevant to their position as a Council member and working with residents.
2. Ohio Ethics Commission Advisory Opinion No. 91-010 prohibits a state official or employee (ORC Section 102.03(D) and (E) from accepting, solicit, or using the authority or influence of his/her position to secure, for personal travel, a discounted or free “frequent flyer” airline ticket or other benefit from an airline (or other transport service) for use in official travel.
3. Long Distance travel is planned by the Council Clerk who works directly with the Fiscal Director and Accounts Payable to properly process **budgeted** requests including registration forms and fees, plain or ground travel tickets, per diem costs for food and parking, and hotel.
 - a. Limitations on food (\$10/day for breakfast; \$20/day for lunch; \$30/day for dinner) per the City Charter.
 - b. Road traveling mileage is reimbursed based on the Internal Revenue Service Mileage Rate for 2020 (57.5 cents per mile) <https://www.irs.gov/tax-professionals/standard-mileage-rates>.
4. All receipts must be maintained and returned to the Council Clerk to review and calculate expenses prior to submitting for processing. (Expenses do not include personal purchases, entertainment, alcohol). All activities and receipts are documented on the “Travel Request and Expense Report”. (Obtained from the Fiscal Dept. or Council Clerk.)
5. Typical allowable purchases are for East Cleveland events, Ward or community meetings limited to supplies; giveaway items used in trainings or drives (i.e. toy drive); food (refreshments or finger foods at events; special plaques/awards). All purchases are reviewed and approved by the State Auditors.

6. The City of East Cleveland is a government entity and therefore is tax-exempt. Please be sure when making purchases for City business that the cashier is provided with the tax ID and inform the Council Clerk of purchases to ensure ongoing proper management of the Council budget. All receipts must be maintained and turned in to the Council Clerk for processing.
7. All copies of receipts and requisitions are maintained in the Council Clerk's office. Original documents are forwarded to the Fiscal Dept. for processing.

ORDINANCE NO. 30 -21

AN ORDINANCE TO AMEND SECTION 123.08 OF THE EAST CLEVELAND CODIFIED ORDINANCES TO INCREASE THE APPLICANT POOL FOR FIRE AND POLICE CHIEF POSITIONS AND TO GIVE CITY THE ABILITY TO HIRE AN OUTSIDE APPLICANT.

**Requested By: Mayor Brandon L. King
Sponsored By: Ernest Smith, Councilor
Received from Law Department on 3.17.21
Placed in Personnel & Appointments on 3.17.21**

WHEREAS, the City is desirous to increase the applicant pool for fire and Police Chief positions and to give the City the ability to hire an outside applicant; and

WHEREAS, the City wishes to amend East Cleveland Codified Ordinance Section 123.08.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of East Cleveland, Ohio, three-fifths (3/5) concurring:

SECTION 1. That Council finds that it is necessary to amend East Cleveland Codified Section 123.08 which currently reads as follows:

**123.08 PROMOTIONAL EXAMINATIONS AND QUALIFICATIONS
IN CLASSIFIED SERVICE.**

(a) To be eligible to take a promotional examination in the classified service, an applicant must have at least one year of service in the rank immediately below the rank for which he or she is an applicant, except that any applicant who shall have attained the rank of lieutenant in the Department of Police or the Department of Fire, shall be eligible to take the promotional examination for Chief of Police or Chief of Fire respectively.
(Ord. 154-03. Passed 9-2-03.)

(b) Promotions shall be based on competitive examinations, which may include an oral component, and longevity or seniority and educational achievement credit in the service by the candidates for promotions and the Civil Service Commission shall determine prior to such examination the proportions of the total grade to be allowed for the competitive examination and for longevity or service or educational attainment credits. Applicants shall receive the following credit for seniority: one percent (1%) of the total grade attainable for each of the first four years of service; and six tenths percent (.6%) of such total grade attainable for each of the next ten years of service. In computing credit for seniority, half of the credit above set forth shall be given for a half year of service. Applicants shall receive the following credit for educational achievement: one and one-half percent (1.5%) of the total grade attainable for each of the first four years of educational achievement; and one percent (1%) of such total grade for each of the next ten years of educational achievement. In computing educational achievement, half of the credit set forth shall be given for a half year of service.

(Ord. 150-03. Passed 9-2-03.)

(c) No applicant shall be promoted in the classified service unless he is certified as being physically qualified by the Director of Health after medical examination. The Director of Health shall establish physical standards for qualification and shall be the sole judge of whether an applicant meets these standards. Failure to be certified as being physically qualified shall cause an applicant's name to be removed from a promotional eligible list.

(Ord. 5541. Passed 3-12-64.)

(d) An application to take civil service examinations, both entry level and promotional, shall be completed on forms furnished by the Civil Service Commission. A filing fee of ten dollars (\$10.00) shall accompany such application; provided however, the Civil Service Commission may waive the application fee for applicants who by reason of indigency are unable to pay the fee.

(Ord. 7937. Passed 6-21-88.)

East Cleveland Codified Ordinance Section 123.08 is to be **AMENDED** to read as follows:

**123.08 PROMOTIONAL EXAMINATIONS AND QUALIFICATIONS
IN CLASSIFIED SERVICE.**

(a) **To be eligible to take an examination in the classified service for positions ranking below Chief of Police and Chief of Fire and Emergency Medical Services, an applicant must have at least one year of service with the City in the rank immediately for which he or she is an applicant.**

(b) **To be eligible to take an examination in the classified service for the positions of Chief of Police and Chief Fire and Emergency Medical Services, an applicant must have no less than one year of service in an upper level supervisory and managerial position with a public law enforcement, fire or emergency medical services agency.**

(c) Promotions shall be based on competitive examinations, which may include an oral component, and longevity or seniority and educational achievement credit in the service by the candidates for promotions and the Civil Service Commission shall determine prior to such examination the proportions of the total grade to be allowed for the competitive examination and for longevity or service or educational attainment credits. Applicants shall receive the following credit for seniority: one percent (1%) of the total grade attainable for each of the first four years of service; and six tenths percent (.6%) of such total grade attainable for each of the next ten years of service. In computing credit for seniority, half of the credit above set forth shall be given for a half year of service. Applicants shall receive the following credit for educational achievement: one and one-half percent (1.5%) of the total grade attainable for each of the first four years of educational achievement; and one percent (1%) of such total grade for each of the next ten years of educational achievement. In computing educational achievement, half of the credit set forth shall be given for a half year of service.

(Ord. 150-03. Passed 9-2-03.)

(d) No applicant shall be promoted in the classified service unless he is certified as being physically qualified by the Director of Health after medical examination. The Director of Health shall establish physical standards for qualification and shall be the sole judge of whether an applicant meets these standards. Failure to be certified as being physically qualified shall cause an applicant's name to be removed from a promotional eligible list.

(Ord. 5541. Passed 3-12-64.)

(e) An application to take civil service examinations, both entry level and promotional, shall be completed on forms furnished by the Civil Service Commission. A filing fee of ten dollars (\$10.00) shall accompany such application; provided however, the Civil Service Commission may waive the application fee for applicants who by reason of indigency are unable to pay the fee.

(Ord. 7937. Passed 6-21-88.)

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such 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.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

KOREAN STVENSON
PRESIDENT OF COUNCIL

DATE SIGNED: _____

ATTEST:

VICTORIA DENEAU
CLERK OF COUNCIL

DATE SIGNED: _____

APPROVED:

BRANDON L. KING, MAYOR

DATE SIGNED: _____

VETO: YES _____ NO _____

APPROVED AS TO FORM:

WILLA M. HEMMONS
DIRECTOR OF LAW

DATE SIGNED:_____

PASSED:

	<u>Yea</u>	<u>Nay</u>
Councilor Korean Stevenson	_____	_____
Councilor Timothy Austin	_____	_____
Councilor Ernest Smith	_____	_____
Councilor Juanita Gowdy	_____	_____
Councilor Nathaniel Martin	_____	_____

ORDINANCE NO. 31-21

AN ORDINANCE TO AMEND SECTION 28 OF THE EAST CLEVELAND CHARTER REGARDING THE CIVIL SERVICE COMMISSION IN THAT THE CITY OF EAST CLEVELAND AND ITS COUNCIL MEMBERS ARE BEING SUMMONED TO PLACE THIS REVISION ON THE NEXT AVAILABLE AGENDA FOR CONSIDERATION AND PASSAGE. SHALL THE CHARTER OF EAST CLEVELAND REQUIRE A REVISION OF AN ORDINANCE TO BE PLACED ON THE BALLOT, THE CITY SHALL COMPLY FOR THE CONSIDERATION OF THE RESIDENTS OF THE CITY OF EAST CLEVELAND AND DECLARING AN EMERGENCY.

**Requested By; Councilor Juanita Gowdy
Sponsored by: Councilor Ernest Smith, Chair of Personnel & Appointments Committee
Received from Law Department on 4.2.21
Placed on the 4.27.21 Personnel & Appointments Committee Agenda**

WHEREAS, the City of East Cleveland desiring to change the provisions relating to its Civil Service Commission, and

WHEREAS, the City further desires to revise Section 28 of its East Cleveland Municipal Charter.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of East Cleveland, Ohio, four-fifths (4/5) concurring:

SECTION 1. That Council finds that it is necessary to revise Section 28 of its East Cleveland Municipal Charter which currently reads as follows:

Current Language: § 28 THE CIVIL SERVICE COMMISSION.

There shall be a Civil Service Commission consisting of three members, who are qualified electors of the city, not more than two of whom shall belong to the same political party, who shall be appointed by the Mayor subject to the approval and confirmation of the Council. Of the members first appointed, one shall hold office for a term of two years; one for a term of four years; and the other for a term of six years; and their successors shall be appointed for terms of six years. The Mayor shall fill all vacancies by appointment for the unexpired term, subject to the approval and confirmation of the Council. The Mayor may at any time remove any civil service

commissioner for inefficiency, neglect of duty or malfeasance in office, having first given to such commissioner a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense; and any such removal shall be final.

Section 28 of the East Cleveland Charter to be **REVISED** to read as follows:

Revised language: § 28 THE CIVIL SERVICE COMMISSION

Duties. The Commission shall provide rules for appointment and promotion in the classified service of the Municipality on the basis of merit and fitness, and shall exercise the full power of home rule granted to this Municipality by the Constitution of the State of Ohio, in whatever legal manner the Commission chooses. The Commission shall also provide rules for the process of transfer, reduction, or removal of an employee within the classified service. The Commission shall provide the members of Council with a true copy of each rule the Commission adopts, modifies, or repeals. No adopted, modified, or repealed rule shall become effective until forty-five (45) days after the Clerk of Council has received such true copy, unless, by motion, by an affirmative vote of a simple majority of members, Council waives the requirement of the forty-five (45) day waiting period. Council may overrule a rule of the Commission, by ordinance, by an affirmative vote of a simple majority of the members within forty-five (45) days after Council has received a true copy of the adoption, modification, or repeal of the rule. Failure of Council to act within forty-five (45) days shall constitute ratification of the adoption, modification, or repeal of the rule.

The Commission shall hear appeals from the action of the Mayor or Council in any case of transfer, reduction, or removal of an employee within the classified service, except as otherwise provided in this Charter; and the action of the Commission on any such appeal shall be final, except that an appeal to a court of law may be made within thirty (30) days from the date of the Commission decision. Notice of such appeal shall also be filed with the Civil Service Commission.

(e) Funds. A sufficient sum shall be appropriated by Council each year to carry out the Civil Service provisions of this Charter.

(f) Powers and Procedures. The Commission shall not be required to report or divulge any matter which in its opinion is of a confidential or personal nature (redacted information), respecting any employee in the classified service. The Commission shall conduct its affairs in accordance with the provisions of general law.

The Commission shall have the power to subpoena witnesses and to require the production of records to carry out its functions and duties. The Civil Service Commission as a matter of public record shall record all proceedings of the Civil Service Commission and make available to the public a copy and/or available by in person and/or televised participation during a Civil Service Commission regular meeting and/or hearing.

The Commission shall welcome public comment via written email and to read and address such correspondence at same time that it is read, and after the conclusion of the regular Civil Service Commission meeting which shall be reserved for the public.

SECTION 2. If such proposed revision is approved by a majority of the electors voting thereon, the Section 28 of the Charter of the City of East Cleveland, shall be repealed, effective as of the date of the certification of the abstract of said election to the Secretary of State by the Board of Elections as provided by law.

SECTION 3. That the Clerk of Council is hereby directed and authorized to cause appropriate notice of the aforesaid proposed Charter amendment to be duly given by publication in accordance with the City Charter and the general laws of the State of Ohio.

SECTION 4. That there is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the directions of this Ordinance including publication of notice requested hereunder.

SECTION 5. That the Director of Finance be, and he is hereby authorized and directed to pay from the General Fund, the sums necessary for the indebtedness hereby incurred.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all such 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 4. That this Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of four-fifths (4/5) of all the members elected 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 from and after the earliest period allowed by law.

PASSED:

KOREAN STVENSON
PRESIDENT OF COUNCIL

DATE SIGNED: _____

ATTEST:

VICTORIA DENEAU
CLERK OF COUNCIL

DATE SIGNED: _____

APPROVED:

BRANDON L. KING, MAYOR

DATE SIGNED: _____

VETO: YES _____ NO _____

APPROVED AS TO FORM:

WILLA M. HEMMONS
DIRECTOR OF LAW

DATE SIGNED: _____

PASSED:

	<u>Yea</u>	<u>Nay</u>
Councilor Korean Stevenson	_____	_____
Councilor Timothy Austin	_____	_____
Councilor Ernest Smith	_____	_____
Councilor Juanita Gowdy	_____	_____
Councilor Nathaniel Martin	_____	_____

RESOLUTION NO. 34-21

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF REV. DAVID HUNTER TO THE EAST CLEVELAND CIVIL SERVICE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2027.

**Requested By: MAYOR BRANDON L. KING
Sponsored By: ERNEST SMITH, COUNCILOR WARD 3
Received from Law Department 4.23.21
Placed on Personnel & Appts Agenda 4.27.21**

WHEREAS, the Mayor has determined that it is essential for the Civil Service Commission, City of East Cleveland, to continue being functional addressing the important questions facing the City like promotional examinations for the Police and Fire Department, and recruitment matters that require attention; and

WHEREAS, pursuant to Section 28 of the City Charter, the Mayor is required to fill all vacancies by appointment the Civil Service Commission, and the Mayor has identified a superlative and highly-regarded candidate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of East Cleveland, Ohio, three-fifths (3/5) concurring:

SECTION 1. That the Council hereby confirms the Mayor's appointment to the East Cleveland Civil Service Commission as follows:

1. Rev. David Hunter for the term Expiring December 31, 2027.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such 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.

SECTION 4. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

**KOREAN STEVENSON
PRESIDENT OF COUNCIL**

DATE SIGNED: _____

ATTEST:

**VICTORIA DENEAU
CLERK OF COUNCIL**

DATE SIGNED: _____

APPROVED:

BRANDON L. KING, MAYOR

DATE SIGNED: _____

VETO: YES _____ NO _____

APPROVED AS TO FORM:

**WILLA M. HEMMONS
DIRECTOR OF LAW**

DATE SIGNED: _____

PASSED:

	<u>Yea</u>	<u>Nay</u>
Councilor Korean Stevenson	_____	_____
Councilor Timothy Austin	_____	_____
Councilor Ernest Smith	_____	_____
Councilor Juanita Gowdy	_____	_____
Councilor Nathaniel Martin	_____	_____

RESOLUTION NO. 35-21

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF WILLIAM UNDERWOOD TO THE EAST CLEVELAND CIVIL SERVICE COMMISSION FOR A FULL TERM EXPIRING DECEMBER 31, 2027.

**Requested By: MAYOR BRANDON L. KING
Sponsored By: ERNEST SMITH, COUNCILOR WARD 3
Received from Law Department 4.23.21
Placed on Personnel & Appts Meeting Agenda 4.27.21**

WHEREAS, the Mayor has determined that it is essential for the Civil Service Commission, City of East Cleveland, to continue being functional addressing the important questions facing the City like promotional examinations for the Police and Fire Department, and recruitment matters that require attention; and

WHEREAS, pursuant to Section 28 of the City Charter, the Mayor is required to fill all vacancies by appointment the Civil Service Commission, and the Mayor has identified a superlative and highly-regarded candidate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of East Cleveland, Ohio, three-fifths (3/5) concurring:

SECTION 1. That the Council hereby confirms the Mayor's appointment to the East Cleveland Civil Service Commission as follows:

1. William Underwood, for the term Expiring December 31, 2027.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such 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.

SECTION 4. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

**KOREAN STEVENSON
PRESIDENT OF COUNCIL**

DATE SIGNED:_____

ATTEST:

**VICTORIA DENEAU
CLERK OF COUNCIL**

DATE SIGNED: _____

APPROVED:

BRANDON L. KING, MAYOR

DATE SIGNED:_____

VETO: YES _____ NO _____

APPROVED AS TO FORM:

**WILLA M. HEMMONS
DIRECTOR OF LAW**

DATE SIGNED:_____

PASSED:

	<u>Yea</u>	<u>Nay</u>
Councilor Korean Stevenson	_____	_____
Councilor Timothy Austin	_____	_____
Councilor Ernest Smith	_____	_____
Councilor Juanita Gowdy	_____	_____
Councilor Nathaniel Martin	_____	_____