

NEW LEGISLATION

December 10, 2012

Temp. No.	Introduced	Committee	Description
A-125	12/10/12	P & Z	An ordinance approving a Minor Plat Application for a Minor Subdivision of land at 2079 Sourek Trail (Parcel No. 35-02443), and declaring an emergency.
A-126	12/10/12	PA	An ordinance enacting Section 933.123 of Title Five, Part Nine of the Codified Ordinances, relating to aggregation of demand response of retail electric customers of the City's Electric Department, authorizing the Director of Public Service to enter into demand response customer agreements, making certain findings in connection therewith, and declaring an emergency.
A-127	12/10/12	PA	An ordinance authorizing the Director of Public Service to enter into a contract without competitive bidding with Greenstar Mid-America, LLC for the transfer, processing and sale of recyclable materials acquired by the City through its curbside recycling program, and declaring an emergency.
A-128	12/10/12	PA	A resolution urging the City of Akron to refrain from removing the existing traffic signals on Bath Road at Riverview Road and on Bath Road at Akron-Peninsula Road, in the City of Akron, and declaring an emergency.
A-129	12/10/12	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.
A-130	12/10/12	PA	An ordinance amending Section 129.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Police Department, and declaring an emergency.

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A-131 12/10/12 PA

An ordinance amending Section 131.01 of Title Five, Part One of the Codified Ordinances, relating to authorized staffing of the Fire Department, and declaring an emergency.

CALENDAR

December 10, 2012

The following legislation will be up for passage at the Council Meeting on December 10, 2012.

Temp. No.	Introduced	Committee	Description
A-115	11/26/12	Fin	A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.
A-124	11/26/12	PA	A resolution making certain findings relative to the transfer of a Type D-1 liquor permit to Riser Foods Company dba Giant Eagle, 230 Howe Avenue, and declaring an emergency.

PENDING LEGISLATION

December 10, 2012

Temp. No.	Introduced	Committee	Description
A-99	9/24/12	PA	An ordinance authorizing the Director of Public Service to issue an encroachment permit to Cole CK Portfolio I, LLC for the purpose of installing and operating a private sanitary force main sewer in Portage Trail Extension, and declaring an emergency.
A-101	9/24/12	PA	An ordinance authorizing the Park and Recreation Board to enter into a contract or contracts, according to law, for the construction of a storage and maintenance building at Brookledge Golf Course, and declaring an emergency.
A-113	11/12/12	Fin	An ordinance authorizing an amendment to the amended and restated contract for sale of land for private redevelopment with Portage Crossing, LLC (Contract No. 6779), and declaring an emergency.
A-114	11/26/12	Fin	An ordinance establishing annual appropriations of money for the current expenses, capital expenditures and other expenses of the City of Cuyahoga Falls for the fiscal year ending December 31, 2013, and declaring an emergency.
A-115	11/26/12	Fin	A resolution requesting the Summit County Fiscal Officer to make advance distribution of tax receipts payable to the City of Cuyahoga Falls, and declaring an emergency.
A-116	11/26/12	Fin	An ordinance providing for supplemental and/or amended appropriations of money for current operating expenses and capital expenditures of the City of Cuyahoga Falls, and authorizing the transfer of appropriations within and for the various funds hereinafter set forth, and declaring an emergency.
A-117	11/26/12	Fin	An ordinance authorizing the Director of Finance to make salary supplement payments to eligible full-time employees of the City in Fiscal Year 2013, and declaring an emergency.

A-118	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6613 with the International Association of Firefighters, Local 494, and declaring an emergency.
A-119	11/26/12	Fin	An ordinance authorizing the Mayor to enter into an amendment of Contract No. 6709 with the American Federation of State, County and Municipal Employees, Local 2662 (AFSCME), and declaring an emergency.
A-120	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6640 with the Fraternal Order of Police, Ohio Labor Council, Inc., and declaring an emergency.
A-121	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6619 with the Ohio Patrolmen's Benevolent Association, and declaring an emergency.
A-122	11/26/12	Fin	An ordinance authorizing the Mayor to enter into a second amendment of Contract No. 6616 with the Ohio Patrolmen's Benevolent Association, and declaring an emergency.
A-123	11/26/12	Fin	An ordinance authorizing the Mayor to enter into an amendment of Contract No. 6657 with the Utility Workers' Union of America, Local 399, and declaring an emergency.
A-124	11/26/12	PA	A resolution making certain findings relative to the transfer of a Type D-1 liquor permit to Riser Foods Company dba Giant Eagle, 230 Howe Avenue, and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2012

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9 AN ORDINANCE APPROVING A MINOR PLAT
10 APPLICATION FOR A MINOR SUBDIVISION OF LAND
11 AT 2079 SOUREK TRAIL (PARCEL NO.35-02443), AND
12 DECLARING AN EMERGENCY.
13

14 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires
15 that all affirmative decisions made by the Planning Commission be submitted to
16 Council, and
17

18 WHEREAS, the Planning Commission has jurisdiction to review and reverse the
19 denial of a Minor Plat Application, pursuant to Section 1113.02(E) of the Codified
20 Ordinances, and
21

22 WHEREAS, on November 20, 2012 the Planning Commission approved a Minor
23 Plat consisting of a Minor Subdivision of land (lot split) for Parcel No. 35-02443
24 (2079 Sourek Trail), in an R-1 Residential District,
25

26 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
27 Falls, County of Summit, and State of Ohio, that:
28

29 Section 1. This Council approves the Minor Plat Application for a Minor
30 Subdivision of land (lot split) at 2079 Sourek Trail (Parcel No. 35-02443), Cuyahoga
31 Falls, Ohio, as approved by the Planning Commission subject to any and all
32 conditions reflected in File P-26-12-MS and the Codified Ordinances of the City of
33 Cuyahoga Falls, and as depicted in the survey attached hereto as Exhibit A.
34

35 Section 2. Any other ordinances or resolutions or portions of ordinances and
36 resolutions inconsistent herewith are hereby repealed, but any ordinances and
37 resolutions not inconsistent herewith and which have not previously been repealed
38 are hereby ratified and confirmed.
39

40 Section 3. It is found and determined that all formal actions of this Council
41 concerning and relating to the adoption of this ordinance were adopted in an open
42 meeting of this Council, and that all deliberations of this Council and of any of its
43 committees that resulted in such formal action, were in meetings open to the
44 public, in compliance with all legal requirements, to the extent applicable,
45 including Chapter 107 of the Codified Ordinances.
46

47 Section 4. This ordinance is hereby declared to be an emergency measure
48 necessary for the preservation of the public peace, health, safety, convenience and
49 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
50 that it is immediately necessary to permit timely and appropriate development of

51 this property, and provided it receives the affirmative vote of two thirds of the
52 members elected or appointed to Council, it shall take effect and be in force
53 immediately upon its passage and approval by the Mayor; otherwise it shall take
54 effect and be in force at the earliest period allowed by law.

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57 Passed: _____

President of Council

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Clerk of Council

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65 Approved: _____

Mayor

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CITY OF CUYAHOGA FALLS, OHIO
ORDINANCE NO. - 2012

AN ORDINANCE ENACTING SECTION 933.123 OF TITLE FIVE, PART NINE OF THE CODIFIED ORDINANCES, RELATING TO AGGREGATION OF DEMAND RESPONSE OF RETAIL ELECTRIC CUSTOMERS OF THE CITY’S ELECTRIC DEPARTMENT, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO DEMAND RESPONSE CUSTOMER AGREEMENTS, MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Cuyahoga Falls (“City”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, On October 28, 2008 the Federal Energy Regulatory Commission (“FERC” or “Commission”) issued Order No. 719, 125 FERC ¶61,071, 73 Fed. Reg. 64,099 (“Order 719”); and

WHEREAS, Order 719, 18 CFR §35.28(g)(1)(iii) provides: “Each Commission-approved independent system operator and regional transmission organization must permit a qualified aggregator of retail customers to bid demand response on behalf of retail customers directly into the Commission-approved independent system operator’s or regional transmission organization’s organized markets, unless the laws and regulations of the relevant electric retail regulatory authority expressly do not permit a retail customer to participate;” and

WHEREAS, Order 719, 18 CFR §35.28(g)(1)(i)(A) provides: “Every Commission-approved independent system operator or regional transmission organization that operates organized markets based on competitive bidding for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator’s or regional transmission organization’s tariff) must accept bids from demand response resources in these markets for that product on a basis comparable to any other resources, if the demand response resource meets the necessary technical requirements under the tariff, and submits a bid under the Commission-approved independent system operator’s or regional transmission organization’s bidding rules at or below the market-clearing price, unless not permitted by the laws or regulations of the relevant electric retail regulatory authority;” and

WHEREAS, this Council hereby finds and determines that it would be harmful to the demand response program to be implemented by the City, the collective interests of the City’s electric utility system, and the City’s retail customers, to permit any entity other than the City to aggregate demand response on behalf of its retail customers,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State of Ohio, that:

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Section 1. This Council, as the retail electric regulatory authority for the City and its retail electric consumers, finds and determines it to be desirable that the aggregation of demand response on behalf of its retail customers to be bid directly into the organized electric and ancillary services markets administered by the regional transmission organization that includes the City (or any successor independent system operator or regional transmission organization) be performed by the City or its authorized designee.

Section 2. New Section 933.123 of Title Five, Part Nine of the Codified Ordinances of the City of Cuyahoga Falls is hereby enacted to read in full as follows:

933.123 DEMAND RESPONSE AGGREGATION

(a) The City or its authorized designee shall be the sole entity permitted to aggregate retail electric customers' demand response and bid demand response on behalf of retail electric customers of the City directly into any independent system operator's or regional transmission organization's organized electric markets, as approved by the Federal Energy Regulatory Commission ("FERC").

(b) Retail electric customers on the City's electric system desiring to bid their demand response into a FERC-approved independent system operator's or regional transmission organization's organized electric markets may do so only by participating in the Demand Response Aggregation program established by the City or its authorized designee.

(c) The City or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers of the City directly into any FERC-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the FERC-approved independent system operator's or regional transmission organization's tariff).

(d) Retail customers of the City's electric system desiring to bid their demand response into a FERC-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the FERC-approved independent system operator's or regional transmission organization's tariff) may do so only by participating in the program established by the Municipality or its authorized designee.

(e) The Director of Public Service is authorized to enter into agreements with retail electric customers of the City's Electric System for the purpose of bidding such customers' load into Demand Response markets, either individually or on an aggregate basis. The Director is also authorized to promulgate any regulations necessary to implement this Section.

Section 3. If any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

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Section 4. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

Section 6. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-thirds 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 period allowed by law.

Passed: _____

President of Council

Clerk of Council

Approved _____

Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2011

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8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 PUBLIC SERVICE TO ENTER INTO A CONTRACT
10 WITHOUT COMPETITIVE BIDDING WITH
11 GREENSTAR MID-AMERICA, LLC FOR THE
12 TRANSFER, PROCESSING AND SALE OF
13 RECYCLABLE MATERIALS ACQUIRED BY THE CITY
14 THROUGH ITS CURBSIDE RECYCLING PROGRAM,
15 AND DECLARING AN EMERGENCY.
16

17 WHEREAS, to the extent the contract referred to herein involves the
18 acquisition of equipment, material, supplies or services, such purchase is
19 exempt from competitive bidding requirements pursuant to the authority of
20 Ohio Revised Code §9.48(C),
21

22 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
23 Falls, County of Summit, and State of Ohio, that:
24

25 Section 1. The Director of Public Service is hereby authorized to enter into
26 a contract without competitive bidding with Greenstar Mid-America, LLC, on
27 the basis of its proposal dated December 6, 2012, for the transfer, processing
28 and sale of recyclable materials acquired by the City through its curbside
29 recycling program, for a period not to exceed five (5) years.
30

31 Section 2. The Director of Finance is hereby authorized and directed to
32 make payment for same from Sanitation Fund, line item Other.
33

34 Section 3. Any ordinances or resolutions or portions of ordinances and
35 resolutions inconsistent herewith are hereby repealed, but any ordinances and
36 resolutions not inconsistent herewith and which have not previously been
37 repealed are hereby ratified and confirmed.
38

39 Section 4. It is found and determined that all formal actions of this
40 Council concerning and relating to the passage of this ordinance were taken in
41 an open meeting of this Council and that all deliberations of this Council and of
42 any committees that resulted in those formal actions were in meetings open to
43 the public, in compliance with all legal requirements including Chapter 107 of
44 the Codified Ordinances.
45

46 Section 5. That this ordinance is hereby declared to be an emergency
47 measure necessary for the preservation of the public peace, health, safety,
48 convenience and welfare of the City of Cuyahoga Falls and the inhabitants
49 thereof, and provided it receives the affirmative vote of two-thirds of the
50 members elected or appointed to Council, it shall take effect and be in force

51 immediately upon its passage and approval by the Mayor; otherwise it shall
52 take effect and be in force at the earliest period allowed by law.

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55 Passed:_____

President of Council

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Clerk of Council

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63 Approved_____

Mayor

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4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. - 2012

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9 A RESOLUTION URGING THE CITY OF AKRON TO
10 REFRAIN FROM REMOVING THE EXISTING TRAFFIC
11 SIGNALS ON BATH ROAD AT RIVERVIEW ROAD AND
12 ON BATH ROAD AT AKRON-PENINSULA ROAD, IN
13 THE CITY OF AKRON, AND DECLARING AN
14 EMERGENCY.

15
16 WHEREAS, Bath Road, Akron-Peninsula Road, and Riverview Road are
17 regional connector roadways that serve motorists from many Summit County
18 communities, including residents of Akron and Cuyahoga Falls; and

19
20 WHEREAS, the City of Akron has recently begun an evaluation of all of its
21 traffic signals including those located at Bath Road and Riverview Road, as well as
22 at Bath Road and Akron-Peninsula Road, which are intersections directly adjacent
23 to residential areas of Cuyahoga Falls; and

24
25 WHEREAS, the City of Akron has determined that the traffic volumes at the
26 intersections of Bath Road/Akron-Peninsula Road and Bath Road/Riverview Road,
27 are lower than normal for traffic signalization; and

28
29 WHEREAS, in making the aforementioned determination, the City of Akron
30 did not engage the affected residents of Akron or Cuyahoga Falls in any dialog
31 concerning the need for traffic signals at these intersections, or the potential
32 consequences of removal of these signals; and

33
34 WHEREAS, the failure to engage residents in dialog has resulted in
35 confusion and concern about potential increased safety risks for motorists
36 encountering these intersections; and

37
38 WHEREAS, it is critical that the application of the Ohio Manual of Uniform
39 Traffic Control Devices to this process be discussed with the affected residents
40 before a traffic signal is removed,

41
42 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga
43 Falls, County of Summit and State of Ohio, that:

44
45 Section 1. This Council urges the City of Akron to refrain from removing the
46 traffic signals now located on Bath Road at Riverview Road, and on Bath Road at
47 Akron-Peninsula Road, until an adequate dialog with affected residents in
48 Cuyahoga Falls has been implemented for the purpose of explaining the traffic

49 signal warrant process, and to prepare residents and motorists for the potential
50 changes to traffic patterns at these intersections.

51
52 Section 2. The Clerk of Council is authorized and directed to send a certified
53 copy of this Resolution to Akron Mayor Donald L. Plusquellic, City Engineer Ralph
54 Coletta, P.E., Council President Garry Money Penny and Ward 1 Council
55 Representative James P. Hurley III.

56
57 Section 3. It is found and determined that all formal actions of this Council
58 concerning and relating to the adoption of this resolution were adopted in an open
59 meeting of this Council and that all deliberations of this Council and of any of its
60 committees that resulted in such formal action were in meetings open to the
61 public, in compliance with all legal requirements, to the extent applicable,
62 including Chapter 107 of the Codified Ordinances.

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64 Section 4. This resolution is hereby declared to be an emergency measure
65 necessary for the preservation of the public peace, health, safety, convenience and
66 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
67 received the affirmative vote of two-thirds of the members elected or appointed to
68 Council, it shall take effect and be in force immediately upon its passage and
69 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
70 period allowed by law.

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73 Passed: _____
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75 President of Council

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78 Clerk of Council

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81 Approved: _____
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83 Mayor

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2012

8
9 AN ORDINANCE AMENDING THE TRAFFIC
10 CONTROL FILE BY PROVIDING FOR INSTALLATION
11 OF VARIOUS TRAFFIC CONTROL DEVICES, AND
12 DECLARING AN EMERGENCY.
13

14 WHEREAS, site-specific traffic control regulations of the City are established
15 and maintained in the "Traffic Control File," a document established and
16 maintained by the Chief of Police pursuant to Chapter 305 of the Codified
17 Ordinances, and
18

19 WHEREAS, Section 305.02 of said Chapter requires that amendments to the
20 Traffic Control File be made only through legislation passed by City Council,
21

22 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
23 Cuyahoga Falls, County of Summit, and State of Ohio, that:
24

25 Section 1. Upon the recommendation of the Traffic Committee, the Traffic
26 Control File is hereby amended as follows:
27

- 28 (1) Eliminate the prohibition on Right Turns on State Road southbound
29 at North Haven Blvd.
- 30 (2) Eliminate the prohibition on Left Turns on State Road northbound at
31 North Haven Blvd.
32

33 Section 2. The Chief of Police is hereby authorized and directed to note in
34 the Traffic Control File the proper legends.
35

36 Section 3. The Mayor is hereby authorized and directed to cause the
37 installation or removal of the proper signage reflecting the above amendments.
38

39 Section 4. Any other ordinances and resolutions or portions of ordinances
40 and resolutions inconsistent herewith are hereby repealed but any ordinances
41 and resolutions or portions of ordinances and resolutions not inconsistent
42 herewith and which have not been previously repealed are hereby ratified and
43 confirmed.
44

45 Section 5. It is found and determined that all formal actions of this Council
46 concerning and relating to the adoption of this ordinance were adopted in an
47 open meeting of this Council and that all deliberations of this Council and of
48 any of its committees that resulted in such formal action were in meetings open
49 to the public, in compliance with all legal requirements including Chapter 107
50 of the Codified Ordinances.

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Section 6. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds 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 period allowed by law.

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2012

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 ~~strikethrough~~):

31
32 129.01 COMPOSITION.

33 (a) Subject to the sufficiency of annual or supplemental appropriations for
34 personal services, ~~The~~ Police Department shall be composed of ~~the Chief of Police and~~
35 ~~such additional~~ the following sworn officers and other personnel; ~~as established by~~
36 ~~ordinance of Council.~~

37
38 Sworn Officers:

- 39 1 Chief
- 40 1 Captain
- 41 5 Lieutenants
- 42 10 Sergeants
- 43 56 Patrol Officers

44
45 Civilian Employees

- 46 1 Community Service Officer
- 47 1 Secretary II
- 48 2 Secretary I
- 49 6 Regular Part-Time Laborers
- 50 1 Juvenile Diversion Caseworker

51
52 (b) When sufficient appropriations are available and a valid civil service eligible
53 list 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. 45-1998, passed March 9, 1998, is hereby repealed.

65
66 Section 3. Ordinance No. 90-2010, passed July 26, 2010, is hereby repealed.

67
68 Section 4. Any other ordinances and resolutions or portions of ordinances and
69 resolutions inconsistent herewith are hereby repealed but any ordinances and
70 resolutions or portions of ordinances and resolutions not inconsistent herewith and
71 which have not previously been repealed are hereby ratified and confirmed.

72
73 Section 5. It is found and determined that all formal actions of this Council
74 concerning and relating to the adoption of this ordinance were adopted in an open
75 meeting of this Council and all deliberations of this Council and any of its committees
76 that resulted in such formal action were in meetings open to the public, in compliance
77 with all legal requirements including Chapter 107 of the Codified Ordinances.

78
79 Section 6. This ordinance is hereby declared to be an emergency measure necessary
80 for the preservation of the public peace, health, safety, convenience and welfare of the
81 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the
82 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
83 take effect and be in force immediately upon its passage and approval by the Mayor;
84 otherwise it shall take effect and be in force at the earliest period allowed by law.

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87 Passed _____

President of Council

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Clerk of Council

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95 Approved: _____

Mayor

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3 CITY OF CUYAHOGA FALLS, OHIO

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5 ORDINANCE NO. - 2012

6
7 AN ORDINANCE AMENDING SECTION 131.01 OF TITLE
8 FIVE, PART ONE OF THE CODIFIED ORDINANCES,
9 RELATING TO AUTHORIZED STAFFING OF THE FIRE
10 DEPARTMENT, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, Article III, Section 8 of the City Charter authorizes this Council to
13 provide for the authorized staffing of officers and employees in the Fire Department; and

14
15 WHEREAS, under Article XVIII, Section 3 of the Ohio Constitution, exercise of the
16 City’s discretion in appointments and promotions within the classified service of the
17 City is a matter of local self-government (*State ex rel. Bednar v. City of North Canton*
18 (1994) 69 Ohio St. 3d 278); and

19
20 WHEREAS, Article VII, Section 2 of the City Charter expressly authorizes this
21 Council to enact ordinances with respect to appointments and promotions that will
22 prevail over state statutory provisions in case of conflict,

23
24 NOW, THEREFORE, BE IT ORDAINED by the City of Cuyahoga Falls, County of
25 Summit and State of Ohio that:

26
27 Section 1. Section 131.01 of the Codified Ordinances of the City of Cuyahoga Falls
28 is hereby amended to read in full as follows (new text underlined; deleted text in
29 ~~strikethrough~~):

30
31 131.01 CREATION AND COMPOSITION.

32 (a) There is hereby created the Fire Department of the City, ~~consisting of the~~
33 ~~Fire Chief and such additional officers and personnel as provided by ordinance of~~
34 ~~Council.~~ Subject to the sufficiency of annual or supplemental appropriations for
35 personal services, the Fire Department shall be composed of the following officers and
36 other personnel:

37
38 Officers:

- 39 1 Chief
- 40 1 Assistant Chief
- 41 3 Captains
- 42 16 Lieutenants
- 43 52 Firefighters

44
45 Other Personnel:

- 46 1 Office Manager
- 47 1 Secretary I
- 48 1 Regular Part-Time Laborer
- 49 1 Temporary Part-Time Laborer

50
51
52 (b) When sufficient appropriations are available and a valid civil service eligible
53 list exists, vacancies in classifications in the Fire 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 131.01 of the Codified Ordinances, as re-enacted by
64 Ord. No. 45-1998, passed March 9, 1998, is hereby repealed.

65
66 Section 3. Ordinance No. 178-2004, passed December 29, 2004, is hereby repealed.

67
68 Section 4. Any other ordinances and resolutions or portions of ordinances and
69 resolutions inconsistent herewith are hereby repealed but any ordinances and
70 resolutions or portions of ordinances and resolutions not inconsistent herewith and
71 which have not previously been repealed are hereby ratified and confirmed.

72
73 Section 5. It is found and determined that all formal actions of this Council
74 concerning and relating to the adoption of this ordinance were adopted in an open
75 meeting of this Council and all deliberations of this Council and any of its committees
76 that resulted in such formal action were in meetings open to the public, in compliance
77 with all legal requirements including Chapter 107 of the Codified Ordinances.

78
79 Section 6. This ordinance is hereby declared to be an emergency measure necessary
80 for the preservation of the public peace, health, safety, convenience and welfare of the
81 City of Cuyahoga Falls and the inhabitants thereof and provided it receives the
82 affirmative vote of two-thirds of the members elected or appointed to Council, it shall
83 take effect and be in force immediately upon its passage and approval by the Mayor;
84 otherwise it shall take effect and be in force at the earliest period allowed by law.

85
86
87 Passed _____

President of Council

88
89
90
91
92 _____
Clerk of Council

93
94
95 Approved: _____

Mayor

96
97
98
99 12/10/12

100 O:\2012ords\amend-131.01 fire composition v.3.doc