

Charter Review Commission Members

Theodore Pickerill

Chair

David Stark
Vice Chair

Fred Andes
Commissioner

Donna Baker
Commissioner

Dan Bates
Commissioner

Robert Batterson
Commissioner

Warren Brookins
Commissioner

Daniel Hall
Commissioner

Danny Ivers
Commissioner

Jeffery Jones
Commissioner

Jennifer McQueen
Commissioner

Kevin Kessler
Commissioner

Rob Wile
Commissioner

- I. Call to Order
- II. Approval of Minutes
- III. Article V – Section 5.03 Removal of Officers and Employees
 - a. Section 5.03 Removal of Officers and Employees
 - b. Public Comments regarding this topic.
- IV. Article IX – Improvement Contracts
 - a. Section 9.01 Contracts & Section 9.02 Alteration in Contracts
 - b. Public Comments regarding this topic.
- V. Article X – Department of Civil Service
 - a. Proposal to Rename the Department of Civil Service and Personnel to the Department of Human Resources. (Change all references throughout the Charter).
 - b. Public Comments regarding this topic.
- VI. Article X – Department of Civil Service
 - a. Section 10.01(D) Civil Service Commission & Section 10.02 Classification
 - b. Public Comments regarding this topic.
- VII. Article X – Department of Civil Service
 - a. Section 10.03(H) Civil Service Rules
 - b. Public Comments regarding this topic.





Charter Review Commission

June 1, 2020

6:00 p.m.

Zoom Conference Call

345 High Street

Hamilton, OH 45011

VIII. Audience of Citizens

Individuals who wish to make comments regarding items scheduled on the Agenda may speak during this part of the agenda or may reserve the right to speak specifically when that item is up for a vote on the floor. Individuals who wish to speak regarding items not specifically scheduled may do so at this time. All individuals who intend to address the Commission are required to state their name and address for the record.

If Citizens wish to have an issue addressed by the Commission they should email those questions or comments to the City Clerk at: nick.garuckas@hamilton-oh.gov. The City Clerk may read your comments into the record during the appropriate meeting. If comments are submitted far enough in advance of an upcoming meeting, an official response may also be read into the record. You must still provide your name and address for the record. Please be concise with potential comments.

IX. Audience of the City Clerk

X. Audience of the Commission

XI. Next Meeting

XII. Adjournment

All Charter Sections being discussed are on file in the Office of the City Clerk at 345 High Street Hamilton, OH 45011 and are available on request in advance of the meeting. Additionally, the discussed Charter Sections are available on the City's website. The City of Hamilton is pleased to provide accommodations to disabled individuals and encourage their participation in city government. Should special accommodations be required, please contact the City Clerk's office at 513-785-7182 (24) hours before the scheduled meeting.



5.03 Removal of Officers and Employees.

Any officers or employees of the City, including assistants and employees in the office of the City Clerk, may be laid off, suspended or removed from office or employment by the officer, or successor officer, by whom appointed. Verbal or written notice of layoff, suspension or removal given directly to an officer or employee, or written notice left at or mailed to his usual place of residence shall be sufficient to put any layoff, suspension or removal into effect. ~~unless the person notified shall, within five days after the notice, demand a written statement of the reasons therefor and the right to be heard publicly before the officer by whom the notice was given. Upon that demand, the officer making the layoff, suspension or removal shall supply the person notified with a written statement of the reasons therefor and shall fix a time and place for the public hearing. Following the public hearing, the officer making the layoff, suspension or removal shall, by a decision in writing, make disposition of the case as, in his or her opinion, the good of the service may require, and the decision shall be final. A copy of the statement of reasons for any layoff, suspension or removal, a copy of any written reply thereby by the officer or employee involved, and a copy of the final decision of the officer by whom the layoff, suspension or removal was made, shall be filed as public records in the office of the Director of Civil Service.~~

(A)

Appointments, layoffs, suspensions and removals from office or employment shall be made, and appeals and hearings from layoffs, suspensions and removals shall be allowed, conducted, and determined as provided in ***the Civil Service Rules adopted under Article 10.03 of*** this Charter. The provisions of this Charter shall prevail over State laws in conflict or at variance therewith in every case within the competence of municipal corporations to control by pursuant to this Charter.

9.01 Contracts.

Any public work or improvement may be executed either by contract or by the employment of the necessary labor and the purchase of the necessary supplies and materials directly by the City. Any public work or improvement executed directly by the City shall be **subject to an appropriation of funds by the Council and** authorized by the ~~Council~~ **City Manager** only after detailed estimates have been submitted by the department or office authorized to execute the work or improvement, and there shall be separate accounting as to each work or improvement executed. All the contracts for public work or improvements exceeding an amount established by ordinance or resolution shall be awarded to the lowest and best bidder, after public advertisement and competition as may be prescribed by ordinance or resolution, but the City Manager shall have the power to reject all bids and advertise again. All advertisements as to such contracts shall contain a reservation of the right to reject bids. Contracts entered into by the City shall be signed by the Manager or by such other officer, or officers, of the City as the Council may provide by ordinance or resolution.

9.02 Alteration in Contracts.

Whenever, in the prosecution of any work or improvement under contract, it becomes necessary in the opinion of the City Manager to make alterations in the contract, ~~the alterations may be made only when authorized by the Council upon the written recommendation of the Manager. No~~ **no** alterations shall be valid unless the new price to be paid for any supplies, material or work under the altered contract **has been appropriated and** shall have been agreed upon in writing and signed by the contractor and the Manager prior to such authorization.

ARTICLE X
DEPARTMENT OF ~~CIVIL SERVICE~~ HUMAN RESOURCES

10.01 Civil Service Commission.

There shall be a department of ~~Civil Service~~ **Human Resources** governed by a Civil Service Commission of three members. The City Council shall appoint two Commissioners by a vote of at least five members of the Council. Such appointments shall be made to commence on January 1, 2011. One of such members shall serve for a term of three years and one shall serve for a term of two years. Thereafter members that are appointed by the Council shall serve for three year terms. The Board of Education of the City School District shall appoint one member to serve for a term of one year. Thereafter the Board of Education's appointment shall be for a term of three years. If the Board of Education shall fail to make any such appointment within thirty days after the happening of a vacancy, the City Council shall fill the vacancy by appointment. Civil Service Commissioners shall serve without pay.

(A) No person shall be appointed as a Civil Service Commissioner who is not a resident of the City or who holds any public office or public employment other than a member of the organized militia or a teacher in the public schools or in an institution of higher education and learning. The Council shall not appoint any person as a Civil Service Commissioner who is a member of or affiliated with the same political party as another person appointed by the Council, to such Commission and then serving, not counting persons appointed by reason of the failure of the Board of Education to appoint.

(B) Any member of the Civil Service Commission shall be deemed to have resigned who at any time ceases to possess the qualifications to hold office, or who is absent continuously from the City, or from meetings of the Civil Service Commission for as long as six months. The body having to appoint the successor of any Civil Service Commissioner may by a vote of the members thereof at any time vacate the appointment of such member and may fill the vacancy by appointing a successor.

(C) The Civil Service Commission shall meet at least five times each year, at times and places appointed by it, and not more than ninety days shall elapse between any two meetings. Two members shall be a quorum to do business. The Commission shall choose its own chairman and vice-chairman, but no Commissioner shall hold either such office for more than three years in any period of five consecutive years. Every action of the Commission, except adjournment in the absence of a quorum, shall require the concurrence of two members, and shall be entered in an official record. The Civil Service Commission shall adopt rules of order for its own meetings as it may deem necessary.

(D) The ~~Civil Service Commission~~ **City Manager** shall appoint and may remove the Director of **Human Resources** ~~Civil Service~~, who shall be the administrative officer of the Department of ~~Civil Service~~ **Human Resources** and the personnel officer of the City. Before his or her appointment, his or her qualification shall be ascertained by ~~an~~ **noncompetitive** examination ~~conducted by a special examining committee~~, which examination shall relate to personnel selection and administration, ~~and may be either competitive, or noncompetitive, as the Commission shall determine. The Commission may by unanimous vote appoint or retain as Director of Civil Service a person residing in the City of Hamilton, Ohio.~~ The Director of ~~Civil Service~~ **Human Resources** shall not hold any other office or employment in the service of the City. He or she shall appoint and may lay off, suspend, or remove such examiners, clerks, and other employees as may be necessary in the work of the Department, ~~except that the Commission shall appoint examiners for the Director of Civil Service.~~

(E) In accordance with this Charter, the Director of Law shall be the legal adviser and attorney for the Civil Service Commission and the Director of **Human Resources** ~~Civil Service and Personnel~~. However, if the Director of Law informs the Civil Service Commission that, in connection with any matter or proceeding before the Commission, he or she simultaneously has the conflicting duties of being both an advisor to and advocate before the Commission, then the Commission may retain the services of special legal counsel to advise it regarding that matter or during that proceeding.

10.02 Classification.

The administrative service of the City is hereby divided into the classified and unclassified service as follows:

(A) The unclassified service shall include all officers elected by the people; the City Manager; the members of the Civil Service Commission; all directors of departments ~~other than the Director of Civil Service~~; members of advisory boards appointed by the City Manager; a secretary to the Mayor, a secretary to the City Manager, one secretary to each director of a department; and the City Clerk.

(B) The classified service shall comprise all positions not specifically included by this Charter in the unclassified service and shall be divided into a competitive class and a noncompetitive class.

(1) The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(2) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character.

10.03 Civil Service Rules.

The Civil Service Commission shall adopt and may amend, revise, or revoke rules upon the matter specified in this section, and other rules not inconsistent with this Charter, for promoting efficiency in the classified service of the City, for enforcing the merit system in the appointment, promotion, transfer, lay off, reinstatement, and suspension of City officers and employees in such service, and regulating the procedures of the department of Civil Service. The rules, among other things, shall provide:

(A) For the standardization and classification of all positions and employments in the classified service of the City. Such classification into groups and subdivisions shall be made on the basis of duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable through promotion.

(B) For open competitive tests to ascertain the relative fitness of all applicants for appointments in the competitive class.

(C) For public notice of the time and place of all competitive tests, at least ten days in advance thereof, by publication in the manner provided for the publication of ordinances and by posting a notice in a conspicuous place in the City Hall.

(D) For the creation of eligible lists upon which shall be entered the names of successful applicants in the order of their standing in the competitive tests and without reference to the time of the test.

(E) For the rejection of applicants or eligibles who do not satisfy requirements established by the Civil Service Commission as to job related skills, education, physical abilities or other bona fide occupational qualifications or who have attempted deception or fraud in connection with any test or their application therefor.

(F) For the certification to the appointing authority, from the appropriate eligible list, for filling a vacancy in the competitive class.

(G) (1) For temporary employment in the competitive class without a test because there is no eligibility list, but such temporary employment shall not continue for longer than sixty days nor shall it continue after administration of a competitive examination and the adoption of a suitable eligibility list;

(2) For temporary employment in the noncompetitive class without a test because there is no eligibility list, but such temporary employment shall not continue for longer than one hundred eighty (180) days or nor more than thirty (30) days after the adoption of a suitable eligibility list.

(H) For temporary employment without test for transitory or seasonal work, but such employment shall require the consent of the Civil Service Commission in each case, and shall not continue for more than ~~one thousand forty (1,040)~~ **one thousand five hundred and sixty (1,560)** work hours in any twelve (12) consecutive month period unless renewed by the Civil Service Commission.

(I) For noncompetitive tests for appointments to positions designated by the Manager or the Civil Service Commission as requiring peculiar and exceptional qualifications of scientific, managerial, professional or educational character.

(J) For promotion based on competitive tests and upon records of efficiency, character, conduct and seniority.

(K) For transfer from a position to a similar position in the same class and grade.

(L) For immediate reinstatement at the head of the eligible list of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(M) For suspension for purpose of discipline, with or without pay, for not longer than ninety days, and for leave of absence with or without pay.

(N) For the appointment of unskilled laborers in the order of priority of application, and with such tests of physical fitness as the Civil Service Commission may prescribe.

(O) For investigating and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities.

(P) For appeals and hearings before the Civil Service Commission, in accordance with general law, in cases of employees within the classified service entitled thereto under the provisions of Section 5.03(A) of this Charter.

(Q) For the administration by the Civil Service Commission and the Department of **Civil Service Human Resources** of the general civil service laws of the state in respect of officers and employees of other governmental units, in cases so provided by general law.

(1) No civil service rule, nor any amendment, revision or revocation thereof shall be adopted:

(a) Unless the proposed text thereof shall have been printed in full and made available for public examination at least ten days prior to the public hearings provided for by this section;

(b) Unless such text shall have been reported to the City Council at a regular meeting thereof at least ten days prior to such hearing;

(c) Until after a public hearing thereon has been held by the Civil Service Commission, of which hearing ten days public notice shall have been given, and at which the City Manager, any director of a department, or any citizen shall be heard upon request;

(d) Until the written recommendation of the Director of **Civil Service Human Resources** thereon shall have been received; and such recommendation shall be publicly read in the hearing herein provided for.

(2) The civil service rules of the City of Hamilton at the time of the adoption of this section shall continue in effect, but shall be subject to amendment, revision, and revocation as provided for in paragraphs A and B of this section. Not later than fourteen months after the adoption of this section, the Civil Service Commission shall cause the civil service rules of the City to be published in book or pamphlet form, and shall cause corrected copies thereof to be kept available for public inspection.

(3) Neither the City Council nor the Civil Service Commission or any person in the administrative service shall have the power to modify or change in any manner the provisions of the laws of the State of Ohio now or hereafter in effect relating to the civil service and the Civil Service Commission insofar as such laws of the State of Ohio are applicable to members of the fire service. No fee or other assessment, however, shall be charged to applicants for examinations other than medical examinations for positions in the fire service.

(4) Neither the City Council nor the Civil Service Commission or any person in the administrative service shall have the power to modify or change in any manner the provisions of the laws of the State of Ohio now or hereafter in effect relating to the civil service and the Civil Service Commission insofar as such laws of the State of Ohio are applicable to members of the Division of Police. No fee or other assessment, however, shall be charged to applicants for examinations other than medical examinations for positions in the Division of Police.

(5) The rules of the Commission shall not be construed as prohibiting City participation in Federal or State programs the purpose and funding of which is intended to provide temporary and gainful occupation designed specifically for beneficiaries who are unemployed, underemployed or otherwise considered to be eligible. Participants in Federal or State programs referred to herein who are assigned to City work sites to qualify for benefits shall not be considered as being in the service of the City. The provisions of the rules of the Commission shall not apply to such participants, except as otherwise required by controlling Federal and State laws or guidelines.

10.04 Application Register.

There shall be kept in the Department of ~~Civil Service~~ **Human Resources** an application register in which shall be entered the names and addresses and the order and date of application of all applicants for civil service test and the offices or employment which they seek. All applications shall be upon forms prescribed by the Department of ~~Civil Service~~ **Human Resources**.

10.05 Civil Service Tests.

Tests required by the Department of ~~Civil Service~~ **Human Resources** shall be practical, shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the position which they seek, and shall take account of character, training and experience. No question in any test shall relate to political or religious opinions, affiliations or service, and no appointment, transfer, lay off, promotion, reduction, suspension or removal shall be affected or influenced by such opinions, affiliations or service. Notice of the time, place and scope of each test shall be given by publication and posting as specified in Section [10.03](#) of this Charter, and by mail or

electronic communication at least ten days in advance, to each application upon the appropriate lists of the applicant register.

10.06 Eligible Lists -- Register of Eligibles.

The lists of applicants eligible to appointment by reason of civil service tests, with their grades, shall be known as the register of eligibles and shall be open to the public inspection. The names of such eligibles shall be arranged in their respective lists in the order of their standing on test. The name of no person shall remain on the register of eligibles for more than one year without a new application and, if the civil service rules so require, a new test. Eligibles shall provide written notice to the Department of **Human Resources** ~~Civil Service~~ of his/her continued interest in appointment and updated contact information not less than every six (6) months within that one year period.

10.07 Appointments.

When any position in the classified service is to be filled, the appointing authority shall notify the Director of **Human Resources** ~~Civil Service~~, who shall promptly certify to such appointing authority a list of eligibles for the class or grade to which such position belongs. The appointing authority shall appoint to such position one of the persons whose name is so certified.

When an entry-level position is to be filled from an eligible list which is established through the administration of an open, competitive civil service examination, the Director of **Human Resources** ~~Civil Service~~ shall first identify, without rounding, the top ten names on the eligible list or the top twenty-five per cent of the eligible list, whichever is greater and then certify to the appointing authority the names and addresses of those persons. In the event that fewer than ten names are on the eligible list, the appointing authority may select any of the listed candidates, but is not so obligated. In the event multiple entry-level positions are to be filled, the next top five names or five percent, whichever is greater, of the eligible list shall be added to each subsequent and concurrent selection.

When no eligible list for a position exists, or when the eligible list has become exhausted and until a new list can be created, a name may be certified from the eligible list most nearly appropriate to the position to be filled.

A person on an entry-level eligibility list, who has previously been certified three or more times to the same appointing authority for the same or similar position(s), may be omitted from future certifications to such appointing authority upon the request of such appointing authority and the concurrence of the Civil Service Commission. However, any certification of a person on an entry-level eligibility list for the purpose of making a temporary appointment shall not be counted as one of the three certifications.

10.08 Limitations on Transfers.

No person shall be transferred to, or be permanently assigned to perform the duties of, a position subject to competitive test, except it to be to a position of the same class, grade, subdivision, or groups as the position from which such person is transferred or assigned, nor otherwise unless the Civil Service Commission first approve such transfer or assignment and unless such person was appointed to the position from which the transfer is made as a result of an open competitive test equivalent to that required for the position to be filled, or shall have served with fidelity under the City government for at least two years immediately preceding in a position similar to that to be filled.

10.09 Promotions.

Whenever practicable, vacancies in the classified service shall be filled by promotion, and the Civil Service Rules shall indicate the lines of promotion from each lower to higher grade whenever experience derived in the lower grade tends to qualify for the higher grade. Eligible lists from which promotions are to be made shall be created as provided by the Civil Service Rules, and the appointment of eligibles therefrom shall be made from a certification which contains only the names and addresses of the three highest ranking persons on the eligible list. Appointments to higher positions shall, in such cases as the City Manager shall request, be made after open competitive tests in which persons not in the service of the City may compete as well as applicants for such positions from the lower grades of the service or from other branches thereof. In such cases, appointments shall be made from the three highest eligibles.

10.10 Service Register.

There shall be maintained in the Department of **Human Resources** ~~Civil Service~~ a list of all persons holding appointive offices or positions under the City government, showing in connection with each name the position held, the salary or wages paid, the date and character of appointment and every subsequent change in status. Such list shall be known as the service register and every appointing officer or authority shall promptly transmit to the Department of **Human Resources** ~~Civil Service~~ all information requested for the establishment and maintenance of such register.

10.11 Certification of Payrolls.

The Treasurer shall not pay, nor shall the Director of Finance issue a voucher for the payment of, any salary or compensation to any person holding, or claiming to hold, an appointive office or a position in the service of the City unless the payroll or account of such salary or compensation shall bear the certificate of the Director of **Human Resources** ~~Civil Service~~ that the persons named

therein have been appointed or employed and are performing service in accordance with the provisions of this Charter and the civil service rules established thereunder, that their names appear upon the service register for the time for which such salary or compensation is claimed and that the salary or compensation is at the rate indicated on such register. If the Director of Finance shall willingly or negligently approve any payment or issue any warrant in violation of this section, he and the sureties on his bond shall be liable to the City for the amount thereof and action may be brought therefor by any taxpayer for the use of the City without making previous request to the City to sue.

10.12 Investigations.

The Council, the City Manager, the Civil Service Commission, or any person designated by any of them, may make investigations concerning the facts in respect of the operation and enforcement of the civil service provisions of this Charter and of the rules established thereunder, and concerning the condition of the civil service of the City or any branch thereof. Any person, or persons, making an investigation authorized or required by this section shall have power to subpoena and to require the attendance of witnesses, to require the production of books and papers pertinent to the investigation, and to administer oaths to such witnesses.

10.13 Compensation Established by Council.

The Council shall by ordinance establish a schedule of compensation for officers and employees in the classified service which shall provide uniform compensation for like service. Such schedule of compensation may establish a minimum and maximum for any grade, and an increase in compensation, within the limits provided for any grade, may be granted at any time by the City Manager or other appointing authority upon the basis of efficiency and seniority.

10.14 False Statement by Applicant.

Any applicant for any office or employment in the classified service who shall knowingly make any false statement in connection with his or her application for test, or in connection with any test, shall thereby forfeit his right to be entered upon the eligible register, and in case he or she has been appointed to an office or employment, he or she shall forfeit it and shall not within three years thereafter be eligible to appointment to any office or employment in the service of the City, nor shall he during that time be entitled to take any civil service test.

10.15 Gifts or Payments by Applicants Forbidden.

No applicant for civil service test or for appointment to the classified service shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or thing to

any person for or on account of, or in connection with, his or her test, appointment or proposed appointment, nor shall he or she ask for or receive any recommendation or assistance from any person in the service of the City other than a statement regarding any previous service to the City as a subordinate under such office or employee.

10.16 Fraud on Civil Service Provision.

No person shall willfully or corruptly make any false statement, certificate, mark, grading or report in regard to any test or appointment held or made under the civil service provisions of this Charter, or in any manner commit or attempt to commit any fraud on the impartial execution of any such provision or of the civil service rules.

10.17 Political Assessments Prohibited.

No person holding an appointive office or place in the service of the City shall directly or indirectly give, solicit, or receive, or be in any manner concerned in giving, soliciting or receiving, any assessment, subscription or contribution for any political party or purpose whatever. No person shall orally or by letter solicit, or be in any manner concerned in soliciting, any assessment, subscription or contribution for any political party or purpose from any person holding a position in the administrative service. No person shall use or promise to use his or her influence or official authority to secure any appointment or prospective appointment, to any position in the service of the City as a reward or return for personal or partisan political service.

10.18 Certain Political Practice Forbidden.

No person about to be appointed to any position in the service of the City shall sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the City shall discharge, suspend, lay off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the administrative service of the City shall use his or her official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office.

10.19 Political Activity Prohibited.

No person holding an appointive office or place in the City Government shall act as an officer of a political organization, take part in a political campaign, serve as a member of a committee of any such organization, or circulate, or seek signatures to any petition provided for by primary or

election laws, act as a worker in favor of or in opposition to any candidate for public office, or become a candidate for elected office.

10.20 Violations and Penalties.

It shall be the duty of the Civil Service Commission to supervise the execution of, and of the Director of **Human Resources** ~~Civil Service~~ to administer, the foregoing civil service provisions of this Charter and the rules made thereunder, and it shall be the duty of all persons in the service of the City to comply with such rules and to aid in their enforcement. Any person who, by himself or herself or with others, willfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the classified service of the City; or willfully or corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the classified service, or aids in so doing; or willfully or corruptly makes any false representation as to the results of such tests or concerning persons so tested; or furnishes special or secret information for the purpose of either improving or injuring the prospects or chances of a person tested or to be tested, or to be appointed, employed, or promoted; or impersonates any person or permits or aids in any impersonation in connection with any test application, registration, or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance thereof, any question to be asked on such test; or willfully or through culpable negligence violates any of the civil service provisions of this Charter or any of the rules made in pursuance thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine or not less than fifty dollars nor more than one thousand dollars or by imprisonment for a term not to exceed six months. If any such person be an applicant for competitive test, he or she shall be excluded therefrom; if he or she be an eligible, his or her name shall be removed from the register of eligibles; and if he or she be an officer or employee of the City, he or she shall immediately forfeit his or her office or employment.

10.21 Present Employees Continued.

All persons who, at the time this Revised Charter takes effect, are holding positions in the service of the City pursuant to appointment from eligible lists, or who have been continuously in the service of the City in the same position for the preceding five years, shall be deemed to hold such positions as though appointed in accordance with the provisions of this Charter. Employees of any public utility acquired by the City, who are in the service of such utility at the time of its acquisition, shall be deemed to hold their positions as though appointed under the civil service provisions of this Charter; but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

10.22 Elected Officials Not to Receive Appointment.

No person elected to the Council, including the Mayor, shall, during the time for which elected, be appointed to any office or position in the service of the City.

Commission Adopted Charter Changes

3.01 Powers of Council

(A) All legislative power of the City shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:

(1) The power to levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter.

(2) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws.

(3) The power to provide for the exercise of all powers of local self-government granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.

(4) The power, by ordinance or resolution, to establish or authorize the number of officers ~~and employees~~ in the various ~~offices, departments, divisions, bureaus,~~ boards and commissions of the City and to establish or authorize the establishment of the rate of their compensation, hours of work, and to provide such other fringe benefits and conditions of employment as deemed proper by the Council or as determined by the law governing public sector collective bargaining.

(5) The power to require bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the City. The premium for the bonds shall be paid by the City.

(6) The power to create, combine, change and abolish other offices, departments, divisions, bureaus, boards and commissions. The power expressed in this sub-section shall be exercised by ordinance or resolution. The Council shall not abolish any office, board, commission or committee created by this Charter nor shall the Council abolish, merge or combine the departments of police and fire into one administrative unit.

(7) The power to establish, by ordinance or resolution, the rates or charges made of consumers of all municipal utilities and services.

(8) The power to acquire and to sell or otherwise convey interests in real property; and to lease, as lessor or lessee, or otherwise grant or receive interests in real property in the manner determined by Council.

(9) The power to provide for an independent audit of the accounts and records of the City, which may be in addition to audits by state offices and agencies as may be required under the general laws of Ohio.

(10) To exercise all other powers that are legislative powers granted to the Council by this Charter or by the Constitution and laws of the State of Ohio.

5.09 Number of Assistants and Subordinates; How Fixed

The number of assistants and other subordinates to be employed in or by each department or office shall be ~~fixed by the Council; unless the Council shall authorize~~ determined by the Manager, ~~to determine the number of assistants and subordinates in and for any department or office subject to the appropriations made therefor.~~

12.03 Fire Force

The City shall maintain a fire force consisting of an officer in charge thereof and of such number of other officers, firefighters and employees as may be fixed in accordance with the provisions of Section 5.09 of this Charter. In case of riot, conflagration, or like emergency, the City Manager may appoint additional officers and firefighters for temporary service who need not be in the classified service of the City. The officer directly in charge of the fire force shall have control of the stationing and other disposition of the force under rules and regulations as he or she may establish with the approval of the City Manager.

~~(A) On and after January 1, 1954 [UPDATE TO APPROPRIATE EFFECTIVE DATE], the Chief of the Fire Division of the City of Hamilton, Ohio, shall divide the uniform force of said fire force into not less than two platoons. The Chief shall keep a platoon of the uniform force on duty twenty four consecutive hours, after which the platoon serving twenty four hours shall be allowed to remain off duty at least twenty four consecutive hours. Each individual member of the platoons, in addition to receiving a minimum of twenty four hours off duty in each period of forty eight hours, shall receive an additional period of twenty four consecutive hours off duty in each period of six days so that no individual member shall be on duty more than a total of ninety six hours in each consecutive period of twelve days each.~~

~~In the discretion of the Chief of the Fire Division, the fire force may be divided into a three platoon system, wherein the members work twenty four consecutive hours immediately followed by forty eight consecutive hours off duty, organize and direct the staffing of the force to maintain staffing for the emergency and administrative duties of the department; and in order to carry out the terms of this section, the Council of the City of Hamilton, Ohio, shall levy an additional tax outside of any legal limitations for Fire Division purposes at a rate of one mill (\$.001) for each one dollar (\$1.00) of valuation, which amounts to ten cents (\$0.10) for each one hundred dollars (\$100.00) of valuation.~~