

**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

**Rob Wile**  
Commissioner

- I. Call to Order
- II. Approval of Minutes
- III. Composition of the Commission
- IV. Article III – Section 3.11 When Ordinances and Resolutions Take Effect
  - a. Section 3.11 When Ordinances and Resolutions Take Effect
  - b. Public Comments regarding this topic.
- V. Article XVIII – Section 18.11 Charter Review Commission
  - a. Section 18.11 Charter Review Commission
  - b. Public Comments regarding this topic.
- VI. Article XII – Section 12.03 Fire Force – Approved Revisions Discussion
  - a. Section 12.03 Fire Force
  - b. Public Comments regarding this topic.
- VII. 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 by 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](mailto: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.**





**Charter Review Commission**

June 22, 2020

6:00 p.m.

Zoom Conference Call

345 High Street

Hamilton, OH 45011

- VIII. Audience of the City Clerk
- IX. Audience of the Commission
- X. Next Meeting
- XI. 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.



### 3.11 When Ordinances and Resolutions Take Effect

Appropriation ordinances and resolutions, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of City affairs, ordinances or resolutions requesting information from administrative officers or directing administrative action, and emergency measures, shall be in effect from and after their passage by the Council unless some other time is specified therein. All other resolutions passed by Council shall take effect immediately upon passage; ~~—a~~All other ordinances ~~and resolutions~~ passed by the Council shall be in effect from and after thirty days from the date of their passage except those in which a later date for taking effect is specified. Ordinances adopted by vote of the electors shall take effect at the time indicated therein or, if no time is specified, then thirty days after their adoption. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in the ordinance or resolution. The affirmative vote of a least five members of Council shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure.

### **18.11 Charter Review Commission**

(A) Charter Review Commission. On or before February 28, 2005, and every five years thereafter, the Council shall appoint by written motion a Charter Review Commission consisting of not less than nine nor more than fifteen electors of the City to review the City's Charter and to make recommendations, if any, for revisions to the City's Charter to the Council. The Council may also appoint by written motion Special Charter Review Commissions at any time to study and report recommendations to the Council with respect to specific matters. Special Charter Review Commissions shall be composed of not less than five nor more than nine members. The Council may accept or reject the recommendations of Regular Charter Review Commissions and Special Charter Review Commissions, and may submit amendments recommended by Regular Charter Review Commissions or Special Charter Review Commissions to the electors in their original or a revised form.

(B) Charter Amendment by Council. The Council may submit a proposed Charter amendment to the electors without a Regular or Special Charter Review Commission if said amendment is to address an issue in the Charter that has been determined to be immediately hindering the City or City related operations. This amendment must not change the intent of Charter section at issue, only adjust it.

(C) If the Council desires to submit amendments recommended by a Regular Charter Review Commission or Special Charter Review Commission under Paragraph A of this Section or amendments under Paragraph B of this Section to the electors, the Council shall pass an ordinance approving the proposed Charter amendments. The City Clerk shall file the amendments with the Butler County Board of Elections for the next available election so the proposed amendments may be voted on by the electors of the City of Hamilton. The City Clerk shall advertise that the proposals are available for public viewing and will provide the public with avenues to inspect the proposals.



Founded 1791

**Hamilton Fire Department**  
Mark F. Mercer, Chief

77 Pershing Avenue  
Hamilton, Ohio 45011  
513.785.7500  
Fax 513.867.7321

April 22, 2020

Director Scrimizzi,

Please see my recommendation for a revision to Section 12.03 of the city charter. There are several reasons for which I recommend these changes.

The current charter describes a scheduling procedure which is outdated, and which is not applied as described in the charter. I feel it is important to deconflict the charter and actual practice. While the current charter describes a schedule which would be manageable within the FLSA, the application is not consistent with the negotiated agreement, nor is it a manageable schedule in the modern fire service.

### **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~~[UPATE 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 (\$.010) for each one hundred dollars (\$100.00) of valuation

CITY OF  
**HAMILTON**  
PROFESSIONAL FIREFIGHTERS

June 15<sup>th</sup>, 2020

Members of Charter Review Commission,

I had the opportunity to address the commission via Zoom at your June 1<sup>st</sup> meeting regarding the proposed changes to section 12.03 Fire Force. This change was proposed by Fire Chief Mercer at the May 11<sup>th</sup> meeting and voted on that night by the commission without receiving any other points of view on the discussion. My hope in addressing you is to have an open the discussion back up and have you reconsider the change to section 12.03. A few points I would like to reiterate for the commission to take into account: Our current system was placed into the charter in 1954 following a vote by the citizens to approve a levy to fund the 3<sup>rd</sup> platoon. This system has been in practice in the 66 years since, and has provided a high-level of service to the citizens of Hamilton in a very busy department of first responders. This system allows for less shift changes (one per day at 8am, saving on overtime and creating quicker response times), crew continuity (shifts consistently work together and can be more efficient), allows for longer workweek for fire fighters (48-hours versus 40-hours) and is the shift model for an overwhelming majority of professional departments.

This same section of 12.03 was brought up 5 years ago by Director Tim Werdmann and was discussed in sub-committee and with the full commission. It was ultimately voted down 6-1 and the proposed change to this section was not pushed to City Council. The challenges of COVID are many, but in the case of this commission and this issue, it has created little to no opportunity to speak into this important topic and give all sides the opportunity to present their case for the commission to fully consider before voting. When a change can have a major impact on safety, it requires more examination than what it has currently received.

I am asking for the commission to review the attached agenda minutes from 5 years ago (3/12/15 and 4/9/15) and to reconsider this issue and take another vote on these proposed changes. If it is simply eliminating outdated language as Chief Mercer said, you could compromise and eliminate the language regarding the “2-platoon system” that is referenced within this section, while protecting the current practice of staffing 3-platoons for 24-hour shifts. It is a system that is not broken and a system that is used nationally. The 24/48 schedule has proven to be the most efficient model for fire department staffing and, in many cases, saves municipalities funds while providing many safety benefits as listed above. The voters in 1953 felt strongly this was the safest staffing model going forward and it has helped to provide high-levels of safety since being implemented January 1<sup>st</sup> of 1954. This sentiment was reinforced by this commission in 2015 by voting this measure down 6-1, and Retired Fire Chief Joe Schutte agreed and spoke publicly against changing the 24/48 shift schedule. I am asking that this commission does the same.

Respectfully,



Tony Harris

President, Hamilton Professional Fire Fighters

IAFF Local 20



**PRESENT:**

Steuer, Stevenson, Fiehrer, Klink, Rattman, Maraschiello, Baker, Jones, Biddle, Guggenbiller, Harris, Wright, Werdmann, Bucheit

**I. Approval of Minutes:**

Maraschiello requested an amendment to the February 19, 2015 Charter Review Commission meeting minutes reflecting that Committee A would need further information on section 3.12 before making a recommendation.

Motion by Maraschiello, seconded by Rattman to approve the February 19, 2015 Hamilton Charter Review Commission Minutes.

**II. Craig Bucheit: Comment on revising Charter Section 10.07**

Chief Bucheit addressed members of the Charter Review Commission in regards to the suggested revisions to charter section 10.07. Bucheit stated that the biggest challenge the Police Department faces is finding qualified candidates to fill vacancies. Bucheit supported the City's suggestion to amend section 10. This would expand the candidate pool. Bucheit also stated that good character is an important qualification for police officers.

**III. Tim Werdmann: Comments on Complex Charter Revision issues surrounding sections 3.12, 8.02, 10.01 (D), 10.03 (H), 10.03(P), 10.03(Q) and 12.03(A)**

3.12 – Deputy City Manager Tim Werdmann stated that this section is to simply acknowledge movement from paper vs. electronic form of document storage. Committees A members (Maraschiello and Jones) believe that the public would want hard copy documentation.

8.02 – Werdmann questioned whether we still need a board to discuss payment of debt. He suggested transferring this responsibility to the Finance Director. Currently, this board meets annually. The OpenGov software the city intends to acquire in order to document city finances and debt would better inform the public.

10.01(D) - Werdmann stated that currently the Director of Civil Service reports to the Civil Service Commission and amending this item would have the Director of Civil Service report to the City Manager.

10.02 – Werdmann stated that this revision would declassify all directors, chiefs, and division superintendents. Committee B members (Rattman, Douglas and Becker) opposed the revision pointing out that allowing the city manager to supervise these positions would politicize the positions.

10.03 (H) - Werdmann stated that by amending this section would give the city more flexibility when it comes to temporary employment and streamline the process required to extend temporary employment hours.

10.03 (P) and 10.03 (Q) would be also be amended if section 10.02 and 10.03 were amended.

12.03 (A) – Werdmann stated that amending the 24 hour shifts would allow more flexibility between city administration and the fire department. Currently, the City cannot negotiate different shift options in the collective bargaining process.





**2015 Hamilton Charter Review Commission  
Minutes**

Thursday March 12, 2015  
7<sup>th</sup> Floor Video Conference Room

**IV Public Comments**

Brian Ruhl, President of the IAFF Local 20, spoke to members of the Charter Review Commission in regards to his thoughts over the proposed amendments to section 12.03(A). Ruhl is opposed to changing the 24 hour shift arguing that eliminating the 24 hour shift requirement from the City Charter would de-professionalize the fire department.

**V. Adjournment**

Motion by Maraschiello, seconded by Rattman to close the March 12, 2015 Hamilton Charter Review Commission meeting at 7:41 p.m.

Next 2015 Hamilton Charter Review Commission meeting is scheduled for April 9, 2015 at 6:30 pm.



**PRESENT:**

Steuer, Becker, Rattman, Maraschiello, Biddle, Guggenbiller, Harris, Wright, Nichols

**I. Approval of Minutes:**

Motion by Maraschiello and seconded by Biddle to approve the March 12, 2015 Charter Review Commission Minutes.

**II. 5 Straightforward Charter Revision Suggestions**

Capitalization indicates proposed changes or additions.

**5.03 (A) - Delete entirely**

TABLED at April 9<sup>th</sup> Commission Meeting to be further discussed. Motion by Harris, seconded by Maraschiello, motion carried unanimously by Commission.

This will require a revision to section 10.03 (P) which currently provides:

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

**5.10:**

APPROVED at April 9<sup>th</sup> Commission Meeting. Motion by Rattman, seconded by Biddle, motion carried unanimously by Commission

Amendment to the Charter:

THE HEAD OF THE DEPARTMENT OR OFFICE OR HIS/HER DESIGNEE FOR WHICH AN ADVISORY BOARD IS APPOINTED SHALL BE CHAIRMAN OF ALL MEETINGS.

**10.05:**

APPROVED at April 9<sup>th</sup> Commission Meeting. Motion by Guggenbiller, seconded by Biddle, motion carried unanimously by Commission.

Amendment to the Charter:

Tests required by the Department of Civil Service 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 ELECTRONIC COMMUNICATION OR MAIL SENT AT LEAST TEN DAYS IN ADVANCE, TO EACH APPLICATION UPON THE APPROPRIATE LISTS OF THE APPLICANT REGISTER.

**10.06**

TABLED at April 9<sup>th</sup> Commission Meeting to be further discussed. Motion by Guggenbiller, seconded by Becker, motion carried unanimously by Commission.

Suggested amendment to the Charter:

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 CIVIL SERVICE EVERY THREE MONTHSON WITHIN THAT ONE YEAR PERIOD OF CONTINUED INTEREST IN APPOINTMENT AND HIS/HER CONTACT INFORMATION.

**10.07:**

APPROVED at April 9<sup>th</sup> Commission Meeting. Motion by Guggenbiller, seconded by Biddle, motion carried, 4-3 vote

YAYS: Stever, Biddle, Guggenbiller, Rattman

NAYS: Maraschiello, Harris, Becker

Amendment to the Charter:

When any position in the classified service is to be filled, the appointing authority shall notify the Director of Civil service, who shall promptly certify to such appointing authority a list of eligibles to 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 POSITIION IS TO BE FILLED FROM AN ELIGIBLE LIST WHICH IS ESTABLISHED THROUGH THE ADMINISTRATION OF AN OPEN, COMPETITIVE CIVIL SERVICE EXAMINATION, THE DIRECTOR OF CIVIL SERVICE SHALL FIRST IDENTIFY, WITHOUT ROUNDING THE TOP TEN NAMES ON THE ELIGIBLES LIST OR THE TOP TWENTY-FIVE PER CENT OF THE ELIGIBLES 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 OF MULTIPLE SELECTIONS, THE NEXT TOP FIVE NAMES OR FIVE PERCENT, WHICHEVER IS GREATER, OF THE ELIGIBLE LIST SHALL BE ADDED FOR EACH SUBSEQUENT AND CONCURRENT SELECTION.

When no eligible list for a position exists, or when the eligible list has become exhausted, 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.



**III. 8 Remaining Complex Charter Revision Suggestions**

**Section 3.12:**

APPROVED FOR CHARTER REVISION LANGUAGE at April 9<sup>th</sup> Commission Meeting to move forward with suggested revised language. Motion by Maraschiello, seconded by Rattman, motion carried unanimously by Commission.

Presently: After passage by the Council, each ordinance and resolution shall be authenticated by the signatures of the Mayor and City Clerk and **recorded in a book** kept for that purpose;

The Charter Review Commission approved preparing Charter Revision Language that would allow for both recordation in a book and in electronic format.

**Section 8.02:**

APPROVED at April 9<sup>th</sup> Commission Meeting to move forward with suggested revised language. Motion by Maraschiello, seconded by Rattman, motion carried unanimously by Commission.

The Charter Review Commission approved preparing Charter Revision Language that would include responsibility for payment of debt obligations and administration of bond and note legislation in the duties of Finance Director.

**Section 10.01 (D):**

NOT MOVING FORWARD. Motion by Rattman, seconded by Harris. , motion carried unanimously by Commission.

Suggestion: Consider amending to provide for appointment of Director of Civil Service by City Manager. Having a department director who does not report to the City Manager causes administrative difficulty.

**Section 10.02:**

NOT MOVING FORWARD. Motion by Rattman, seconded by Maraschiello, motion carried unanimously by Commission.

Suggestion: Consider redefining unclassified service to include all directors, chiefs, and division superintendents. City Manager and Department heads should have greater flexibility in appointing and removing their direct reports given the level of responsibility of the positions.

**Section 10.03(H):**

NOT MOVING FORWARD. Motion by Rattman, seconded by Becker, motion carried 6-1  
YAYS: Biddle, Guggenbiller, Rattman, Maraschiello, Harris, Becker  
NAYS: Stever

Suggestion: Consider removing limitation on annual number of hours for temporary employment. Tracking hours and requesting extensions ties up resources that could be better utilized.

**Section 10.03(P):**

NOT DISCUSSED at April 9<sup>th</sup> Meeting

Suggestion: May need to be amended if suggestion regarding 5:03 is implemented.



**Section 10.03 (Q):**

NOT MOVING FORWARD. Motion by Rattman, seconded by Maraschiello. Motion Carried 6-1  
YAYS: Biddle, Guggenbiller, Rattman, Maraschiello, Harris, Becker  
NAYS: Stever

Suggestion: Consider deleting paragraphs (3) and (4). This is an unnecessary limitation on the home rule authority of the City of Hamilton.

**Section 12.03(A):**

NOT MOVING FORWARD. Motion by Maraschiello, seconded by Harris, motion carried 6-1  
YAYS: Biddle, Guggenbiller, Rattman, Maraschiello, Harris, Becker  
NAYS: Stever

Suggestion: Consider deletion of charter language dictating 24 hour shifts and certain number of platoons. Determination of schedules and staffing should be made by public safety management as modified by collective bargaining agreement.

**IV Public Comments**

Joseph Schutte, Bob Snider, and Dean Mason addressed members of the Commission supporting the commission's decisions regarding several of the agenda items at this evenings meeting relating to police and fire needs.

Charter Review Commission member Bob Harris addressed fellow members of the 2015 Charter Review Commission about having the Ward system put into place in the City of Hamilton. Chair, Jim Stever, stated that the topic of implementing a Ward system will be added to the next meeting under new business. Members of the Commission requested that Council Members Fiehrer and Johnson and City Historian Jim Blount attend the next meeting for their input.

**V. Adjournment**

Motion by Guggenbiller, seconded by Rattman to adjourn the April 9, 2015 Hamilton Charter Review Commission meeting at 8:02 p.m.

Next 2015 Hamilton Charter Review Commission meeting is scheduled for May 7, 2015 at 6:30 pm.

Katherine A. Becker  
853 Clinton Ave.  
Hamilton, Ohio 45015  
(513) 887-9877

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June 14, 2020

Members of Charter Review Commission,

It has been brought to my attention that the Charter Review Commission has been meeting via Zoom. During these meetings, there has been discussion regarding the proposed changes to section 12.03 Fire Force. This change was proposed by Fire Chief Mercer at the May 11<sup>th</sup> meeting and voted on that night by the commission without receiving any other sides to the discussion. I have great concern that this occurred without feedback from others knowledgeable in this area with information that might be pertinent.

I have concerns as a prior Commission member that this same section of 12.03 was brought up 5 years ago by Director Tim Werdmann and was discussed in sub-committee and with the full commission. It was ultimately voted down 6-1 and the proposed change to this section was not pushed to City Council. I would have hoped that the current Charter Review Commission would have reached out to those individuals who served on the Commission back in 2015 to receive feedback why this occurred in the manner it did. A 6-1 vote to defeat this measure should send a signal that further information was needed prior to proceeding.

I know there are challenges with COVID-19 and the ability for public meetings, but in this case, it has created little to no opportunity to receive valuable feedback from citizens, those who work in Fire Services, and especially those individuals who served prior and dealt with this issue. When a change can have such a major impact on safety of our citizens, it requires more examination than what it has currently received.

As someone who not only served on that Commission in 2015, but also someone who has contact with Fire Services regularly, I would love to give more insight into this matter.

Please feel free to contact me with questions or concerns.

Sincerely,

*Katherine A. Becker*

Members of the Hamilton City Charter Review Commission:

I would like to write against the proposed change to Section 12.03 of the Hamilton Charter. I served as assistant city manager/assistant director of public safety and city manager/director of public safety for the City of Hamilton from 1972 to my retirement in 1999. I am very familiar with the Charter change in 1954 and why it was passed. My father was a Hamilton fire fighter from 1942 to his retirement in 1971. He worked the 24 on and 24 off and a 72 hour work week until 1954. The voters passed the tax levy to add the third platoon so the fire fighters could have 48 hours off until their next 24 hour shift.

This method of operating is common throughout the United States. It allows one shift change a day for all fire fighting crews. It is efficient and effective. It keeps crews together since each fire fighter needs to rely on each other and know their strengths and weaknesses.

I don't see a plan coming from the Chief on why he wants this change. What is not working? Why is the system outdated? What are the benefits of his change? What value will this change bring? Until these and many more questions are answered, I do not feel that this Charter change is of any value.

Unfortunately a fire or emergency can occur at any time. A city has to be ready to respond anytime in a 24 hour period. You cannot staff for a planned emergency when you don't know when it will happen.

When I was Director and City Manager we used two engine companies and one truck company to a working house fire. Now they send the whole department and call mutual aid. I don't recall ever using mutual aid in my time even with the Chem-Dyne Fire. We called in an off duty shift. Some major changes have been made that I fail to understand. However, this Charter change request in my opinion will not improve fire fighting capabilities in Hamilton. I urge you to not change the City Charter. Please let me know if you have any questions as I would be happy to answer them.

Hal Shepherd  
Retired City Manager/ Director of Public Safety  
[halshep3@gmail.com](mailto:halshep3@gmail.com)

Joseph Schutte  
1224 Elizabeth Dr.  
Hamilton, Ohio 45013

June 15, 2020

Members of the Charter Review Commission,

I understand that the Charter Review Commission has recently considered and approved a proposal to the City Charter as presented by City Administration. The proposed change to the Charter is Section 12.03 Fire Force.

This proposed change has been submitted by City Administration in the past, most recently in 2015. Each time, the proposal was not advanced to the City Council. There are various reasons for this including that the Charter is consistent with the Bargaining Agreement with Local 20 IAFF. In fact, the current bargaining agreement references the City Charter to be consistent with said section of the City Charter. More importantly, however, this section of the charter was amended upon voter approval in 1954 of a tax levy "in order to carry out the terms of this section." The purpose of the tax levy was to carry out the terms of a third platoon system. To alter this section allowing the City Fire Chief to "organize and direct the staffing of the force" allows for use of tax levy funds for purposes not aligned with the levy vote of 1954. In reviewing the proposed charter change language, City Administration will continue collecting the levy funds.

Further discussion is needed for this proposed charter change. It's impact on personnel and citizen safety are at issue. I realize it has been challenging meeting due to the current pandemic and the use of Zoom meetings. But I would strongly urge this Commission to either re-visit this proposed change allowing for discussions from both sides or lay it aside and work on such language for 2025. There is no urgency at all for this proposed change.

I make these comments as a retired firefighter and Chief with the City of Hamilton. As a firefighter, I sat on the negotiating committee for the bargaining unit for over 10 years. As Fire Chief, I sat on the negotiating committee for the City. I have seen this issue, as well as others, from both sides and understand both perspectives.

If you have any questions or other concerns, please feel free to contact me.

Sincerely,

Joseph P. Schutte  
Retired Firefighter/Fire Chief  
City of Hamilton

(513) 939-5586  
(513) 896-9433

## 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.

### 3.05 Compensation of Officials.

The salary of a member of the Council shall be three hundred dollars (\$300.00) per year and shall be paid in equal monthly installments. The Council may by ordinance provide compensation for the Mayor in addition to that which he receives as a member of the Council. As compensated members of the Council, elected officials shall also be considered employees of the City of Hamilton.

~~(In the event that this Revised Charter proposed at the November 7, 2000, general election by Emergency Ordinance No. EOR2000-8-93 is adopted and the Charter amendment proposed at the November 7, 2000, general election by Emergency Ordinance No. EOR2000-8-94 is also adopted by the electors, then the version of Section "3.05 Compensation of Elected Officials" as set forth in the Charter amendment proposed by Emergency Ordinance No. EOR2000-8-94 shall apply.)~~

### 3.07 Rules of Council

The Council shall be the judge of the election and qualification of its members and shall have power to subpoena witnesses and compel the production of all books, records, papers and other evidence; but the decision of the Council in any case shall be subject to review by the courts. The Council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly ~~behavior~~conduct and, by vote of not less than five members, may ~~expel~~remove for the duration of their elected or appointed term, a member for disorderly conduct or the violation of its rules; but no member shall be ~~expelled~~removed unless notified of the charge and given an opportunity to be heard in his or her own defense. Absence from three consecutive regular meetings shall operate to ~~vacate the seat of~~remove a member, unless the absence is authorized or excused by the Council. Disorderly conduct appropriate for removal shall include, but not limited to, conduct in violation of the State of Ohio Ethics Laws.

### 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.

#### **5.04 Council Not to Interfere in Appointments or Removals.**

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his or her removal from, office by the City Manager of any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with that portion of the service of the City for which the Manager is responsible solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately. Any violation of the provisions of this section by a member of the Council shall be a misdemeanor, ~~conviction of which shall immediately forfeit the office of the member so convicted.~~ Shall be considered disorderly conduct under Charter Section 3.07, and shall result in the member being immediately removed under Section 3.07 by a vote of not less than five members.

#### **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.~~

#### **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 applicant 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.

### **10.10 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.

#### **10.20 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.

### 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 (\$.10) for each one hundred dollars (\$100.00) of valuation.~~

### 18.02 Financial Interest in Contracts, Etc.

No officer, appointed or elected official, or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services except on behalf of the City as an officer, appointed or elected official, or employee. Any willful violation of this section shall constitute malfeasance in office, Any employee who willfully violates this section shall thereby forfeit his or her office or position. Any appointed or elected official or officer not employed by the City who willfully violates this section shall be immediately removed by a vote of not less than five members of City Council. and any officer or employee found guilty thereof shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract involved voidable by the City Manager or the Council.

### **18.10 Equal Employment Opportunity; Prohibiting Discrimination; Gender**

(A) The City of Hamilton shall provide equal opportunity in City employment for all persons.

(B) Discrimination in City employment is prohibited because of race, color, religion, sex, sexual orientation, gender identity, national origin, handicap, ancestry, or age, except that age limitations may be required for original appointments to the positions of police officer and firefighter to the extent permitted by law.

(C) Whenever this Charter uses words of one gender, such words shall be construed to include all the other genders. Such use is for convenience purposes only and shall not be construed to be discriminatory based upon sex.