

ORDINANCE NO. 32-90By: John T. Loehnert

An Ordinance to limit the jurisdiction of the Civil Service Commission, City of Bexley, to employees of the City of Bexley.

WHEREAS, the Charter of the City of Bexley authorizes the Mayor of the City to appoint civil service commissioners, who shall receive no compensation for their services;

WHEREAS, the Charter of the City of Bexley further mandates that the Civil Service Commission shall be governed in all respects by the general laws of the state governing civil service in cities, not in conflict with this Charter and ordinances of Council passed thereunder;

WHEREAS, the general laws of the State, Chapter 124 of the Ohio Revised Code, provides that the Civil Service shall include all positions of trust or employment in the service of the state, counties, and cities, including city health districts, and city school districts;

WHEREAS, in Ohio Association of Public School Employees v. City of Twinsburg, 36 Ohio St. 3d 180 (1988), the Supreme Court of Ohio held that a chartered municipality, under its home-rule authority, may enact an ordinance limiting the jurisdiction of its civil service commission to only city employees notwithstanding Ohio Revised Code Section 124.011(A);

WHEREAS, the Bexley Civil Service Commission has recommended that its jurisdiction be limited to city employees; and

WHEREAS, it is the desire of this Council pursuant to the authority of the Charter to define the jurisdiction of the Bexley Civil Service Commission and to limit that jurisdiction to officers and employees only of the City of Bexley consistent with the powers of local self-government.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the language of the Charter provisions relating to Civil Service (Sections 50-55, Bexley Charter) indicate an intention to limit the application of those provisions and the jurisdiction of the Commission which they establish solely to municipal employees of the City of Bexley.

Section 2. That it is the intention of this Council, pursuant to the power granted by said Charter to, and by this Ordinance it does hereby limit the jurisdiction of the Civil Service Commission of the City of Bexley to municipal employees and officers of the City of Bexley and to no one else.

Section 3. That this Ordinance is passed under the authority of the Charter, is in conflict with the general laws of the state governing civil service in cities and shall control.

Section 4. That Ordinance No. 72-83 is hereby repealed.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest time provided by law.

Passed: May 8, 1990

Robert K. Schmitz
President of Council

Attest: J. J. Holman
Clerk of Council

Approved: May 18, 1990

D. Madison
David H. Madison, Mayor

Apr. 11, 1990 - 1st reading
Apr. 24, 1990 - 2nd reading
May 8, 1990 - 3rd reading
adopted