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CITY OF BROOK PARK, OHIO

ORDINANCE NO: ~~10003-2016~~

INTRODUCED BY: MAYOR COYNE

AN EMERGENCY ORDINANCE

AMENDING SECTION 143.026 OF THE CODIFIED ORDINANCES OF THE CITY OF BROOK PARK REGARDING THE STAFFING OF FIRE SAFETY PERSONNEL WITHIN THE CITY AND DECLARING AN EMERGENCY

WHEREAS, on February 3, 2015, the residents of the City voted in favor of Issue 2 to staff Fire Station 2 at 22530 Ruple Road;

WHEREAS, immediately following the February 3, 2015 election the Mayor staffed Fire Station 2 at 22530 Ruple Road;

WHEREAS, the Mayor intends to keep Fire Station 2 fully staffed;

WHEREAS, Issue 2 amended Ordinance 143.026 to require the minimum manning of firefighters on duty at the 17401 Holland and at 22530 Ruple Road fire stations;

WHEREAS, the Director of Law of the City of Brook Park identified a legal conflict between the provisions, duties and responsibilities set forth in Articles III and VIII of the Charter of the City of Brook Park, the Ohio Public Employee Collective Bargaining Act set forth in Chapter 4117 of the Ohio Revised and amended Ordinance Section 143.026;

WHEREAS, on March 2, 2015 of the Director of Law of the City of Brook Park filed a Declaratory Judgment action pursuant to Ohio Revised Code Chapter 2721 to declare, construe and resolve the conflicts between Articles III and VIII of the Charter of the City of Brook Park and Ordinance 143.026 and with the Ohio Public Employee Collective Bargain Act set forth in Chapter 4117 of the Revised Code;

WHEREAS, on February 3, 2016 the City filed a Notice of Appeal to the trial court's decision that the City lacked standing to seek a declaration of its rights under Chapter 2721 of the Ohio Revised Code;

WHEREAS, on February 23, 2016 a third party tax payer lawsuit (City of Brook Park ex rel. Michael Wohlgemuth v. Committee to Secure Our Safety et al., Common Pleas Case No. 16 CV 859397) was filed in the Cuyahoga County Court of Common Pleas seeking to declare amended Ordinance 143.026 invalid;

WHEREAS, the Mayor of the City of Brook Park desires to compromise, resolve, eliminate, settle and avoid all litigation and appeals relating to amended Ordinance 143.026,

WHEREAS, the Mayor desires to resolve all conflicts between Articles III and VIII of the City Charter, Chapter 4117 of the Revised Code and amended Ordinance 143.026;

WHEREAS, the Mayor desires to provide the Director of Public Safety and the Fire Chief of the City of Brook Park with sufficient and effective authority to properly manage and utilize the resources of the Fire Department; and,

WHEREAS, the Mayor wishes to eliminate the need for all further litigation by amending Ordinance 143.026 to clarify that the authority to manage the resources of, and assign personnel within, the Fire Department of the City resides with the Director of Public Safety and the Chief of the Fire Department;

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, that:

Section 1.

Codified 143.026 MINIMUM MEMBERS ON DUTY.

The Director of Public Safety and the Chief of the Fire Department shall see that there is, in addition to the Fire Chief, Assistant Fire Chief and the Fire Prevention Personnel, a minimum of five firefighters on duty at 17401 Holland Road (Station No. 1) and two firefighters at the 22530 Ruple Road (Station No. 2) fire stations at all times;

is hereby amended to read:

Codified 143.026 MINIMUM MEMBERS ON DUTY.

The Director of Public Safety and the Chief of the Fire Department shall see that there is, in addition to the Fire Chief, Assistant Fire Chief and Fire Prevention Personnel, sufficient **full and part time** firefighters at 17401 Holland Road (Station No. 1) and 22530 Ruple Rd. (Station No. 2) as necessary to protect lives and property of all persons and businesses present within the City at all times.

SECTION 2: Ordinance 143.026 as passed February 3, 2015 and effective March 1, 2015, is hereby expressly repealed.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that

resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION: 4 This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason that it is necessary to amend Ordinance No. 143.026; therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

**I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS**



DIRECTOR OF LAW

DATE