
**COLUMBUS CITY CHARTER
REVIEW COMMITTEE**

REPORT TO THE MAYOR AND THE PRESIDENT OF CITY COUNCIL

June 1999

INTRODUCTION

By letters of February 1, 1999, Mayor Gregory S. Lashutka and City Council President Michael B. Coleman re-appointed the Columbus City Charter Review Committee. The Committee originally was appointed in May 1998. During its initial year, the Committee recommended seven Charter amendments, all of which were subsequently approved by the voters in November 1998. At that time, the Committee had agreed to return in 1999, if requested to do so, to review the Charter sections relating to the selection and removal procedures for the police and fire chiefs. These sections had not been reviewed in 1998 due to the short time available for the Committee's work. A few requests were made for the Committee to review other issues. However, the Committee decided that since it had conducted a complete review of the other Charter sections last year, it would confine its review in 1999 to the selection and removal process for the police and fire chiefs.

The members serving on this Committee were: the Hon. Herbert Brown, Mary W. Christensen, the Hon. Hugh Dorrian, Richard P. Fahey, Alvin Hadley, Robert Howarth, Alphonso Montgomery and Greta Russell. Robert Howarth once again served as the Committee Chair.

To date, the Committee has held twelve meetings and two public hearings. The hearings to receive public input were held on May 6, 1999 and May 20, 1999, following publication in the *City Bulletin* and widespread notification to area commissions, civic associations and the media. During the course of its regular meetings, the Committee heard from the Civil Service Commission, Safety Director Thomas Rice, Police Chief James Jackson, Fire Chief Stephen

Woltz, James Stowe, Executive Director of the Columbus Community Relations Commission, Nick Quellette, President of the International Association of Firefighters, Bill Capretta, President of the Fraternal Order of Police and Dr. Ron Huff, Director of the School of Public Policy and Management at The Ohio State University. The Committee received input in writing from four citizens. In addition, the Committee received and reviewed written materials. The Committee also conducted a survey of the selection and removal procedures for the largest cities in the United States.

Having reviewed the information presented, the Committee respectfully submits the following report and recommendations.

COLUMBUS CITY CHARTER REVIEW COMMITTEE

REPORT AND RECOMMENDATIONS

June 1999

Should the appointment and removal processes for the chief of the police division and the chief of the fire division be modified?

The Committee members reviewed the appointment and removal processes for the police and fire chiefs in the City of Columbus and compared them to those of other major cities in the United States. Of the thirty (30) largest cities, only Columbus, El Paso and Nashville offer lifetime tenure to their police chiefs. Further, the majority of these cities do not offer lifetime tenure to their fire chiefs.

The Committee believes that communities want their police and fire chiefs to be held accountable to the public. Although a number of the other major U.S. cities have different procedures for their police chiefs as compared to their fire chiefs, the Committee recommends that Columbus maintain the same procedures for both chiefs. The Committee further recommends that the current procedures be modified along the lines of other major cities to allow for an increased level of accountability to its citizens.

How should the appointment process be modified?

The other cities which have implemented changes in this area have generally followed one of two courses. They have either made their chiefs serve "at the pleasure" of the Mayor (or

other entity) or they have set up a system to have their chiefs serve for a specific term of years. The Committee has observed that in some cities where the police chief serves "at will", they have experienced rapid turnover in the position. The Committee believes that this degree of political influence in the management of the police and fire divisions does not serve the best interest of the public. Moreover, it appears that as a result of the total lack of political protection in the "at will" jurisdictions, a number of cities have adopted the practice of engaging in employment contracts in order to provide the chief some job security. The Committee believes that the more prudent option is to have the positions remain in the classified service but to have the appointments of the chiefs be for a set term of years. Accordingly the Committee recommends creating a new section 101-1 which would allow for a chief to serve not more than two, five-year terms and would read as follows:

The Director of Public Safety shall appoint the chief of the police division and the chief of the fire division. Each chief, as appointed, shall serve in the classified service for an initial term of five (5) years. A chief so appointed may be re-appointed for not more than one (1) additional term of five (5) years.

How should the removal process be modified?

The Committee received information from the Civil Service Commission and the City Attorney's Office that the procedures for the removal of the chiefs set forth in the Charter and utilized during past proceedings were problematic. These agencies noted that the Charter sets forth a five-day time requirement for the hearing on removals of chiefs. This simply does not allow sufficient time for the individuals involved to prepare to hear a matter of such complexity and significance to the community. Nor does it provide the parties involved a reasonable amount

of time to investigate and prepare for the hearing. Accordingly, the Committee recommends that the five-day requirement be modified to provide that the Commission shall commence the hearing within sixty (60) days from the date it receives notice of a chief's suspension and that it shall conclude the matter "in an expeditious manner."

The Committee also reviewed the language related to "for cause" removals for the chiefs and compared that with the language used in the *Ohio Revised Code*. With some minor modifications, the Committee believes that the language in the *Ohio Revised Code* more clearly states the grounds which should be utilized for the removal of chiefs. The adoption of such language also results in the benefit of related case law interpreting such language, allowing for more certainty with respect to the meaning of the provision. Accordingly, the Committee recommends the following section be adopted in lieu of current Charter Section 107:

While either the Chief of Police or the Chief of Fire holds the position as provided in this Charter, the Director of Public Safety shall have the exclusive right to suspend either chief for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, neglect of duty, or any other act of misfeasance, malfeasance, nonfeasance, or for conviction of a felony. Upon suspension of either chief, the Director of Public Safety shall immediately certify the fact, together with charges that are the cause of such suspension, to the Civil Service Commission, which within sixty (60) days from the date of its receipt of such notice, shall commence a hearing upon the charges and render judgment thereon in an expeditious manner, which judgment may be suspension, reduction in rank or dismissal, and shall be final.

Should the selection process be modified to increase the pool of candidates from which the police chief and fire chief are selected?

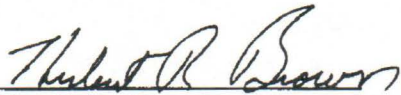
Under the current procedures, there would be a maximum of five candidates from which the Public Safety Director could select to fill a vacancy for chief. The Committee believes that the current system is overly restrictive and that the City would be better served by a larger pool of qualified candidates from which the Public Safety Director could select. However, upon review of the City Charter, the Committee believes that the Civil Service Commission already has the authority to modify the qualifications for the chief positions to include both candidates from outside the Police and Fire Divisions or candidates from other ranks within the Divisions, if so desired. Therefore, no change to the City Charter is required to address this concern.

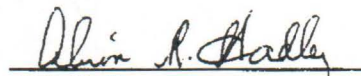
Should there be performance standards for the police and fire chiefs?

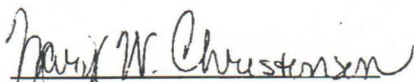
The Committee believes that the practice of setting performance expectations is consistent with both good management and public expectations. As such, the Committee recommends this practice be utilized throughout the City. However, under the current Charter, department directors already have the authority to utilize performance standards so no Charter amendment is required for implementation.

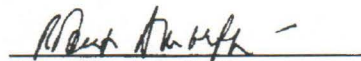
Respectfully submitted,

June 28, 1999

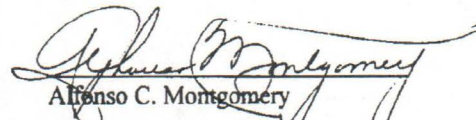

Hon. Herbert Brown



Alvin Hadley



Mary W. Christensen


Robert Howarth, Chair


Hon. Hugh J. Dorrian


Alfonso C. Montgomery


Richard P. Fahey


Greta Russell

COMMITTEE
RULES & REFERENCE
 INTRODUCED BY
MICHAEL COLEMAN
 DATE OF FIRST READING
JUL 12 1999

COLUMBUS CITY COUNCIL
ORIGINAL
 Ordinance No. **1620-99**
 Resolution No. _____
 30 Day ~~Emergency~~ Emergency _____

I Certify Compliance With Title 39

As Of (Date) _____

Authorized Signature _____

CITY ATTORNEY: This ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

By:  Date: **4/24/99**

FLOOR ACTION
 (Clerks Office Only)
 JUL 13 1999 P 6-1 *Bradley-No*

AUDITOR'S CERTIFICATE
 I hereby certify that there is in the treasury, or anticipated to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within ordinance.

Date: _____ No.: _____

Fd No.: _____ Div. No.: _____ Ch. _____

By: _____ Amt: _____

City Auditor or Deputy Auditor

EXPLANATION OF LEGISLATION

BACKGROUND: This ordinance provides for the submission to the electors of the City an Amendment to the City Charter to adopt new Section 101-1 and amend Section 107 pursuant to the recommendation of the Charter Review Committee appointed by Mayor Lashutka and Council President Coleman. Charter Section 101-1 concerns the appointment for a fixed term of service of the Chiefs of the Divisions of Police and Fire. The new provision would maintain the Chiefs employment in the classified service and limits their tenure to a term of five (5) years with possible reappointment to one (1) additional five year term. The provisions for removal of such officers as set forth in Charter Section 107 are at variance with state law; further, the unduly restrictive time limit in which proceedings must be commenced by the Civil Service Commission is not practicable given the responsibilities required by the procedure.

FISCAL IMPACT: None.



Daniel W. Drake - 7385


Contact: For Questions - Phone on this Legislation

Approved (Division Head)

Approved (Department Head)

TITLE (BRIEF DESCRIPTION)

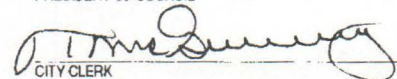
To submit to the electors of the City an amendment of the Columbus City Charter to adopt new Section 101-1 regarding the appointment and term of service of the Chiefs of the Divisions of Police and Fire and to amend Section 107 of the Charter, repealing the original provision thereof, with respect to the grounds and procedure for removal of the Chiefs of the Division of Police and Fire.

MAYOR'S ACTION

 SIGNED _____ DATE _____

COUNCIL ACTION
 JUL 20 1999 JUL 19 1999
 DATE PASSED/ADOPTED


 PRESIDENT OF COUNCIL

VETO _____ DATE _____


 CITY CLERK

WHEREAS, the Mayor and the President of Council have appointed a Committee to review the Columbus City Charter for the purpose of recommending any amendments which may be advisable with respect to the operations of the City and the various offices, departments, and divisions thereof; and

WHEREAS, the Review Committee has received comment from diverse interested persons including, the elected City officials, department heads, and the public, after due deliberation the Committee has reported its recommendations as follows: That new Section 101-1 be adopted with respect to the appointment and term of service of the Chiefs of the Divisions of Police and Fire and that Section 107 of the City Charter with respect to the grounds and procedures for removal of the Chiefs of the Division of Police and Fire be amended; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the amendment hereinafter set forth as new Section 101-1 of the Columbus City Charter be submitted to the electors of the City at the next regular municipal election.

Section 2. That Section 101-1 of the Columbus City Charter be adopted as follows:

Section 101-1. Appointment of Police and Fire Chiefs

The Director of Public Safety shall appoint the chief of the police division and the chief of the fire division. Each chief, as appointed, shall serve in the classified service for an initial term of five (5) years. A chief so appointed may be re-appointed for not more than one (1) additional term of five (5) years.

Section 3. That the amendment hereinafter set forth to Section 107 of the Columbus City Charter be submitted to the electors of the City at the next regular municipal election.

Section 4. That Section 107 of the Columbus City Charter be amended as follows:

Section 107 Removal of Chiefs

While either the Chief of Police or the Chief of Fire holds the position as provided in this Charter, the Director of Public Safety shall have the exclusive right to suspend either chief for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, neglect of duty, or any other act of misfeasance, malfeasance, nonfeasance, or for conviction of a felony. Upon suspension of either chief, the Director of Public Safety shall immediately certify the fact, together with charges that are the cause of such suspension, to the Civil Service Commission, which within sixty (60) days from the date of its receipt of such notice, shall commence a hearing upon the charges and render judgment thereon in an expeditious manner, which judgment may be suspension, reduction in rank or dismissal, and shall be final.

Section 5. That the original provisions of Section 107 of the City Charter be, and it is hereby, repealed.

Section 6. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

DWD/prl