

**CITY OF XENIA, OHIO
ORDINANCE NUMBER 10 - 30**

ORDINANCE ADOPTING PROPOSED AMENDMENT TITLED “Article XVI: Public Safety Departments” TO THE XENIA CITY CHARTER FOR APPROVAL BY THE ELECTORS OF THE CITY OF XENIA, OHIO, AT THE NEXT REGULAR MUNICIPAL ELECTION, ESTABLISHING METHOD OF PUBLICATION OF SAID AMENDMENT, AND DECLARING IT TO BE AN EMERGENCY.

WHEREAS, the ‘Get Alarmed Citizens of Xenia’ Committee filed a petition with the Xenia City Council on Friday, July 23, 2010, to place an amendment to the City Charter titled “Article XVI: Public Safety Departments” on the ballot at the next regular general election to be held November 2, 2010; and

WHEREAS, the petition will have been made available for ten days from July 23, 2010, for inspection by the public prior to submission to the Greene County Board of Elections; and

WHEREAS, as provided in Article XVIII Section 9 of the Ohio Constitution, Xenia City Council is required to submit the amendment to the electors of Xenia; and

WHEREAS, the Xenia City Council has examined the petition for sufficiency as stated in Section 3501.38 of the Ohio Revised Code and finds the petition to be legally sufficient and valid.


NOW, THEREFORE, the City of Xenia hereby ordains:

Section 1. The proposed Charter amendment attached hereto and marked Exhibit A, is hereby approved, and a copy hereof shall be sent forthwith to the Greene County Board of Elections, along with the petition, for placement on the ballot at the next regular general election to be held on November 2, 2010, provided that, after the Board of Elections has examined the signatures on the petitions, finds them to be sufficient and valid and contains the required number (735) of verified signatures.

Section 2. The City Clerk shall cause notice of this proposed amendment be given to the electors of the City of Xenia by publishing the full text of the proposed amendment once a week for two consecutive weeks prior to the election in the *Xenia Daily Gazette*, with the first publication at least fifteen (15) days prior to the election.

Section 3. This Ordinance is hereby declared to be an emergency in order to meet the filing deadline of 4:00 p.m., August 4, 2010.

Passed: July 29, 2010
Effective: July 30, 2010


Patricia L. Felton
President, Xenia City Council

Attest:

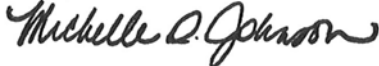

Michelle D. Johnson
Clerk, Xenia City Council

EXHIBIT A

Article XVI: Public Safety Departments

A. Fire Division; Fire Protection and Emergency Medical Services

There is established within the government of The City of Xenia a City of Xenia Fire Division. The Fire Division shall protect the lives and property of the people in case of fire and shall perform emergency medical and/or rescue services in The City of Xenia, and shall be the sole and exclusive, publicly-funded enterprise providing these services.

The said Fire Division shall consist of:

1. No fewer than 42 Ohio Certified Firefighters, non-administrative personnel, or 1.5 firefighters per 1000 of population, whichever is greater. The population numbers used for the administration of this Article will be determined by the most recent United States Census Bureau Statistics or the most recent census study commissioned by City administration, whichever is greater. If there is a need for additional positions, as required by the census count of the city, above the level of 42, the manning level must be increased by increments of 3 positions at a time. Each one of the positions shall be placed on one of the three 24 hour platoons, making each platoon equal manning levels;
2. In addition to the above described 42 Ohio Certified Firefighter positions, Administrative personnel, such as additional officers, including the Chief, Assistants to the Chief, and office employees shall be established by ordinance and law or employed at the discretion of the City Manager.

The 42 non-administrative fire personnel shall be assigned and placed equally onto 3 platoons manning 24 hour shifts. The daily minimum for manning shall be 10 fully trained Ohio Certified Firefighters non-administrative personnel per shift. If the minimum manning shall be increased due to the census increase, the daily minimum shall be increased by 1 for every 3 additional positions hired.

Each Ohio Certified Firefighter, non-administrative position, in the Fire Division shall be a paid, full-time employee of the city of Xenia who is scheduled no less than an average of forty (40) hours per week. The Civil Service Commission shall govern the appointment of these positions and ranks.

The City Manager shall fill Ohio Certified Firefighters non-administrative personnel vacancies no later than twenty-one (21) days after a vacancy in said position occurs.

The foregoing provision shall become effective and a part of the Charter of The City of Xenia on the thirtieth (30th) day after approval by a majority of the electors voting thereon.

B. Police Division

There is established within the government of The City of Xenia a Police Division of Ohio State certified and sworn police personnel. The Xenia Police Division shall protect the lives and property of the citizens of Xenia and enforce all state laws, local ordinances, and shall be the sole and exclusive, publicly-funded enterprise providing these services. All Law Enforcement duties and obligations will be handled by sworn police personnel and not by any other private entity.

The said Police Division shall consist of:

1. The City of Xenia Police Division will maintain a minimum of 46 full-time, sworn police personnel, including a Chief of Police and command staff. Each of the State of Ohio Certified and Sworn Officers will be a paid, full-time employee of the City of Xenia. For the purposes of this Article, a full-time employee is defined as an employee that works an average of 40 hours per week. The police division staffing shall be maintained to the level of 1.7 full-time, sworn police officers per 1000 population that is serviced by the Xenia Police Division. The population numbers used for the administration of this Article will be determined by the most recent United States Census Bureau Statistics or the most recent census study commissioned by City administration, whichever is greater. Only a person who has successfully completed, or is in the process of completing, the appropriate police officer training program approved and established pursuant to Ohio State Law, and has or is completing the Xenia Police Division field training program shall hold one of the sworn police employee positions stated herein. The rank structure of the police division will be maintained in accordance with the current City of Xenia Civil Service Guidelines as mandated by city charter section 10.03 (b) and with the input of the current chief of police and command staff.
2. If the city grows or the city assumes law enforcement duties for a surrounding area, or decides to contract services to another political subdivision, the number of sworn police personnel will increase at a minimum of 1.7 police officers for every 1000 of the increased population served as determined by the most recent United States Census Bureau Statistics or the most recent census study established by city administration.
3. There shall be a minimum of five (5) full-time sworn police personnel on-duty at all times, whose primary duties are to patrol the City and respond to calls for service.

The City Manager or his or her designee (only in his or her absence) shall authorize the start of the hiring process to fill all full-time sworn police personnel vacancies no later than twenty-one (21) days after a vacancy in said position occurs.

The foregoing provision shall become effective and a part of the Charter of the City of Xenia, Ohio, on the thirtieth (30th) day after approval by a majority of the Electors voting thereon.