

**NORTH RIDGEVILLE CIVIL SERVICE COMMISSION
MINUTES OF THE
REGULAR MEETING – MONDAY, JULY 1, 2024**

CALL TO ORDER:

The meeting was called to order at 5:00 PM.

ROLL CALL:

Present were Secretary Amie Espinosa-Gonzalez, Vice-Chairman Sam Spann and Chairman Donald Schiffbauer. Also present were Law Director Brian Moriarty and Deputy Clerk of Council Tina Wieber.

APPROVAL OF MINUTES:

Regular Meeting Minutes of May 20, 2024

Chairman Schiffbauer asked if the Commission had any questions or comments regarding the regular meeting minutes of May 20, 2024.

None were given.

Moved by Schiffbauer and seconded by Spann to approve the regular meeting minutes May 20, 2024.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

REPORTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

Moved by Schiffbauer and seconded by Spann to amend the agenda and insert public comment after new business.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

An Oath of Office for Captain Greg Petek dated Friday, June 14, 2024.

An Oath of Office for Lieutenant Matt Gorski dated Friday, June 14, 2024.

An Oath of Office for Lieutenant Brian Barens dated Thursday, June 27, 2024.

An Oath of Office for Sergeant Damir Kuduzovic dated Thursday, June 27, 2024.

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Chairman Schiffbauer stated that the Commission had received the Oaths of Office for Captain Greg Petek, Lieutenant Matt Gorski, Lieutenant Brian Barens and Sergeant Damir Kuduzovic and congratulated them on their promotions.

Re-certify the 2024-2026 Police Captain Eligibility List due to the appointment of Captain Greg Petek.

Chairman Schiffbauer stated that the Commission would need to re-certify the 2024-2026 Police Captain Eligibility List due to the appointment of Captain Greg Petek.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the 2024-2026 Police Captain Eligibility List.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Re-certify the 2024-2026 Police Lieutenant Eligibility List due to the appointments of Lt. Matt Gorski and Lt. Brian Barens.

Chairman Schiffbauer stated that the Commission would need to re-certify the 2024-2026 Police Lieutenant Eligibility List due to the appointments of Lt. Matt Gorski and Lt. Brian Barens.

Moved by Schiffbauer and seconded by Spann to approve the 2024-2026 Police Lieutenant Eligibility List.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Re-certify the 2024-2026 Police Sergeant Eligibility List due to the appointment of Sergeant Damir Kuduzovic.

Chairman Schiffbauer stated that the Commission would need to re-certify the 2024-2026 Police Sergeant Eligibility List due to the appointment of Sergeant Damir Kuduzovic.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to approve the 2024-2026 Police Sergeant Eligibility List.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Re-certify the 2024-2026 Police Sergeant Top 3 Eligibility List due to appointment.

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Chairman Schiffbauer stated that the Commission would need to re-certify the 2024-2026 Police Sergeant Top 3 Eligibility List due to appointment.

Moved by Schiffbauer and seconded by Spann to approve the 2024-2026 Police Sergeant Top 3 Eligibility List.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Certification of payroll by Civil Service Commission (Per Rule I, Section 3).

Chairman Schiffbauer stated that the Commission would need to certify payroll due to the promotional appointments.

Moved by Schiffbauer and seconded by Espinosa-Gonzalez to certify the payroll.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Certify the 2024 Firefighter/Paramedic Class D Entrance Eligibility List.

Chairman Schiffbauer stated that the Commission would need to certify the 2024 Firefighter/Paramedic Class D Entrance Eligibility List.

Moved by Schiffbauer and seconded by Spann to approve the 2024 Firefighter/Paramedic Class D Entrance Eligibility List.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Certify the 2024-2026 Patrol Officer Class D Entrance Eligibility List.

Chairman Schiffbauer stated that the Commission would need to certify the 2024-2026 Patrol Officer Class D Entrance Eligibility List.

Moved by Schiffbauer and seconded by Spann to approve the 2024-2026 Patrol Officer Entrance Eligibility List.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Civil Service Commission Rules & Regulations, Rule X.

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Chairman Schiffbauer asked Deputy Clerk of Council Wieber to explain the request regarding Civil Service Commission Rule X.

Deputy Clerk of Council Wieber stated that she had been contacted by Attorney Michael Vigorito to add him to the agenda so that he could discuss amending Rule X regarding days of suspension and appeal rights and that he was in attendance via zoom.

Mr. Vigorito stated that he represented Police Chief Freeman and explained that Chief Freeman filed a declaratory action regarding his suspension and the Common Pleas Court granted his motion that stated that the Commission would conform with the State's statute because there as a disagreement between the City's charter and the Commission's rule and because of that, the Commission's Rule X didn't apply. He explained that one of the ways they were trying to rectify that was to amend it so that any suspension, in the future, would allow a person that had been suspended to have a hearing. He stated that he understood that the Commission had recently amended that rule from 5 days to 3 days regarding a suspension and having a hearing and that was the issue. He indicated that they were just asking the Commission to amend that rule regarding any suspension that a person, a Civil Service covered employee, including the Chief, have a hearing. He stated that the reason being that the trial court decision was only regarding North Ridgeville and would keep everything within North Ridgeville and didn't have to go to the entire 9th District. But the appeals court, it was their position, would probably pass and could potentially lead to lawsuits down the road from someone else. He added that no one could predict the future, but the trial court ruling would still be there. He stated that that was their way of resolving it with the City and Chief Freeman and that they would support that and would submit that they changed that from 3 days to any suspension and it was the only change that they were requesting.

Chairman Schiffbauer stated that the Commission had not seen or heard what the ruling was by the court and asked Law Director Moriarity to discuss the City's position and the court ruling.

Law Director Moriarty stated that he and Mr. Vigorito had talked about that quite a bit regarding the application of the rules. He explained that when the Commission denied Chief Freeman the chance to appeal his three-day suspension, he filed an administrative appeal with the Common Pleas Court pursuant to the rules and he also filed a declaratory action, which were two separate things. The trial court ruled on the declaratory action saying that per the City's charter, the Commission wasn't allowed to create a rule that conflicted with the state law. He stated that they had filed an appeal on that case that was pending still, and the administrative case was pending, they were kind of staying and there was a settlement conference set for August on that. He said that he wasn't sure what the judge was going to do on that one, but the rule, as the trial court had said, was that it would apply to suspensions of any kind period. He stated that Mr. Vigorito was correct in stating that if the Court of Appeals went ahead and denied the appeal, that rule would apply to the county, throughout the county. He commented that for that reason, a couple of cities have indicated their interest in joining the appeal and filing what they called an Amicus Brief, which was like a brief in support of their position, that the charter language that the City had, which was similar to a lot of other city charters in the county, that they did have the authority to go ahead and create those rules.

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Chairman Schiffbauer stated that what he heard was that the appropriate cases were filed and that the appeals court stated that the Commission could not enact a rule that was in conflict with the State, the ORC, and asked if that was correct.

Law Director Moriarty stated that was what the trial court ruled.

Chairman Schiffbauer stated that according to the trial court, the City did not have the authority to be less restrictive than the state.

Law Director Moriarty stated that was correct.

Chairman Schiffbauer commented that when they originally read it, the ORC was a little broader and the city was a little bit was more granular in terms of the three days, and so the trial court said that the Commission could not do that. He then asked what Mr. Vigorito and the City were looking to the Commission to do.

Law Director Moriarty stated to adopt a rule that conformed with state law, which said that any suspension could be appealed to the Commission as opposed to a suspension of three days or more. He stated that that was what he thought Mr. Vigorito was seeking.

Mr. Vigorito stated that was correct. He indicated that the State said that any suspension could be appealed and that was potentially the change that they were looking to have.

Chairman Schiffbauer said just to recap, the Amicus Brief was something that other municipalities within the county were on board with the City of North Ridgeville adopting the language that's in the state?

Law Director Moriarty stated that no, they were on board with the City appealing the decision of the trial court because they had similar rules that said three days or above could be appealed, and according to the trial court's decision, that might be called into question.

Chairman Schiffbauer stated that if the Commission decided to change it on their own, it would impact the City, but if they decided not to change it and the appeals court made the change, it would be for everybody.

Law Director Moriarty stated that was correct.

Chairman Schiffbauer thanked him for the information and thanked Mr. Vigorito for joining them remotely.

PUBLIC COMMENT:

Chairman Schiffbauer invited members of the audience to speak publicly regarding the topic of their choice.

Duane Smith, 36701 Barkhurst Mill Dr, North Ridgeville, OH 44039.

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Mr. Smith thanked the Commission for giving him the opportunity to speak before them. He explained that he was 46 years old, a 25-year resident of North Ridgeville and a business owner, self-employed in town. He stated that he was currently enrolled in Medina Police Academy, which he was going to complete in May of 2025. He said that he had several conversations regarding his objectives and reasoning with Captain Petek and was very pleased with his efforts and research that he put forth to assist him with his approach. He stated that he stood before them to request a waiver of age under Rule 14 and indicated that he met the standards, with the exception of the age restriction, to be eligible for North Ridgeville Police Department candidate eligibility list. He mentioned that he was currently outperforming most of the cadets in his class half his age and added that his fastest run time was 1:631 for two miles. He commented that not all 46-year-olds were created equal nor were the current officers unable to perform their duties and tasks at the age of 46. He said that he did understand the issues with pension but that he would be happy to work there for the next 18 years and serve his community in North Ridgeville. He discussed that it had been a dream of his for some time and that his wife was a nurse practitioner in town, but she had an illness and soon wouldn't be able to work. He indicated that he made a promise to her that he would create stability and provide benefits, so that if she passed away, he would be able to continue to take care of his children. He stated that he was a father of six with three being adults and three still in school and that it would be an honor to serve the community with such a dedicated group of officers in North Ridgeville. He added that he would promise the next 18 years after he graduated from the police Academy to offer the community.

Chairman Schiffbauer asked if there were any other public comments?

None were given.

Chairman Schiffbauer stated that the next Civil Service Commission regular meeting was scheduled for 5:00 PM on July 22nd, 2024.

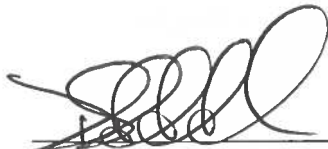
ADJOURNMENT:

Moved by Schiffbauer and seconded by Spann to adjourn the meeting.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

The meeting was adjourned at 5:21 PM.



Donald Schiffbauer
Chairman



Tina Wieber
Deputy Clerk of Council, Recording Secretary

Monday, July 22, 2024

Date Approved