

**ORDINANCE NO. 2018-53**

**INTRODUCED BY: COUNCIL AS A WHOLE**

**AN ORDINANCE RESTORING THE FIRE CHIEF TO THE CIVIL SERVICE RANK OF CAPTAIN, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on September 17, 2018, the Mayor appointed Robert Perko as Fire Chief; and

**WHEREAS**, the Mayor and Council agree that the Civil Service tenure of Robert Perko will be protected if the current or future Mayor of the City of University Heights should terminate his appointment as Fire Chief, Department of Public Safety;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:**

**Section 1.** If the current or future Mayor of the City of University Heights should terminate the appointment of Robert Perko as Fire Chief, Department of Public Safety, he shall be restored to the rank of captain in the Division of Fire, Department of Public Safety, provided that (i) Perko's employment is not terminated for cause (cause being limited to acts of dishonesty, fraud, or moral turpitude and/or (ii) Perko is not terminated from his appointment as Fire Chief for being convicted of or pleading guilty to a felony.

**Section 2.** In the event that Robert Perko is restored to the rank of captain at a time when the City of University Heights Division of Fire consists of four captains, Section 240.01 of the Codified Ordinances of University Heights shall not apply and the Division of Fire may consist of five captains until one of four captain positions is vacated, at which time Robert Perko will assume the vacant captain position.

**Section 3.** The Mayor is authorized to enter into a Memorandum of Understanding with Robert Perko outlining certain aspects of the parties' employment relationship, a copy of which is attached hereto as Exhibit A and incorporated herein by reference as if fully rewritten.

**Section 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

**Section 5.** This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, safety, health and welfare of the citizens of the City of University Heights. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval of the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

**CITY OF UNIVERSITY HEIGHTS, OHIO**

  
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**MICHAEL DYLAN BRENNAN, MAYOR**

**PASSED:** 09/17/2018

**ATTEST:**

  
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**KELLY M. THOMAS, CLERK OF COUNCIL**

**APPROVED AS TO FORM:**

  
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**LUKE F. MCCONVILLE, LAW DIRECTOR**