

Bond Case Briefs

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MUNICIPAL ORDINANCE - OHIO

State ex rel. Ohio Patrolmen's Benevolent Association v. Warren

Supreme Court of Ohio - November 25, 2020 - N.E.3d - 2020 WL 6930025 - 2020 -Ohio-5372

City police officers filed petition for writ of mandamus seeking to compel city to promote officers, or allow them to sit for competitive promotional examination, pursuant to state civil-service law to positions city asserted were abolished by attrition under ordinance.

The Eleventh District Court of Appeals denied officers' motion for partial summary judgment, granted city's motion for judgment on the pleadings, and dismissed the petition. Officers appealed, and city filed motion for oral argument.

The Supreme Court held that:

- City was not entitled to oral argument, and
- City was authorized to enact ordinance to reduce police force by prospectively canceling legal authorizations for positions upon retirement of incumbents.

City was not entitled to oral argument, in police officers' appeal of determination in mandamus action that abolishment of senior positions in police department to which officers sought promotion did not violate state civil-service law, though city asserted that oral argument might be helpful to Supreme Court in making its decision and would allow the Court to ask questions of counsel on any aspect of the case, where city failed to indicate that case involved matter of great public importance, complex issues of law or fact, substantial constitutional issue, or conflict among the Courts of Appeals.

A city council, without violating the civil-service statutes governing promotion of police officers and removals, reappointments, and demotions in police departments, is authorized to enact an ordinance to reduce a police force by prospectively canceling the legal authorization for certain positions upon the retirement of the incumbents.