

NANCY E. FELLOWS
President of Council

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Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

DAVID M. FIEBIG
CHRISTOPHER HALLUM
LAURA LENZ
JANET MAJKA
LAURA PIZMOHT

ORDINANCE NO. 2018-22 **(As Amended)**

AN ORDINANCE TO EMPLOY THE SERVICES OF GREGORY BECK AND BAKER, DUBLIKAR, BECK, WILEY & MATTHEWS, TO REPRESENT THE CITY OF WILLOUGHBY HILLS IN THE APPEAL OF THE DECISION RENDERED IN THE COMPLAINT FILED IN *WEGER V. CITY OF WILLOUGHBY HILLS*, LAKE COUNTY COMMON PLEAS COURT CASE NO. 17CV001758 AND DECLARING AN EMERGENCY.

WHEREAS, on September 28, 2017, because there was a vacancy in the office of Law Director, and pursuant to Article I, Section 1.4 of the Charter of the City of Willoughby Hills, this Council enacted Ordinance No. 2017-70, which engaged the services of Stephen L. Byron and Walter | Haverfield LLP to perform the services and exercise the authority of the Law Director of the City of Willoughby Hills as Acting Law Director, and established compensation for those services; and

WHEREAS, Mayor Robert M. Weger vetoed Ordinance No. 2017-70; and

WHEREAS, the Council of the City of Willoughby Hills set aside the Mayor's veto of Ordinance No. 2017-70, making that ordinance the law of the City; and

WHEREAS, October 27, 2017, Robert Weger, as an individual and taxpayer, filed a complaint in the Common Pleas Court, Lake County, Ohio, styled *Weger v. City of Willoughby Hills*, Lake County Common Pleas Case No. 17CV001758, against the City of Willoughby Hills; allegedly against City Council, five individual members of Council who were named in their official capacity, Acting Law Director Byron and Walter|Haverfield, LLP; and

WHEREAS, the Public Entities Pool of Ohio (PEP) provided legal counsel, namely Gregory Beck and Baker, Dublikar, Beck, Wiley & Matthews to represent the City and the public officials named in the above-mentioned Complaint, including the Acting Law Director Byron, at no additional charge to the City; and

WHEREAS, the trial court judge ruled against the City and awarded attorneys' fees to Robert M. Weger's personal attorney; and

WHEREAS, such personal attorneys' fees would be paid by the City's taxpayers and not by the City's risk pool provider; and

WHEREAS, this Council now desires to authorize Gregory Beck and Baker, Dublikar, Beck, Wiley & Matthews, to represent the City's interests in *Weger v. City of Willoughby Hills* by appealing the decision rendered in the Journal Entry of Case No. 17 CV 001758 as filed on April 2, 2018 with the Lake County Clerk of Court.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. Gregory Beck and Baker, Dublikar, Beck, Wiley & Matthews are hereby authorized to represent the City, in the appeal of *Weger v. City of Willoughby Hills*, (Case No. 17 CV 001758).

SECTION 2. In furtherance of the above mentioned appeal of Weger v. City of Willoughby Hills, (Case No. 17 CV 001758), Gregory Beck and Baker, Dublikar, Beck, Wiley & Matthew are hereby authorized to pursue any claims, or any other provision of law that has been manifested in *Weger v. City of Willoughby Hills*.

SECTION 3. Mr. Beck and Baker, Dublikar, Beck, Wiley & Matthews shall be compensated monthly at an hourly rate of \$155/hour, for the services required in Section 1 and Section 2 of this ordinance.

SECTION 4. Council hereby appropriates ten thousand dollars (\$10,000) to pay for the legal services required in the representation of the City’s interests in *Weger v. City of Willoughby Hills*.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were held in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 6. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, and further, so that the City’s interests may be immediately protected; wherefore, this Ordinance shall take effect and be in force effective immediately, after its passage and approval according to law.

PASSED: April 12, 2018

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval on this 15 day of April, 2018

Approved by the Mayor
_____, 2018

ATTEST: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor

On April 26, 2018, Council received the Mayor’s veto of Ordinance No. 2018-22 - (As Amended). Thereupon, at the Regular Council Meeting held on April 26, 2018, Council by a 5-1 vote, set aside the Mayor’s veto and enacted Ordinance No. 2018-22 – (As Amended).

Date: April 26, 2018

Attest: Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

John Plecnik
John Plecnik
Council President, Pro-tem