

ORDINANCE NO. 2018-3 **(AS AMENDED)**

AN ORDINANCE ENGAGING RICHARD HARMON AS ACTING FIRE CHIEF FOR THE CITY OF WILLOUGHBY HILLS TO PERFORM THE DUTIES AND EXERCISE THE AUTHORITY OF THE CITY'S FIRE CHIEF, AND DECLARING AN EMERGENCY.

WHEREAS, former Fire Chief Richard Harmon retired from the City of Willoughby Hills in May of 2016; and

WHEREAS, on May 26, 2016, Robert Di Santo was confirmed by Council to serve as Fire Chief of the City of Willoughby Hills; and

WHEREAS, on Robert Di Santo resigned the office of Fire Chief on September 13, 2016; and

WHEREAS, the position of Fire Chief has been vacant since September 13, 2016; and

WHEREAS, on March 23, 2017, Council enacted, and the Mayor signed, Ordinance No. 2017-15, which enacted Section 141.04 of the Codified Ordinances of the City of Willoughby Hills; and

WHEREAS, Section 141.04 of the Codified Ordinances established the process by which an Acting Fire Chief may be appointed and confirmed; and

WHEREAS, on July 18, 2017, the Mayor announced the appointment of Thomas Talcott to serve as the Acting Fire Chief of the Fire Department; and

WHEREAS, Council never confirmed the appointment of Thomas Talcott as Acting Fire Chief; and

WHEREAS, on January 6, 2018, the Mayor submitted a completed credential packet in furtherance of his nomination of Thomas Talcott to be the Fire Chief; and

WHEREAS, Council has determined not to confirm the Mayor's appointment of Thomas Talcott to be Fire Chief for the City of Willoughby Hills; and

WHEREAS, as a vacancy in the position of Fire Chief has existed for more than thirty (30) days, this Council has the authority, pursuant to Section 141.04(d) of the Codified Ordinances, to appoint an Acting Fire Chief.

WHEREAS, Council desires to engage the former Fire Chief Richard Harmon to serve as the Acting Fire Chief for the City of Willoughby Hills, to perform the duties and exercise the authority of the Fire Chief until such time as a proper search has been conducted for a permanent Fire Chief and a Fire Chief has been appointed and confirmed, the Acting Fire Chief resigns, or Council repeals this Ordinance.

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

SECTION 1. Richard Harmon is hereby engaged to perform the duties and exercise the authority of Fire Chief for the City of Willoughby Hills, as the Acting Fire Chief.

SECTION 2. The authority vested by this ordinance shall terminate immediately upon the appointment and confirmation of a Fire Chief, the resignation of the Acting Fire Chief (upon thirty (30) days prior written notice to the Mayor, with a copy to the Clerk of Council.), or the repeal of this ordinance, all such terminating events shall be subject to the compensation right of the Acting Fire Chief as established by this ordinance for the period of time the Acting Fire Chief is in office.

SECTION 3. Except as otherwise provided herein, Acting Fire Chief Richard Harmon shall have the authority of the Fire Chief, and perform the Job Responsibilities and Duties prescribed in the Job Description of the Fire Chief as approved by the Mayor on April 8, 2016.

SECTION 4. The Acting Fire Chief shall be compensated at a rate of seventy thousand dollars (\$70,000) annually, which rate shall be payable bi-weekly for the period of time that the Acting Fire Chief is performing the duties and exercising the authority established by this ordinance. At the conclusion of the tax year provided for herein, the City shall issue the form known as a “1099”, or equivalent reporting form as provided for by law. The Acting Fire Chief shall not be deemed an employee of the City for purposes of the Ohio Public Employee Retirement System.

SECTION 5. The City shall purchase up to one-thousand dollars (\$1,000.00) of Willoughby Hills Fire Department uniform clothing and uniform accessories for the Acting Fire Chief.

SECTION 6. Richard Harmon shall sign where indicated below to evidence his acceptance and approval of the terms and conditions of employment set forth in this Ordinance.

SECTION 7. 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 8. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City in that the City must have ongoing leadership, administration and management on a daily basis for the purpose of continued operation of the municipal government and the continuation of safety and emergency services; wherefore, this Ordinance shall take effect and be in force effective immediately, after its passage by Council and signature of the Mayor, or as otherwise provided by the Charter of the City of Willoughby Hills.

PASSED: _____, 2018

Nancy E. Fellows
President of Council

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

Approved by the Mayor
_____, 2018

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor

Accepted and Approved by:

By: _____
Richard Harmon
Acting Fire Chief

Date: _____