

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

DAVID M. FIEBIG
PAT GREBENC
CHRISTOPHER HALLUM
JANET R. MAJKA
LAURA PIZMOHT

ORDINANCE NO. 2018-4

AN ORDINANCE ENGAGING BRADLEY HULL, IV, AND THE LAW FIRM OF BRADLEY HULL, IV, ESQ. LLC., TO PERFORM THE DUTIES AND EXERCISE THE AUTHORITY OF THE CITY PROSECUTOR AS ACTING CITY PROSECUTOR, ESTABLISHING THE COMPENSATION OF THE POSITION OF ACTING CITY PROSECUTOR, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article II, Section 2.21, of the Charter of the City of Willoughby Hills the “City Prosecutor” is designated as a “Department Head,” who is subject to removal by five (5) members of Council; and

WHEREAS, Council has given notice, through the Acting Law Director, to the City Prosecutor of its intent to remove the current City Prosecutor, and

WHEREAS, the City Prosecutor has not resigned, which will require Council to go through the formal process to remove the City Prosecutor, as authorized by the Charter; and

WHEREAS, the Mayor has not concurred in the removal of the City Prosecutor and has not brought forth an acceptable candidate for Council’s consideration to be the City Prosecutor; and

WHEREAS, Council finds and determines that an Acting City Prosecutor, vested with the authority of the City Prosecutor, is necessary for the proper operations of the City government; and

WHEREAS, Council finds and determines that Bradley Hull, IV, of Bradley Hull, IV, Esq. LLC, is a proper person to serve as the Acting City Prosecutor; and

WHEREAS, Council desires to engage the services of Bradley Hull, IV, of Bradley Hull, IV, Esq. LLC, to serve as the Acting City Prosecutor.

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

SECTION 1. Bradley Hull, IV, and Bradley Hull, IV, Esq. LLC, is hereby engaged to perform the duties and exercise the authority of the City Prosecutor, and shall be denominated the “Acting City Prosecutor.”

SECTION 2. When performing services for the City of Willoughby Hills as Acting City Prosecutor, shall be paid compensation as follows:

(A) For representing the City in prosecution of criminal and traffic cases in the Willoughby Municipal Court and/or the furnishing of routine legal advice to the City’s Police Department, or for representing the City in any matter before the Lake County Court of Appeals relating to or arising from any criminal or traffic case prosecuted in the Willoughby Municipal Court, the City shall pay the City Prosecutor the annual salary of twenty-seven thousand, four hundred and thirty-five dollars (\$27,435.00) payable monthly upon the submittal of a detailed monthly billing statement.

(B) For appearing in the Willoughby Hills Mayor’s Court and for extraordinary services not contemplated by Section 2(A) hereof, the City shall pay the Acting City Prosecutor compensation at the rate of ninety-five and no/100 dollars (\$95.00) per hour, payable monthly upon the submittal of a detailed billing statement.

SECTION 3. At the conclusion of the tax year provided for herein, the City shall issue Bradley Hull, IV, Esq. L.L.C., the form known as a “1099”, or equivalent reporting form as provided for by law. The Acting City Prosecutor shall not be deemed an employee of the City for purposes of the Ohio Public Employee Retirement System.

SECTION 4. Ordinance No. 2004-38, Ordinance No. 2009-32, Ordinance No. 2012-27, and Ordinance No. 2017-74 are hereby repealed in their entirety.

SECTION 5. A certified copy of this ordinance shall be hand delivered to Michael P. Germano care of the offices of Wiles and Richards. Proof of the date of delivery shall be entered in the Journal of Council.

SECTION 6. A certified copy of this ordinance shall be hand delivered to Todd D. Cipollo, of Todd D. Cipollo, Co., L.P.A., located at the Rockefeller Building, Suite 1300, 614 West Superior Avenue, Cleveland, Ohio, 44113.

SECTION 7. The actions of this Council concerning and relating to the passage of legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were 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 someone to perform the duties and exercise the authority of the City Prosecutor, and the position is or will soon be vacant. 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, provided that the authority of the Acting Prosecutor shall not vest unless and until there is a vacancy in the office of City Prosecutor .

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: _____
Bradley Hull, IV and
Bradley Hull, IV, Esq. LLC
Acting City Prosecutor

Date: _____