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Clerk of Council

City of Willoughby Hills

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LAURA LENZ
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LAURA PIZMOHT

ORDINANCE NO. 2019-56

AN ORDINANCE ENGAGING THE LEGAL SERVICES OF TODD D. CIPOLLO CO., L.P.A. TO PERFORM PROSECUTION WORK AS CITY POLICE PROSECUTOR; FIXING COMPENSATION; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor has requested Todd D. Cipollo to perform the services of City Police Prosecutor and asked Council to exercise its authority to vote him into such position for a term ending January 31, 2020 during his Mayor's report at the regular Council meeting of June 27, 2019; and

WHEREAS, the Mayor recommends that Mr. Cipollo be compensated at a rate of ninety-five dollars (\$95.00) per hour; and

WHEREAS, on January 10, 2019, Council enacted Ordinance No. 2019-3 confirming the Mayor's appointment of the Honorable James O'Leary as Law Director for the City of Willoughby Hills; and

WHEREAS, the Law Director recommends that Council grant the Mayor's request and vote Mr. Cipollo into the position of City Police Prosecutor; and

WHEREAS, Section 4.32 of the Charter of the City of Willoughby Hills provides the "Law Director shall be prosecuting attorney of the Police or Mayor's Court," but expressly permits the Law Director to "appoint such assistants as he shall deem necessary" with the Mayor's approval; and

WHEREAS, Section 4.32 of the Charter allows another attorney to exercise the Law Director's authority to act as City Police Prosecutor in the role of the Law Director's assistant and under the Law Director's authority and direct supervision so long as the Mayor approves the appointment; and

WHEREAS, pursuant to Article III, Section 3.3 of the Charter this Council is authorized and directed to fix the salary or compensation of every officer and employee of the Municipality.

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

SECTION 1. Todd D. Cipollo, of Todd D. Cipollo, Co., L.P.A., is hired and appointed as City Police Prosecutor under the Department of Law of the City of Willoughby Hills as the Law Director's assistant with the Mayor's express approval and under the Law Director's authority and direct supervision pursuant to section 4.32 of the Charter.

SECTION 2. Mr. Cipollo's appointment as City Police Prosecutor shall expire upon the earlier of the date of his resignation, termination by written notice from the Law Director, removal pursuant to the Charter, or January 31, 2020; provided, however, that in no event shall Mr. Cipollo's term continue past January 31, 2020 without the express approval of the those serving in the office of Mayor and Law Director as well as an affirmative vote by a majority of Council.

SECTION 3. Mr.Cipollo, when performing prosecution services for the City of Willoughby Hills, shall be compensated as an independent contractor at a rate of ninety-five dollars (\$95.00) per hour, payable monthly upon the submittal of a detailed billing statement.

SECTION 4. At the conclusion of the tax year provided for herein, the City shall issue Todd D. Cipollo Co., L.P.A. located at The Rockefeller Building, Suite 1300, 614 West Superior Avenue, Cleveland, Ohio, 44113, the form known as a "1099," or equivalent reporting form as provided for by law.

SECTION 5. All ordinances or parts thereof inconsistent with the terms and provisions of this ordinance be, and the same hereby are, repealed.

SECTION 6. All the actions of this Council concerning and relating to the passage of this legislation were conducted 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 held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 7. 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 legal advice, counsel, and services on a daily basis for the purpose of continued operation of the municipal government and the continuation of necessary legal service. 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: July, 2019

Submitted to the Mayor for his approval
on this 11 day of July, 2019

ATTEST:

Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Nancy E. Fellows
Nancy E. Fellows
President of Council

Approved by the Mayor
July 12, 2019

Robert M. Weger
Robert M. Weger
Mayor