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ORDINANCE NO. 2012-26

AN ORDINANCE DEFINING THE DUTIES AND RESPONSIBILITIES OF THE POSITION OF LAW DIRECTOR AND FIXING THE SALARY AND COMPENSATION FOR SAID POSITION; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Section 4.3 titled “The Department of Law”, Section 4.31, titled “The Law Director” states: “The Department of Law shall be administered by a Law Director, who shall be an attorney-at-law admitted to practice in the State of Ohio, and shall be appointed by the Mayor”; and

WHEREAS, Section 4.32, titled “Duties and Responsibilities” states: “The Law Director shall prepare all contracts, bonds and other instruments in writing in which the Municipality is concerned, and shall serve the several directors and officers of the Municipality legal counsel and attorney. Such Law Director shall be prosecuting attorney of the Police or Mayor’s Court. Subject to the approval of the Mayor, the Law Director may appoint such assistants as he shall deem necessary”; and

WHEREAS, when required to do so by Resolution of Council, the Law Director shall prosecute or defend on behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and such other suits, matters and controversies as he is directed to prosecute, by Resolution or Ordinance. He shall not be required to prosecute any action before the Mayor for the violation of an ordinance without first advising such action; and

WHEREAS, Section 3.32 of the Charter of the City of Willoughby Hills requires that the Council fix by Ordinance the compensation of every officer and employee of the Municipality; and

WHEREAS, further Section 2.27 of the Charter of the City of Willoughby Hills states “Though Council has the power to fix salaries as defined in Section 3.32, the Mayor shall have the duty and responsibility to recommend to Council the amount of pay for various positions and shall also have the responsibility to review existing pay scales; and

WHEREAS, pursuant to the Interoffice Memo, dated May 16, 2012 from the Mayor to the President of Council, consisting of one page, attached hereto as “Exhibit A”, the Mayor respectfully requested Council’s approval of a one and a half percent (1.50%) increase in the retainer fee for the position of Law Director; and

WHEREAS, the Council of the City of Willoughby Hills has fixed by this Ordinance and hereby provides to the Mayor, CEO and Head of the Administrative Branch of the Municipal Government, the salary and compensation for the position of **Law Director**.

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

SECTION 1. The Law Director shall be paid a retainer of Two-Thousand, Two Hundred Dollars and No Cents (\$2,200.00) per month as earnable salary, payable monthly in the gross amount of Two-Thousand, Two Hundred Dollars and No Cents (\$2,200.00). Such salary shall be retroactive to January 1, 2012. The City shall issue a W-2 for said wages earned pursuant to this section.

In consideration of such retainer, the Law Director, or his designee, shall:

- (a) Attend all regular meetings of Council and such Special Meetings as Council may request;
- (b) Review routine legislation, contracts and legal documents (subject to modifications hereinafter provided);
- (c) Furnish routine advice to City Officials, Departments, Boards and/or Commissions;
- (d) Subject to the approval of the Mayor, appoint such assistants as the Law Director deems necessary to carry out the duties described herein.

SECTION 2. The Law Director, or his designee, when performing additional services as Law Director of the City of Willoughby Hills, shall be compensated as follows:

- (a) For the preparation and supervision of the construction and financing of all improvements of the City; services in conjunction with Planning and Zoning; work on the Code of Ordinances of the City; attendance at meetings and hearings of various Boards and Commissions of the City; the City shall pay the Law Director compensation at the rate of Ninety-five Dollars (\$95.00) per hour, payable monthly upon the submittal of a detailed billing statement.
- (b) Appearances before the Willoughby Hills Administrative Boards and Tribunals (except as provided in Section 1 hereof), and for any and all litigation the City shall pay the Law Director compensation at the rate of One Hundred and Five Dollars (\$105.00) per hour, payable monthly upon the submittal of a detailed billing statement.
- (c) For representing the City in prosecution of criminal and traffic cases in the Willoughby Hills Mayor's 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 Hills Mayor's Court, the City shall pay the Law Director, or his designee, compensation at the rate of Nine-Five Dollars (\$95.00) per hour, payable monthly upon the submittal of a detailed monthly billing statement.
- (d) For time expended on City business by legal assistants on matters identified in this section, the City shall pay the Law Director compensation at the rate of Sixty Dollars (\$60.00) per hour, payable monthly upon the submittal of a detailed billing statement.
- (e) When required to do so by Resolution of Council, the Law Director shall prosecute or defend on behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and such other suits, matters and controversies as he is directed to prosecute, by Resolution or Ordinance wherein fees to perform such services will be set by Council.

SECTION 3. For reasonable out-of-pocket expenses incurred by the Law Director in the performance of the duties provided herein, including but not limited to items of expense such as printing, photocopying, long distance telephone calls, telegrams, express mail delivery charges, and out of town travel expenses, the City shall pay the Law Director such amounts as are reasonable and only upon the submittal of a detailed billing statement and receipts for said expenses.

SECTION 4. At the conclusion of the tax year provided for herein, the City shall issue the Law Director, for services performed by him or his designee, the tax form known as a "1099" or equivalent report form as provided for by law.

SECTION 5. The Law Director shall continue to receive compensation described herein, unless this Ordinance is modified or upon termination by the City.

SECTION 6. All ordinances or parts thereof in conflict with the provisions of this Ordinance be, and they are hereby repealed as of the effective date of this Ordinance.

SECTION 7. The actions of this Council concerning and relating to the passage of this 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 held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.


SECTION 8. 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 insofar as it provides for the usual daily operation of a Municipal Department and further provides for the salary and compensation of Law Director, with said salary and compensation to be retroactive to January 1, 2012; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: May 24, 2012

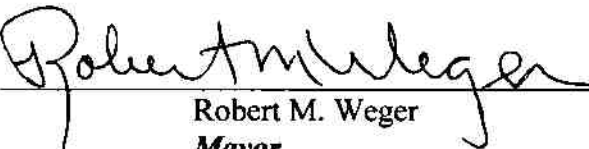
Submitted to the Mayor for his approval
on this 24 day of May, 2012

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


David A. Reichelt
President of Council

Approved by the Mayor
May 24, 2012


Robert M. Weger
Mayor