

DAVID A. REICHEL
President of Council

NANCY E. FELLOWS
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
CHRISTOPHER L. BIRO
DAVID M. FIEBIG
FRANK A. GERMANO
KEVIN D. MALECEK
RAYMOND C. SOMICH

ORDINANCE NO 2012-27

AN ORDINANCE FIXING THE SALARY AND COMPENSATION FOR THE POSITION OF CITY POLICE PROSECUTOR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

WHEREAS, the City of Willoughby Hills was desirous of restructuring the duties and responsibilities of legal counsel as provided for the City and its officials; and

WHEREAS, on April 2004, Ordinance No. 2004-38 was adopted establishing the position of City Police Prosecutor; 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 total compensation for services rendered payable as annual earnable salary and monthly vendor payment for services rendered as an independent contractor; 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 **City Police Prosecutor**.

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

SECTION 1. 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 Police Prosecutor shall receive total compensation for services rendered payable as follows: \$4,875.00 annual as earnable salary and a monthly vendor payment of \$1,880.00 for services rendered as an independent contractor. Such salary shall be retroactive to January 1, 2012.

SECTION 2. At the conclusion of the tax year provided for herein, the City shall issue the City Police Prosecutor, a W2 Form for income earned as taxable salary and a IRS Form "1099", or equivalent report form as provided for by law for services rendered as an independent contractor. The place of employment for municipal income tax purposes shall be construed to be 35405 Chardon Road, Willoughby Hills, Ohio.

SECTION 3. In the performance of the above mentioned duties, the City Police Prosecutor shall receive the compensation described herein, unless this Ordinance is modified or terminated by the City with a 30 day notice of termination being conveyed to the City Police Prosecutor.

SECTION 4. All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION 5. 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 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 insofar as it provides for the usual daily operation of a municipal department and further provides for the salary and compensation of the City Police Prosecutor, 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



David A. Reichelt
President of Council

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

Approved by the Mayor

May 24, 2012

ATTEST:



Victoria Ann Savage, CMC
Clerk of Council



Robert M. Weger
Mayor