

ORDINANCE NO. 02-2018

INTRODUCED BY: MAYOR JAMES GRAVEN

AN ORDINANCE APPOINTING ANDREW D. BEMER AS DIRECTOR OF LAW AND MICHAEL A. DOLAN AS ASSISTANT LAW DIRECTOR AND PROSECUTOR FOR THE CITY OF OLMSTED FALLS, ESTABLISHING COMPENSATION, REPEALING ALL LEGISLATION INCONSISTENT HEREWITH, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

Section 1. The appointment of Andrew D. Bemer, Esq. as “Director of Law” is effective January 1, 2018, and retroactive thereto. The appointment of Michael A. Dolan, Esq. as “Assistant Director of Law and Prosecutor” is effective January 1, 2018, and retroactive thereto.

Section 2. The Compensation for the Director of Law shall be commensurate with the compensation paid for said position in fiscal year 2017 and not exceed the compensation range set forth in Ordinance #10-2017 as adopted by council on March 14, 2017. All of the Director of Law’s compensation shall be subject to contribution by the City and Director of Law to Ohio Public Employees Retirement System and is subject to payroll deductions. Duties of the Director of Law shall consist of various routine matters which shall include:

- (i) Responsibility for protecting the legal interests of the City and carrying out the duties set out in Section 9.05 of the Charter of the City and Chapter 232 of the Codified Ordinances;
- (ii) Attending all regular and special Council meetings, except as otherwise directed by the Mayor;
- (iii) Drafting ordinances and resolutions upon the request of the Mayor or Council;
- (iv) Researching and drafting legal memoranda as requested by the Mayor or Council;
- (v) Providing legal advice to City officials as necessary;
- (vi) Attending meetings and discussions with City, County, State, and Federal officials, as requested;
- (vii) Reviewing and approving contracts, ordinances, resolutions, and any other written documents, as requested by the Mayor or Council.

Section 3. The Director of Law shall receive additional compensation for legal services performed outside the scope of routine matters which, for example purposes, shall include the following: litigation and appeals, non-city administrative hearings and appeals, collective bargaining labor negotiations, and/or other major projects that may be assigned by the

Mayor or Council from time to time, at the rate of One Hundred Twenty Dollars (\$120.00) per hour.

Section 4. The Compensation for the Assistant Director of Law and Prosecutor shall be commensurate with the compensation paid for said position in fiscal year 2017 and shall not exceed the compensation range set forth in Ordinance #10-2017 as adopted by council on March 14, 2017. In the event the Assistant Director of Law and Prosecutor elects the same health care/hospitalization benefits as afforded by the city to other eligible employees and their families, the total cost of the aforesaid health care/hospitalization benefits shall be deducted from his/her compensation. All of the Assistant Director of Law and Prosecutor's compensation shall be subject to contribution by the City and Assistant Director of Law and Prosecutor to Ohio Public Employees Retirement System and is subject to payroll deductions. Duties of the Assistant Director of Law and Prosecutor shall consist of various routine matters which shall include:

- (i) Providing legal opinions and interpretations regarding Building and Zoning issues;
- (ii) Providing consultation and legal advice to the Building and Zoning Department, as requested;
- (iii) Responding to Planning Commission and Board of Zoning Appeals members, applicants and other interested parties regarding Planning Commission, Board of Zoning Appeals, and Building and Zoning Department matters;
- (iv) Assistance in the review of Planning Commission and Board of Zoning Appeals applications, as needed;
- (v) Occasional attendance at Planning Commission and/or Board of Zoning Appeals meetings, as requested;
- (vi) Prosecution of building/zoning code matters in the Olmsted Falls Mayor's Court and the Berea Municipal Court;
- (vii) Prosecution of criminal matters in the Olmsted Falls Mayor's Court and the Berea Municipal Court;
- (viii) Providing consultation and legal advice to the Police Department, as requested;
- (ix) Review of evidence and police reports;
- (x) Probable cause rulings;
- (xi) Providing information and assistance to victims of crimes.

Section 5. The Assistant Director of Law and Prosecutor shall receive additional compensation for work outside the scope of routine matters which, for example purposes, shall include the following: preparation for, attendance at jury trials, and/or appellate matters, and legal services performed in connection with litigation and appeals, non-city administrative hearings and appeals, collective bargaining labor negotiations, and/or other major projects assigned by the Mayor or Council from time to time, at the rate of One Hundred Twenty Dollars (\$120.00) per hour.

Section 6. The Director of Law and the Assistant Director of Law and Prosecutor shall not receive any of the following benefits: sick time, holidays, vacation, personal days, funeral leave, and longevity.

Section 7. All prior legislation inconsistent with this legislation in whole or in part is hereby repealed to the extent necessary to avoid conflict with this legislation.

Section 8. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Section 9. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City of Olmsted Falls for the reason that the legal services provided herein are needed for the current operation of the City government and, therefore, this Ordinance shall be effective immediately upon the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

Jim Haviland, Council President

PASSED: _____

APPROVED: _____
James Graven, Mayor

Date

APPROVED AS TO FORM: _____

Director of Law

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____