

**ORDINANCE NO. 52-2018**

**INTRODUCED BY: MAYOR JAMES GRAVEN**

**AN ORDINANCE APPOINTING JOHN CASTELE AS PROSECUTOR/ASSISTANT LAW DIRECTOR 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 John Castele, Esq. as “Prosecutor/Assistant Director of Law” is effective September 10, 2018, and retroactive thereto.

**Section 2.** The Compensation for the Prosecutor/Assistant Director of Law 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 Prosecutor/Assistant Director of Law 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 Prosecutor/Assistant Director of Law’s compensation shall be subject to contribution by the City and Prosecutor/Assistant Director of Law to Ohio Public Employees Retirement System and is subject to payroll deductions. Primary duties of the Prosecutor/Assistant Director of Law shall consist of the following matters regarding criminal law:

- (i) Prosecution of building/zoning code matters in the Olmsted Falls Mayor’s Court and the Berea Municipal Court;
- (ii) Prosecution of criminal matters in the Olmsted Falls Mayor’s Court and the Berea Municipal Court;
- (iii) Providing consultation and legal advice to the Police Department, as requested;
- (iv) Review of evidence and police reports;
- (v) Probable cause rulings;
- (vi) Providing information and assistance to victims of crimes.

If the Law Director is unavailable, the Prosecutor/Assistant Law Director shall also perform the duties of the Law Director including the following:

- (vii) Providing legal opinions and interpretations regarding Building and Zoning issues;
- (viii) Providing consultation and legal advice to the Building and Zoning Department, as requested;
- (ix) 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;
- (x) Assistance in the review of Planning Commission and Board of Zoning Appeals applications, as needed;

(xi) Occasional attendance at Planning Commission and/or Board of Zoning Appeals meetings, as requested;

**Section 3.** The Prosecutor/Assistant Director of Law 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 4.** The Prosecutor/Assistant Director of Law shall not receive any of the following benefits: sick time, holidays, vacation, personal days, funeral leave, and longevity.

**Section 5.** 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 6.** 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 7.** 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.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
*Paul Stibich, Council President*

APPROVED: \_\_\_\_\_

*James Graven, Mayor*

\_\_\_\_\_  
*Date*

APPROVED AS TO FORM: \_\_\_\_\_

*Andrew D. Bemer, Director of Law*

ATTEST: \_\_\_\_\_

*Angela Mancini, Clerk of Council*

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_