

**CITY OF HIGHLAND HEIGHTS
RESOLUTION NO. 1 – 2017**

INTRODUCED BY: Mayor Scott E. Coleman and Council as a Whole

MOTION BY: Council Representative Lisa Marie Stickan

SECONDED BY: Council Representative Robert Mastrangelo

**A RESOLUTION ESTABLISHING COMPENSATION AND OTHER
TERMS OF EMPLOYMENT FOR THE POLICE PROSECUTOR AND
DECLARING AN EMERGENCY.**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HIGHLAND HEIGHTS, OHIO,
THAT:

Section 1 Effective January 1, 2017, and retroactive thereto, the Police Prosecutor shall be compensated at the annual rate of Twenty Nine Thousand Two Hundred Ten Dollars (\$29,210.00) and paid biweekly, which compensation shall be applicable for the following duties:

- a) Prosecution of all cases in the Lyndhurst Municipal Court except as hereinafter provided;
- b) Meetings with persons having complaints with the City, other residents, or others as are customarily handled by the Police Prosecutor;
- c) Meetings with Police Officers of the City as the same are necessary to aid them in the preparation of case;
- d) Hearings on expungement of records, felony bind-overs, and appeals from orders of suspension issued by the Ohio Bureau of Motor Vehicles;
- e) In-house consultation with the Chief of Police and his designees; and
- f) Research and presentation of three (3) police training sessions per year.

Section 2. For the period commencing January 1, 2017, and retroactive thereto, and ending December 31, 2017, in representing the City of Highland Heights in all criminal jury trials tried in the Lyndhurst Municipal Court, whether on charges emanating from the Codified Ordinances of the City of Highland Heights or the Ohio Revised Code, the Police Prosecutor shall be compensated at the rate of One Hundred Five Dollars (\$105.00) per hour which shall include actual time spent in trial and on preparation therefore. The Police Prosecutor shall also be compensated at the rate of One Hundred Five Dollars (\$105.00) per hour for appellate work. This hourly billing shall be payable upon submission of reasonably detailed billings indicating the name of the case, the date and nature of the proceeding, and the time spent. The total fees for police prosecutor work shall not exceed Twenty Nine Thousand Two Hundred Ten Dollars (\$29,210.00) per year without prior authorization of the Mayor, not including expenses and costs which are advanced, nor does the limit include non-police prosecutor services. The Prosecutor shall attend four (4) Highland Heights City Council meetings per calendar year at no additional charge to the City if requested to do so by the Mayor, City Council, or Law Director. All income shall be considered earned income for purposes of P.E.R.S. withholding.

Section 2. The terms and conditions of this Resolution shall be effective until December 31, 2017 or until the appointment of a successor Police Prosecutor. However, either party may terminate this agreement by providing to the other thirty (30) days written notice of such intent to terminate.

Section 3 That the Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution 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 4 This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Highland Heights in that it provides for the services of a Police Prosecutor, whose services are necessary to pursue criminal matters instituted by the City in the Lyndhurst Municipal Court. It shall therefore take place immediately upon passage by 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.

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First Reading: 01/10/2017

Second Reading: Suspended

Third Reading: Suspended

PASSED: January 10, 2017

ATTEST: Regina Cahill
Clerk of Council

EFFECTIVE: 01/11/2017

APPROVED AS TO FORM:

Timothy G. Paluf
Timothy G. Paluf, Director of Law

Cathy Smorz
President of Council

Filed with Mayor: 01/10/2017

APPROVED: 01/10/2017

[Signature]
Mayor