

CITY OF HIGHLAND HEIGHTS
RESOLUTION NO. 2 – 2017

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

MOTION BY: Council Representative Leo R. Lombardo

SECONDED BY: Council Representative Chuck Brunello, Jr.

**A RESOLUTION ESTABLISHING THE TERMS, CONDITIONS AND
COMPENSATION FOR THE LAW DIRECTOR'S SERVICES AND
DECLARING AN EMERGENCY.**

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

Section 1. The Law Director of the City of Highland Heights, Ohio, shall be head of the Law Department, shall be responsible for the administration of all civil municipal legal matters and shall perform all duties specified by the Charter of the City of Highland Heights, Ohio, with regard to the Director of Law and by the statutes of the State of Ohio with regard to the duties of City Solicitors.

Section 2. The Law Director shall personally conduct or directly supervise all activities for which he is responsible. In any event, attendance at meetings of Council shall be the sole and exclusive responsibility of the Law Director except as hereinafter stated and all adversary litigation shall be conducted personally by the Law Director. In the event of absence from meetings of Council by reason of illness, personal emergency, vacation or unavoidable absence from Cuyahoga County or other non-municipal business, or in the event of being unable to conduct litigation by reason of illness or personal emergency, the Law Director shall cause all services necessary to the municipality to be rendered by a qualified attorney licensed to practice law in the State of Ohio and having municipal legal experience, all at the Law Director's sole expenses.

Section 3. Effective January 1, 2017, and retroactive thereto, the compensation of the Law Director shall be as follows:

- (a) An annual retainer of Forty Thousand and Forty Dollars (\$40,040.00) paid bi-weekly for attendance at regular Council meetings, and other Council meetings, and meetings of Boards and Commissions, as requested, not to exceed four (4) such meetings per month, as well as routine oral conferences by telephone, preparation of all ordinances and resolutions as well as the preparation of opinions requiring incidental and minimal research.

- (b) For all other services as requested or authorized, a charge of One Hundred Seventeen Dollars (\$117.00) per hour.
- (c) Reimbursement of actual out-of-pocket expenses reasonably and necessarily incurred in the conduct of City business documented in the fashion required by the Internal Revenue Service of the United States of America for tax deductible business expenses.
- (d) All income shall be considered earned income for purpose of P.E.R.S. withholding.

Section 4 The Law Director shall be entitled to health care, dental, and life insurance benefits to be paid by the City of Highland Heights.

Section 5 The Law Director shall keep Council fully and completely informed of all developments with regard to municipal litigation and shall not, without obtaining prior consent of the majority of the members of Council, given by Motion during a regular or special meeting, appeal any litigation. No settlement on behalf of the City of Highland Heights shall be proposed nor consummated without prior consultation with Council in open or executive session as authorized by Ohio law.

Section 6 It is specifically understood and directed that the Law Director shall have no obligation nor authority with regard to financial matters of the City wherein notes or bonds are to be issued which require the opinion of recognized bond counsel. In such cases, the Director of Law shall make no charges to the municipality for his services which shall instead cause the services of Squire Patton Boggs, a law firm in Cleveland, Ohio, recognized bond counsel, for legal services in connection with such matters, which services shall be billed directly to the municipality, no part of which statement shall include payment for the Law Director.

Section 7 In cases in which, due to conflict of interest or other specialized circumstances, promptly reported to Council, making the employment of other attorneys desirable and other unforeseen conditions, the Law Director may request that Council select and authorize outside counsel but such employment shall be authorized only by prior approval of a majority of the members of Council in a regular or special meeting.

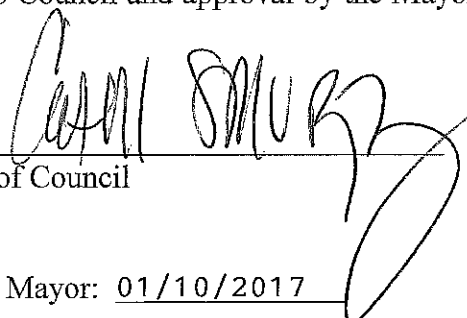
Section 8 All services of the Law Director and the terms and conditions of his employment not specifically covered by this Resolution shall be subject to review by Council from time-to-time and the Law Director shall be required to approach Council with regard to such circumstances before undertaking any activity not contemplated by this Resolution.

Section 9. The terms and conditions of this Resolution shall be effective until December 31, 2017, or until the appointment of a successor Law Director. However, either party may terminate this agreement by providing to the other thirty (30) days written notice of such intent to terminate.

Section 10. 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 11 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 for the reason that the terms of employment established herein will insure a functioning Law Department. 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.

First Reading: 01/10/2017



President of Council


Second Reading: Suspended

Third Reading: Suspended

Filed with Mayor: 01/10/2017

PASSED: January 10, 2017

APPROVED: 01/10/2017

ATTEST: 

Clerk of Council



Mayor

EFFECTIVE: 01/11/2017

APPROVED AS TO FORM: 

Timothy G. Paluf, Director of Law