

VILLAGE OF BENTLEYVILLE, OHIO

ORDINANCE NO: 2022-47
INTRODUCED BY: KVACEK

AN ORDINANCE PROVIDING FOR THE EMPLOYMENT OF A DIRECTOR OF LAW/PROSECUTOR FOR THE YEAR 2023, FIXING COMPENSATION AND DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Council of the Village of Bentleyville, County of Cuyahoga, and State of Ohio:

Section 1. That **CHARLES A. NEMER** be and is hereby appointed Director of Law/Prosecutor for the Village of Bentleyville, Ohio for a period commencing January 1, 2023 and ending December 31, 2023.

Section 2. It shall be the primary duty as the Director of Law to prepare ordinances, resolutions, notices, bonds and bond transcripts, and other legal documents required by the Village of Bentleyville and to furnish to the Village and its officials' legal advice on matters relating to the Village and to the powers and duties of the various officials. It shall be the duty of the Director of Law/Prosecutor to attend meetings of the Council except as otherwise provided by Council and the Mayor, and to represent the Village in proceedings in any court or before any administrative body.

Section 3. It shall further be the primary duty as the Prosecutor to prosecute criminal matters originating within the Village, and to provide assistance and consultation to the police department.

Section 4.

1. Compensation for the services to be performed by the Director of Law/Prosecutor shall be as follows:
 - A. For attendance at regular meetings of Council, special meetings, committee meetings and meetings scheduled at the direction of the Mayor, preparation of general legislation, the furnishing of legal advice on matters relating to the Village and the powers and duties of its various officials, and overseeing the representation of the Village and as requested by the Mayor or Council, research and draft legislation for major updating and revision of the basic codes and ordinances of the Village, and for the prosecution of criminal matters in the Bedford Municipal Court, and consultation to the police department the sum of Twenty Eight Thousand Four Hundred Forty and zero cents. \$29,294.00 per annum, payable in twelve equal monthly payments. All of the compensation for the Director of Law/Prosecutor shall be subject to contribution by the Village and

Director of Law/Prosecutor to PERS and subject to payroll deductions.

2. The Director of Law/Prosecutor shall perform the following special services and shall be compensated therefore at an hourly rate.

- A. For services in any Court other than as prescribed in Section 4(A) for the preparation of and conducting of litigation, including attendance at pre-trials and trials, including appearances before agencies, boards and commissions, local, state and federal, where the Village, an employee, officer, board member, commissioner or agent of the Village is a party and special assessment proceedings and the preparation of transcripts thereof and contracts for improvements and all legislation in connection therewith, proceedings and legislation in the issuance of bonds, notes and any evidence of indebtedness and transcripts therefore and the performance of other duties or extraordinary services not included in the regular and normal duties, the sum of Ninety-Five Dollars (\$95.00) per hour.

The Director of Law/Prosecutor is authorized at his election to secure the services of any firm authorized to give note and bond approval and to secure the assistance of the same in any of the proceedings set forth in this paragraph and their services shall be paid by the Village in accordance with the usual charges made by authorized Bond Counsel.

Section 5: If the Director of Law/Prosecutor, because of his position, determines that there exists a conflict of interest with him in any matter in which the Village has an interest, he shall have authority to appoint special counsel to represent the Village in such a matter. Such special counsel shall be paid on a quantum merit basis in the amount of One Hundred Dollars (\$100.00) per hour.

Section 6: During his continuance in the office of Law Director/Prosecutor, he shall not represent any party in any matter against the Village of Bentleyville or any official thereof except as provided herein.

Section 7: Any Ordinance or Resolution in conflict herewith is hereby repealed.

Section 8: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including the applicable sections of the Ohio Revised Code.

Section 9: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, or safety of the inhabitants of the Village and for the further reason set forth in the preamble hereof, and this Ordinance shall, therefore, take effect and be in full force immediately from and after the date of its passage and approval.

Passed: December 21, 2022



Mayor

I, the undersigned, Fiscal Officer of the Village of Bentleyville, hereby certify that there is no newspaper published or having an office of publication in the same Village and that I published the foregoing Ordinance by posting the same in five (5) of the most public places of said Village, as defined by Ordinance of Council, for a period of fifteen (15) days, beginning the date following passage and signature by the Mayor.



Fiscal Officer

I, the undersigned, Fiscal Officer of the Village of Bentleyville, hereby certify that the foregoing is a true copy of Ordinance 2022-47 duly enacted by the Council of said Village on this 21st, day of December, 2022



Fiscal Officer