ORDINANCE NO.: 37-2014
INTRODUCED BY: Mayor Headen

AN ORDINANCE ESTABLISHING TERMS, CONDITIONS AND COMPENSATION FOR THE SERVICES OF AN "ACTING" POLICE PROSECUTOR FOR THE CITY OF RICHMOND HEIGHTS, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, Council desires to confirm the appointment by the Mayor of Michael E. Cicero, Esq. as the "Acting" Police Prosecutor.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The Mayor's appointment of Michael E. Cicero as Acting Police Prosecutor for the City of Richmond Heights, Ohio is hereby confirmed subject to the terms, conditions and compensation hereinafter set forth.

Section 2: Upon the effective date of this Ordinance, the Acting Police Prosecutor shall be compensated at the rate of Nine Hundred Twenty-Three and 08/100 Dollars ($923.08) biweekly which is an annual rate of $24,000, for all services rendered to the City in such capacity for the following duties:

a) Preparation of all criminal and traffic cases in the Lyndhurst Municipal Court;
b) Meetings with persons having complaints with the City, residents, or others as are customarily handled by the Prosecutor;
c) Meetings with Police Officers of the City as the same are necessary to aid the Prosecutor in the preparation of a case; and
d) In-house consultation with the Chief of Police and his designees.

In addition to the compensation set forth above, while preparing for and attendance at all jury trials in the Lyndhurst Municipal Court on criminal charges brought by Richmond Heights either under its own Codified Ordinances or under the Revised Code of the State of Ohio, and including all appellate work and appearances, the Acting Police Prosecutor shall be compensated at the rate of One Hundred, Twenty-Five Dollars ($125.00) per hour, payable upon submission of reasonably detailed billings indicating the name of the case, the date and nature of the proceedings and the time spent for all such billings in the year 2014.

The Acting Police Prosecutor shall receive Public Employment Retirement System (PERS) benefits only on the annual salary portion of his compensation and not on the fees billed to the City for services on an hourly basis.

Section 3: The employment of Michael E. Cicero by the City as "Acting" Police Prosecutor shall terminate upon the earlier of the following: the date upon which a Director of

Law is duly appointed and approved by Council and said Director makes an appointment of someone other than Mr. Cicero as Police Prosecutor which is approved by Council or ninety (90) days from the effective date of this Ordinance; provided, however, Council may extend the ninety (90)-day period for a time certain by a majority vote of Council.

Section 4:   Either Michael Cicero or the Mayor may terminate the employment relationship between Mr. Cicero and the City, without cause, upon fourteen (14) days' notice to the other.

Section 5: The Acting Police Prosecutor shall be responsible directly to and his performance reviewed by the Mayor.

Section 6: 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 Section 121.22 of the Ohio Revised Code.

Section 7: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of this City and for the further reason that this Ordinance is required to be immediately effective so that the City may properly and efficiently prosecute violations of Ohio and Richmond Heights law; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED:_____   _____
                                        Miesha Wilson Headen, Mayor

APPROVED:_____

ATTEST:_____   _____
          Betsy Traben   David H. Roche
          Clerk of Council   President of Council

2