

ORDINANCE NO. 46 -2007
INTRODUCED BY: Mayor Ursu

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF JONATHAN D. GREENBERG AS POLICE PROSECUTOR; AND DECLARING AN EMERGENCY.

WHEREAS, Article V, Section 5, and Article VI, Section 2, of the Charter provide that the Mayor shall appoint members of the Department of Law with the approval of a majority of the members of Council; and

WHEREAS, Section 135.05 of the City's Codified Ordinances provides that the Police Prosecutor shall also be designated by the Director of Law, subject to the approval of a majority of the members of Council; and

WHEREAS, the Mayor and the Director of Law desire to appoint Jonathan D. Greenberg as the Police Prosecutor for the City, effective May 9, 2007.

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

Section 1: Council hereby confirms the action of the Mayor and the Director of Law in their appointment of Jonathan D. Greenberg as Police Prosecutor for the City of Richmond Heights, effective May 9, 2007.

Section 2: The compensation of the Police Prosecutor of the City be and the same is hereby established, effective May 9, 2007, to be as follows:

DEPARTMENT OF LAW

ASEx 1 – Police Prosecutor (Retainer)

\$24,000 salary per annum
(paid in equal monthly
installments)

It shall be the duty of the Police Prosecutor to perform the following services:

- A. Prosecution of all criminal cases in the Lyndhurst Municipal Court arising out of matters in Richmond Heights.
- B. Conduct meetings with persons having complaints with the City, other residents, or other persons as are customarily handled by the Police Prosecutor.
- C. Meetings and consultations with the Chief of Police, his designees, police officers, the Director of Law and the Building Commissioner, and his designees, as the same are

necessary to aid them in the preparation of criminal cases and drafting of criminal complaints.

D. Hearings on expungement of records, felony bindovers and appeals from orders of suspension issued by the Ohio Bureau of Motor Vehicles.

E. In addition to the annual salary, the Police Prosecutor will be compensated for police training sessions authorized by the Chief of Police and the preparation for and conducting of jury trials and appeals to the Court of Appeals at the rate of \$125 per hour.

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

Section 3: Either Jonathan D. Greenberg, the Mayor or the Director of Law may terminate the employment relationship between Mr. Greenberg and the City, without cause, upon thirty (30) days advance notice to the other party.

Section 4: This Council has been advised that Jonathan D. Greenberg is a business associate and partner of the Director of Law, R. Todd Hunt, and finds and determines that such services are necessary, the compensation is fair and reasonable to the City and Council authorizes such services as Police Prosecutor by the business associate and partner of the Director of Law.

Section 5: 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 of 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 6: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare, and for the further reason that it is immediately necessary for the Council to provide continuing legal services to the City. Therefore, provided this Ordinance receives the affirmative vote of five members of the Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council