

RESOLUTION NO. 2014-05

INTRODUCED BY: Mayor Rinker and Council as a Whole

**AN EMERGENCY RESOLUTION
RE-ESTABLISHING TERMS, CONDITIONS AND COMPENSATION
FOR THE SERVICES OF THE
DIRECTOR OF LAW AND ASSISTANT DIRECTOR OF LAW
FOR MAYFIELD VILLAGE, OHIO**

BE IT RESOLVED BY THE COUNCIL OF MAYFIELD VILLAGE, OHIO,
THAT:

SECTION 1. The Mayor's reappointment of Joseph W. Diemert, Jr. as Director of Law and Diane A. Calta as Assistant Director of Law for Mayfield Village, Ohio is hereby confirmed, subject to the terms, conditions and compensation hereinafter established.

SECTION 2. The Director of Law of Mayfield Village, Ohio, shall be responsible for the administration of all civil, municipal legal matters and shall perform all duties specified by the Charter of Mayfield Village, Ohio with regard to the Director of Law and by the statutes of the State of Ohio with regard to the duties of Village Solicitors. The Director of Law shall not be responsible, however, for the conduct or compensation of the Municipal Prosecutor, who shall be separately appointed, directed and compensated.

SECTION 3. The Director of Law 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 Director of Law except as hereinafter stated and all adversary litigation shall be directed by the Director of Law. In the event of absence from meetings, or in the event of being unable to conduct litigation, the Assistant Director of Law shall cause all services necessary to the Municipality to be rendered, which services shall be rendered in accordance with all of the terms and conditions of this Resolution.

SECTION 4. Effective January 1, 2014 through December 31, 2015, the charges to the Municipality for services to be rendered by the Director of Law and Assistant Director of Law shall be as follows:

- (a) For attendance at regular Council meetings, Council Caucuses and the regular meeting of the Planning Commission, plus such other meetings of Boards, Commissions and Council at which the attendance of the Law Director is requested, not to exceed two (2) meetings per month, as well as routine oral conferences by telephone or at the Village Hall or in the office of the Law Director with the Mayor or Members of Council, together with preparation of all Ordinances, Resolutions and Proclamations, as well as the preparation of opinions requiring incidental and minimal research, an annual retainer of \$23,410.00 to be paid in biweekly installments, payable in advance, to Joseph W. Diemert, Jr., Director of Law and Diane A. Calta, Assistant Director of Law. The distribution of the retainer between the Law Director and the Assistant Law Director shall be determined by the Law Director and communicated to the Finance Director for implementation.

- (b) For all of the services requested or authorized and not specifically set forth in Subsection (a) hereof, a charge of One Hundred Fifty-Four and 28/100 Dollars (\$154.28) per hour.

- (c) Reimbursement of actual out-of-pocket expenses reasonably and necessarily incurred in the conduct of Village business documented in the fashion required by the Internal Revenue Service of the United States of America for tax deductible business expenses.

Section 5. The Director of Law 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 Mayfield Village shall be proposed nor consummated without prior consultation with Council in open or executive session as authorized by Ohio Law.

Section 6. In cases in which, due to conflict of interest or other specialized circumstances, promptly reported to Council, the employment of another attorney for the Municipality becomes desirable, the Director of Law may request employment by the Municipality of outside counsel but such employment shall be authorized only by prior approval of the majority of the members of Council in a regular or special meeting.

Section 7. All services of the Director of Law 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 8. 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 9. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the residents of Mayfield Village, Ohio, for the reason that it provides for the administration of the Law Department, a function mandated by Charter. It shall, therefore, take effect immediately upon the 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.

Council President

First Reading: _____, 2014

Second Reading: _____, 2014

Third Reading: _____, 2014

PASSED: _____, 2014

BRUCE G. RINKER, Mayor

APPROVED AS TO FORM: _____
JOSEPH W. DIEMERT, JR., Director of Law

ATTEST: _____
MARY E. BETSA, Clerk of Council