

MEMORANDUM

TO: Council President Schutt and Members of Council

FROM: Mayor Brenda T. Bodnar

DATE: December 4, 2020

RE: **2021 Re-Appointment of Village's Prosecuting Attorney**

The contract with the Village's Prosecutor, Michael Cicero of Nicola, Gudbranson & Cooper, LLC, expires on December 31, 2020. Attached is Mr. Cicero's letter requesting re-appointment and proposing no fee increase for 2021. As the Prosecutor is generally appointed to serve for a two-year period, I propose to retain Mr. Cicero through the end of 2022. The attached Resolution has been updated accordingly, making no changes to the current fee structure. With Council's approval in December, I will administer the oath of office to Mr. Cicero at the first opportunity in January.

Thank you.

Nicola, Gudbranson & Cooper, LLC

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ROBERT N. GUDBRANSON
(RETIRED SENIOR PARTNER)

K. V. NICOLA
(1906-1994)

November 18, 2020

Direct Email: cicero@nicola.com

Mayor Brenda Bodnar
6622 Wilson Mills Road
Mayfield Village, OH 44143

Dear Mayor Bodnar:

I hope this letter finds you and your entire family in good health. As my wife and I have been Village residents for the past nine (9) years, we believe that all residents are fortunate to have a Mayor that possesses the wisdom, leadership and compassion that you do, now and in the future.

I also wanted to express my deepest thanks for the support you, Council, Chief Matias, all of the Department Directors and each member of the Police Department have shown in me as the Village's Prosecuting Attorney since taking over in January 2014. I am blessed to work with such fantastic people.

Having actively represented the Village for the past 22 years, I want to assure you that I shall continue to provide the highest level of prosecutorial services possible. Please know that I am extremely thankful for the opportunity and am truly honored to serve as the Village's Prosecuting Attorney. It is my sincerest hope that you consider re-appointing me to another two year term, which is set to commence in January 2021.

Very truly yours,



Michael E. Cicero

RESOLUTION 2020-57
INTRODUCED BY: Mayor Bodnar

**AN EMERGENCY RESOLUTION
RE-ESTABLISHING TERMS, CONDITIONS AND COMPENSATION
FOR THE SERVICES OF THE PROSECUTOR
FOR MAYFIELD VILLAGE, OHIO.**

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

SECTION 1. The Mayor's reappointment of Michael E. Cicero and Nicola, Gudbranson & Cooper LLC as Prosecutor for Mayfield Village, Ohio is hereby confirmed subject to the terms, conditions and compensation hereinafter established.

SECTION 2. Effective January 1, 2021 through December 31, 2022, the Prosecutor shall be compensated at the rate of One Thousand Four and 94/100 Dollars (\$1,004.94) biweekly, for all services rendered to the Village in such capacity for the following duties:

- a) Preparation of all cases in the Lyndhurst Municipal Court;
- b) Meetings with persons having complaints with the Village, residents, or others as are customarily handled by the Prosecutor;
- c) Meetings with Police Officers of the Village 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 in attendance at all trials and pretrials in the Lyndhurst Municipal Court on criminal charges brought by Mayfield Village either under its own Codified Ordinances or under the Revised Code of the State of Ohio, and including preliminary hearings in the Lyndhurst Municipal Court on felony charges arising out of Mayfield Village, and including all appellate work and appearances, the Prosecutor shall be compensated at the rate of One Hundred, Fifty-Four and 28/100 Dollars (\$154.28) 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.

SECTION 3. This contract shall be effective until December 31, 2022, or until the appointment of a successor Prosecutor, whichever is later, providing that either party may cancel this contract upon providing thirty (30) days written notice to the other.

SECTION 4. The Prosecutor shall be responsible directly to the Mayor and shall not be under the supervision or control of the Director of Law.

SECTION 5. The Council finds and determines that all formal actions of the 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 6. 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 Mayfield Village for the reason that it provides for necessary governmental services. It shall, therefore, take effect 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.

STEPHEN SCHUTT, COUNCIL PRESIDENT

First Reading: _____, 2020

Second Reading: _____, 2020

Third Reading: _____, 2020

PASSED: _____, 2020

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

ANTHONY J. COYNE, Director of Law

ATTEST: _____
MARY E. BETSA, MMC, Clerk of Council