

ORDINANCE NO.: 107 -2014  
INTRODUCED BY: Mayor Roche

**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 attorney members of the City's 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, both the Mayor and the appointee to the position of Director of Law desire to appoint Jonathan D. Greenberg as the Police Prosecutor for the City, effective November 1, 2014.

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

Section 1: Council hereby approves the actions of the Mayor and of the appointee to the position of Director of Law to appoint Jonathan D. Greenberg as Police Prosecutor for the City of Richmond Heights, effective November 1, 2014.

Section 2: The compensation of the Police Prosecutor of the City is established, effective November 1, 2014, to be as follows:

<u>DEPARTMENT OF LAW</u>	
ASEx 1 – Police Prosecutor (Retainer)	\$24,000 salary per annum (paid in equal monthly installments)

Section 3: 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 the City of Richmond Heights.
- b. Conduct meetings with persons having complaints with the City, other residents, or other persons as are customarily handled by municipal prosecutors.
- c. Meetings and consultations with the Chief of Police, his/her designees, police officers, the Director of Law and the Building Commissioner, and his/her 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. Police training sessions authorized by the Chief of Police.
- f. For the actual preparation for jury trials, the conduct of jury trials and the handling of appeals to appellate courts, Mr. Greenberg's law firm, Walter | Haverfield LLP shall be compensated outside of the aforesaid Police Prosecutor's salary at the rate of \$150 per hour.

Section 4: As Mr. Greenberg shall receive Ohio Public Employment Retirement System (OPERS) benefits only on the annual salary portion of his compensation and not for the fees billed to the City for services on an hourly basis.

Section 5: The Mayor may terminate the employment relationship between Mr. Greenberg and the City, without cause, upon written notice to Mr. Greenberg. Mr. Greenberg may terminate the employment relationship established by this Ordinance upon thirty (30) days advance written notice to the Mayor and the Director of Law.

Section 6: This Council has been advised that Jonathan D. Greenberg is a business associate and law 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 law partner of the Director of Law.

Section 7: 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 8: This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary for the Council to provide continuing criminal prosecutorial 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: \_\_\_\_\_

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David H. Roche, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Betsy Traben, Clerk of Council

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Eloise Cotton Henry, President of Council