

ORDINANCE NO. 42- 2014

**AN ORDINANCE CONFIRMING THE APPOINTMENT  
OF JOSEPH P. SZEMAN AS DIRECTOR OF LAW OF THE  
CITY OF RICHMOND HEIGHTS, ESTABLISHING THE  
COMPENSATION FOR HIS SERVICES, REPEALING  
PRIOR ENACTMENTS RELATED TO SUCH  
COMPENSATION, AND DECLARING AN EMERGENCY**

WHEREAS, the Mayor has advised the Council that she has appointed Joseph P. Szeman to the position of Director of Law, effective immediately; and

WHEREAS, confirmation of the appointment by the Council is now requested by the Mayor pursuant to Article VI, §2 of the Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RICHMOND HEIGHTS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

SECTION 1. The appointment of Joseph P. Szeman to the position of Director of Law is hereby confirmed.

SECTION 2. Joseph P. Szeman shall be paid and compensated in the base sum of Five Thousand Dollars (\$5,000.00) per month, which shall require performance of the following services:

- A. Attendance at regular meetings of Council, preparing routine legislation and furnishing legal advice regarding such legislation to the officials, departments, boards and commissions of the City;
- B. Providing legal advice to the Mayor, Council, officials, departments, boards and commissions of the City, including routine contract review;
- C. Attending regular meetings of the Planning Commission, Zoning Board of Appeals, and Charter Review Commission; and
- D. Representing the City in routine administrative appeals taken pursuant to Chapter 2506 of the Ohio Revised Code from decisions of the Planning Commission, Zoning Board of Appeals, and Architectural Review Board.

SECTION 3. For services not enumerated in Section 2 hereof, Joseph P. Szeman shall be paid and compensated at the additional hourly rate of One Hundred Twenty-Five Dollars (\$125.00), including, but not necessarily limited to performing the following services:

- A. For preparing and supervising the proceedings of the construction and financing of improvements of the City;
- B. For negotiating, preparing and instituting actions for the appropriation of interests in real property;
- C. For negotiating and preparing contracts, leases, easements, or any other documents related to transactions or interests in real property;
- D. For attending special meetings, adjourned meetings and work sessions as the Mayor or Council may request, and for attending meetings and hearings of the various commissions, boards and committees of the City;
- E. Drafting of new or substantial revisions to the Codified Ordinances;
- F. Representing the City and for performing services for it in any manner in civil litigation, including proceedings before courts, administrative boards or tribunals; and
- G. For prosecuting all criminal and traffic cases.

SECTION 4. Nothing contained in this Ordinance shall be interpreted as prohibiting the Council from retaining the services of Special Counsel upon the advice of the Mayor and/or Director of Law for purposes of employment and labor counsel.

SECTION 5. The Director of Law may, in the event of an emergency wherein he is injured or ill and unable to perform necessary services, designate an attorney licensed to practice law in this State to act with his authority for a period not to exceed 72 hours. He shall concurrently notify the Mayor and President of Council of the circumstances and temporary designation.

First Reading, June 10, 2014  
Second Reading, \_\_\_\_\_, 2014  
Third Reading, \_\_\_\_\_, 2014

Introduced by: Mayor Headen

SECTION 6. The City shall reimburse the Director of Law for reasonable out-of-pocket expenses incurred in the performance of the duties provided herein.

SECTION 7. That Ordinance No. 38-96 providing for the compensation for the Director of Law, and as amended, is hereby repealed upon the effective date of this Ordinance and thereafter held for naught.

SECTION 8. The Director of Law's compensation shall earnable income for PERS purposes and reported as W-2 (or equivalent) wages.

SECTION 9. That 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 §121.22 of the Ohio Revised Code.

SECTION 10. That this Ordinance constitutes an emergency in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the residents of the City and is further necessary for the usual daily operation of the City as specific Charter and statutory duties may only be performed by an attorney at law serving as Director of Law; WHEREFORE, this Ordinance shall take immediate effect in accordance with the provisions of Article X, §2 of the Charter.

PASSED:

\_\_\_\_\_  
David H. Roche,  
President of Council

1<sup>st</sup> Reading: \_\_\_\_\_  
2<sup>nd</sup> Reading: \_\_\_\_\_  
3<sup>rd</sup> Reading: \_\_\_\_\_

Attested:

\_\_\_\_\_  
Betsy Traben,  
Clerk of Council

First Reading, June 10, 2014  
Second Reading, \_\_\_\_\_, 2014  
Third Reading, \_\_\_\_\_, 2014

Introduced by: Mayor Headen

Approved:

\_\_\_\_\_  
Miesha Wilson Headen,  
Mayor

\_\_\_\_\_  
Date