

ORDINANCE NO.: 70-2016
INTRODUCED BY: Mayor Roche

**AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF MICHAEL
CICERO 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, the Mayor has appointed and the Director of Law concurs with the appointment of Michael Cicero as the Police Prosecutor for the City, effective August 10, 2016.

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 the Director of Law to appoint Michael Cicero as Police Prosecutor for the City of Richmond Heights, effective August 10, 2016.

Section 2: The compensation of the Police Prosecutor of the City is established, effective August 10, 2016, to be as follows:

DEPARTMENT OF LAW

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 under the salary retainer:

- 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.

Section 4: For the actual preparation a jury trials itself, the conduct of the jury trial and the handling of appeals to appellate courts, Michael Cicero and/or his law firm shall be compensated outside of the aforesaid Police Prosecutor's salary retainer at the rate of \$140 per hour.

Section 5: Mr. Cicero 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 6: The Mayor may terminate the employment relationship between Mr. Cicero and the City, without cause, upon written notice to Mr. Cicero. Mr. Cicero may terminate the employment relationship established by this Ordinance upon thirty (30) days advance written notice to the Mayor and the Director of Law which notice may be waived by the Mayor and 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 prosecution services for 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:_____

David H. Roche, Mayor

APPROVED:_____

ATTEST:_____

Betsy Traben, Clerk of Council

Eloise Cotton-Henry, President of Council