



Committee of the Whole Meeting

Tuesday, January 9, 2024 at 7:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Comments related to agenda items.
5. Motion to Elect Council President
6. Discussion of Council Committees
7. Legislation
 - a. Resolution 2024-1 Rob Kalman - Street Commissioner

Attachments:

- **Resolution 2024-1 Rob Kalman - Street Commissioner** (Resolution_2024-1_Rob_Kalman-Street_Commissioner.docx)

- b. Resolution 2024-2 Natalie Buc - Recreation and Community Life Director

Attachments:

- **Resolution 2024-2 Natalie Buc - Recreation and Community Life Director** (Resolution_2024-2_Natalie_Buc-Recreation_and_Community_Life_Director.docx)

- c. Resolution 2024-3 Chagrin Valley Engineering Services

Attachments:

- **Resolution 2024-3 Chagrin Valley Engineering Services** (Resolution_2024-3_Chagrin_Valley_Engineering.docx)

- d. Resolution 2024-4 Internet Auction

Attachments:

- **Resolution 2024-4 Internet Auction** (Resolution_2024-4_Internet_Auction_2024.docx)

- e. Resolution 2024-5 Law Solicitor

Attachments:

- **Resolution 2024-5 Law Solicitor** (Resolution_2024-5_Law_Solicitor_Resolution.docx)

- f. Resolution 2024-6 Assistant Law Director

Attachments:

- **Resolution 2024-6 Assistant Law Director** (Resolution_2024-6_Assistant_Law_Director_Resolution.docx)

8. Other Business

9. Adjournment

| Agenda published on 01/05/2024 at 3:42 PM

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2024-1

INTRODUCED BY COUNCILPERSON

**A RESOLUTION CONFIRMING THE APPOINTMENT OF
ROBERT KALMAN AS STREET COMMISSIONER FOR THE
VILLAGE OF WALTON HILLS, OHIO, FOR THE PERIOD
BEGINNING FEBRUARY 1, 2024, THROUGH JANUARY 31, 2025,
AND DECLARING AN EMERGENCY.**

WHEREAS, Section 240.01 of the Codified Ordinances of Walton Hills establishes the office of Street Commissioner to supervise improvement and repair of streets in the Village and also supervise public area lighting, cleaning and other maintenance in the Village and other duties defined in Chapter 240. Said duties will be in addition to building/zoning inspector as defined in the Village Codified Ordinances.

WHEREAS, said section further provides that said Street Commissioner shall be appointed by the Mayor, subject to confirmation of Council; and

WHEREAS, the Mayor desires to appoint Robert Kalman as Street Commissioner for the Village of Walton Hills and the Village Council desires to confirm the appointment of and compensation for Robert Kalman as Street Commissioner of the Village; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO:

SECTION 1. The appointment by the Mayor of Robert Kalman as Street Commissioner for the Village of Walton Hills, Ohio for a term commencing on February 1, 2024, through January 31, 2025, be and hereby is confirmed.

SECTION 2. The Street Commissioner salary shall be set in accordance with Chapter 260 of the Codified Ordinances of the Village of Walton Hills, Ohio and shall also include an hourly rate for overtime as approved by the Mayor. The Street Commissioner shall be paid bi-weekly during said term and eligible for health insurance benefits.

SECTION 3. The Village Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution was taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 4. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason stated in the preamble hereof, and provided it receives the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

DON KOLOGRAF, MAYOR

PASSED: _____, 2024

ATTEST: _____
NICKOL SELL, FISCAL OFFICER

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2024-2

INTRODUCED BY COUNCILPERSON

A RESOLUTION CONFIRMING THE APPOINTMENT OF NATALIE BUC AS THE PART-TIME RECREATION AND COMMUNITY LIFE/RECREATION DIRECTOR FOR THE VILLAGE OF WALTON HILLS, OHIO FOR THE PERIOD BEGINNING FEBRUARY 1, 2024 THROUGH JANUARY 31, 2025, AND DECLARING AN EMERGENCY.

WHEREAS, Section 248.01 of the Codified Ordinances of Walton Hills establishes the office of Village Recreation and Community Life Director to direct and supervise recreation programs in the Village. The Recreation and Community Life Director also deals with many community life issues, especially addressing the needs of seniors; and

WHEREAS, said section further provides that said Director shall be appointed by the Mayor, subject to confirmation of Council; and

WHEREAS, the Mayor desires to appoint Natalie Buc as Recreation and Community Life Director of the Village of Walton Hills and the Village Council desires to confirm the appointment of and compensation for Natalie Buc as Recreation and Community Life Director of the Village; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO THAT:

SECTION 1. The appointment by the Mayor of Natalie Buc as the Recreation and Community Life Director of the Village of Walton Hills, Ohio, for a term commencing February 1, 2024 through January 31, 2025, be, and is hereby confirmed.

SECTION 2. The annual compensation for the Recreation and Community Life Director shall be paid in accordance with Section 260 of the Codified Ordinances of the Village of Walton Hills, Ohio, payable biweekly during said term for a minimum of 1,040 hours for the year and the division of said hours shall be determined on the basis of the recreational needs of the Village.

SECTION 3. The Village Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution was taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, and for the further reason that it is immediately needed for the operation of the Recreation Department;

wherefore this Resolution shall take effect and be in force upon receiving the affirmative vote of two-thirds (2/3) of all members elected to Council, otherwise from and after the earliest period allowed by law.

DON KOLOGRAF, MAYOR

PASSED: _____, 2024

ATTEST: _____

NICKOL SELL, FISCAL OFFICER

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2024-3

INTRODUCED BY COUNCILPERSON

A RESOLUTION REAPPOINTING JOSEPH L. GIGLIOTTI AS THE VILLAGE ENGINEER, FIXING THE DUTIES AND COMPENSATION FOR SAID POSITION; PROVIDING FOR OTHER MUNICIPAL ENGINEERING SERVICES FOR THE VILLAGE OF WALTON HILLS FROM CHAGRIN VALLEY ENGINEERING LTD., AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor desires to reappoint Joseph L. Gigliotti as the part-time Village Engineer in accordance with Chapter 238 of the Codified Ordinances of the Village of Walton Hills, and Chagrin Valley Engineering Ltd. as provider of consulting engineering services; and

WHEREAS, Council wishes to confirm said reappointment of Joseph L. Gigliotti as part-time Village Engineer and enter into an agreement with Joseph L. Gigliotti and Chagrin Valley Engineering Ltd. for engineering services for the Village of Walton Hills, Ohio.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:

SECTION 1. Joseph L. Gigliotti is hereby reappointed as the Village Engineer for the Village of Walton Hills, Ohio, effective January 31, 2024 through February 1, 2025. The Village Engineer, in conjunction with Chagrin Valley Engineering Ltd., shall perform such services and be compensated for services rendered to the Village as follows:

- (a) Prepare necessary plans, profiles, specifications, and estimates of cost for such public improvements as may be authorized by the Village Council. All such plans, profiles, specifications, and estimates of cost shall be and remain the property of the Village of Walton Hills;
- (b) Supervise and serve as Village representative in the execution of those public works projects for which the engineer is authorized to so act by the Village Council;
- (c) Supervise and direct all construction inspectors relative to the improvements covered in paragraphs (a) and (b) hereof, as authorized by Village Council;
- (d) Furnish to the Village Council plans, specifications and estimates of cost for various public improvements for the guidance of this Village Council and for the information and guidance of contractors dealing with the Village of Walton Hills. All such plans, specifications and estimates of cost shall be and remain the property of the Village of Walton Hills.
- (e) Prepare applications for grant programs which are available for public improvement projects;

(f) Review plans of private commercial and residential developments and advise the Mayor and Village Council regarding the same;

(g) Review lot plans for new residential homes and check final lot grades to verify consistency with the approved lot plan;

(h) Act as the Village's representative to the County Sanitary Engineer on matters concerning areas of responsibility of that office;

(i) Prepare and deliver to the Mayor and Village Council quarterly reports of the progress of improvements under the Engineer's charge, identifying relevant conditions, changes in construction and/or engineering costs, and any other matters of interest as directed by the Mayor or Council. All reports prepared by the Village Engineer shall be and remain the property of the Village of Walton Hills;

(j) Be in charge of engineering and other work to be furnished hereunder as the same may be authorized by Village Council, with the right and obligation of calling upon any of the personnel and facilities of Chagrin Valley Engineering Ltd. as may be needed from time to time in the performance of said work; and

(k) Maintain Professional Liability Insurance in the amount of two million dollars (\$2,000,000) and provide the Village with a certificate naming the Village of Walton Hills, Ohio as an additional insured during the period in which this appointment is in effect.

SECTION 2. The Village Engineer shall have the following duties and responsibilities considered to be included in the compensation established in Section 3:

(a) Serve as a technical consultant and advisor on engineering matters referred by the Mayor, Village Council, and administrative departments upon direction of the Department Heads;

(b) Advise the Mayor and Village Council relating to residents' problems pertaining to engineering as they may relate to public sewers, public water supplies, drainage patterns, building grades, etc.;

(c) Assist the Building Department on engineering matters and act as an aide in the administration of the National Flood Insurance Program;

(d) Attend meetings as requested by the Mayor or Village Council. The Engineer shall attend all meetings of the Road Committee, Village Council, and the Planning Commission;

(e) Prepare formative or preliminary sketches, layouts, estimates or reports concerning the advisability of proceeding with sanitary sewers, storm sewers, water mains, pavement improvements, or pavement repairs contemplated by the Mayor or Village Council;

(f) Perform such other duties as are normally required of municipal engineers not requiring the use of additional staff members.

SECTION 3. Joseph L. Gigliotti shall receive as compensation for the services described in Section 2 hereof the annual sum of Twenty-Five Thousand Dollars (\$25,000) commencing January 31, 2024, subject to regular payroll and Ohio Public Employees Retirement System deductions.

SECTION 4. For such services in connection with the services detailed in Section 1, Chagrin Valley Engineering Ltd. shall receive compensation based upon the hours worked and on the hourly fee scheduled set forth below:

Municipal Engineer	\$ 107.00
Staff Engineer	97.00
Contract Administrator	80.00
Water Quality Scientist	89.00
Surveyor	96.00
CAD Designer	88.00
Clerical	41.00
Three-person survey crew	150.00
Two-person survey crew	138.00
One-person Survey crew	125.00
Environmental Scientist	89.00
Inspector	58.00
Professional Traffic Engineer	135.00

The above rates include all transportation, materials, supplies, reproduction costs, overhead, etc., required to complete a specific project. When deemed necessary, the Village Engineer may contract with outside consultants for services such as sub-surface exploration, aerial surveys, or engineering services of other disciplines which are required to perform the plan and specification preparation. The Village Engineer shall inform the Mayor and Village Council of the use of any outside consultants. Upon the request of the Mayor or Village Council, the Village Engineer shall provide an estimate of probable engineering costs related to a proposed project.

SECTION 5. The contract provided herein with Joseph L. Gigliotti and Chagrin Valley Engineering Ltd. may be terminated by either party upon sixty (60) days advance written notice to the other, provided that such termination shall not affect the duty of the Village Engineer or Chagrin Valley Engineering Ltd. to render service, nor the obligation of the Village of Walton Hills to pay for such service rendered, before the effective date of termination.

SECTION 6. Joseph L. Gigliotti and Chagrin Valley Engineering Ltd. agree to hold harmless and indemnify the Village of Walton Hills from any and all claims, demands, causes of action, costs, legal expenses, or any other costs or expenses, of or from contractors or any person or entity arising from improper information or guidance from Joseph L. Gigliotti and/or Chagrin Valley Engineering Ltd., which results in a poor, substandard or wrong result or results, when said contractor, person or entity has faithfully observed the plans and specifications prepared by Joseph L. Gigliotti and/or Chagrin Valley Engineering Ltd., unless the responsibility therefore shall be clearly that of the Village of Walton Hills or another third party. The foregoing sentence does not limit the usual common law remedies available to the Village of Walton Hills for breach of contract or other violation of contract for engineering services.

SECTION 7. The Village Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution was taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 8. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason stated in the preamble hereof, and provided it receives the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

DON KOLOGRAF, MAYOR

PASSED: _____, 2024

ATTEST: _____
NICKOL SELL, FISCAL OFFICER

Joseph L. Gigliotti Chagrin Valley Engineering Ltd. hereby agree to the conditions and covenants contained in this Resolution 2024-3 enacted _____.

Date: _____

Joseph L. Gigilotti (Individually)
Chagrin Valley Engineering Ltd.

Date: _____ By: _____

Approved as to Form:

John Montello, Law Solicitor

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2024-4

INTRODUCED BY COUNCILPERSON

A RESOLUTION PROVIDING FOR THE SALE OF PERSONAL PROPERTY BY INTERNET AUCTION, WITH THE TERMS AND CONDITIONS THEREOF IN 2024, AND DECLARING AN EMERGENCY

WHEREAS, Revised Code 721.15(D) permits a municipality, inter alia, to sell personal property, including motor vehicles acquired for the use of municipal officers and departments and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which they were acquired, by internet auction; and

WHEREAS, it is the intent of the Village of Walton Hills to provide on an annual basis, pursuant to Revised Code 721.15(D) for the sale of said personal property, inter alia, by internet auction.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:

SECTION 1. The Village of Walton Hills hereby provides for the sale of any unnecessary, obsolete or unfit personal property of the village by, inter alia, internet auction for the year 2024.

SECTION 2. The internet auction may be conducted in any fashion on the internet such as E-Bay and the like after advertisement in a local newspaper as required by said section of the Ohio Revised Code.

SECTION 3. The number of days of bidding on any municipal property offered for auction shall be no less than ten (10) days including Saturdays, Sundays and legal holidays.

SECTION 4. The Village of Walton Hills will conduct the auction utilizing its own internal staff.

SECTION 5. Notice of this legislation will be advertised on the website for the Village of Walton Hills each time that a sale is to occur and/or is conducted by the Village of Walton Hills in 2024 via, inter alia, internet auction, for not needed, obsolete, or unfit municipal personal property. Said notice shall include the following summary:

The Village of Walton Hills hereby gives notice, pursuant to Revised Code 721.15 of the Ohio Revised Code that it intends to offer items, to be determined by each department head, for sale by internet auction pursuant to Resolution 2024-4): (*Hereafter include the list of items for sale.*)

Auction shall be conducted on the internet at (here include the website). The property will be listed for sale for ten (10) days which includes Saturdays, Sundays and legal holidays. Any interested party may access the above website and offer a bid for said municipal property, subject to internet rules and regulations of the website. Said items will be offered for sale at a minimum price as designated by each item herein. Items may be picked up or delivered and paid for as specifically delineated on the above website.

SECTION 6. The above notice will also be included with each offering of personal property in the internet auction.

SECTION 7. The Village Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution was taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 8. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason stated in the preamble hereof, and provided it receives the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

DON KOLOGRAF, MAYOR

PASSED: _____, 2024

ATTEST: _____

NICKOL SELL, FISCAL OFFICER

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2024-5

INTRODUCED BY COUNCILPERSON

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE EMPLOYMENT OF THE SOLICITOR FOR THE VILLAGE OF WALTON HILLS, OHIO; FIXING THE TERM, DUTIES AND COMPENSATION FROM JANUARY 1, 2024 TO DECEMBER 31, 2025, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the authority contained in Ohio Revised Code secs. 733.48 and 705.11, Council desires to contract for legal services with John J. Montello to act as Solicitor for the Village through December 31, 2025 or until a successor be appointed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:

SECTION 1. John J. Montello is hereby appointed as Solicitor for the Village of Walton Hills for a term commencing January 1, 2024 and ending December 31, 2025 and continuing thereafter until a successor be appointed.

SECTION 2. It shall be the duty of the said Village Solicitor to attend one (1) regular or adjourned meeting of Council per month when requested by Council, and two Committee of the Whole meetings per month, except in any of the above cases, for good cause, legal counsel may be excused from attendance by the Mayor or Council; and to render legal opinions on such matters as pertain to the affairs of the Village; and to draft all resolutions, ordinances, notices or other official documents and legislation upon request of the Mayor or Ohio Revised Code sec. 705.11; for which services the Village Solicitor shall be compensated at a rate of Seventy Two Thousand Dollars (\$72,000.00) per annum and shall be bonded and insured by the Village. He shall also be entitled to compensation for any expenses incurred on behalf of the Village. In the event Village Council grants raises to Village personnel, the Village Solicitor shall receive the same percentage raise as other Village personnel. All such compensation shall be subject to contribution by the Village and the Solicitor/Law Director to OPERS.

SECTION 3. The Village Solicitor will provide and perform the following special services when requested by the mayor or council, and shall be compensated therefore at an additional rate of \$250.00 per hour. Such special services are as follows:

- (a) Preparation of and conducting all litigation in the courts of record or administrative agencies, including appeals, where the Village, or an officer, board, commission or agent of the Village is a party. In the event of insurance coverage or the hiring of outside legal counsel, the Village Solicitor shall be co-counsel. The Village Solicitor is authorized to secure the services of any law firm to assist in any litigation filed against or on behalf of the Village at the Village Solicitor's hourly rate, or another rate approved by Council, or within the line item Law Department budget approved by Council.
- (b) Negotiations and representation of the Village, and preparation thereof, with administrative officers, agencies, commissions or other legislative bodies or other municipal corporations, County of Cuyahoga, State of Ohio, and federal governments; representation for the Village, administrative officer of municipal body, board or commission of the county, state, regional or federal level. The Law Director shall hereby have authority to hire outside legal counsel as determined by the Mayor and Solicitor, and the Village Solicitor shall be co-counsel to assist in said service.
- (c) Negotiations and representation with any collective bargaining units, including but not limited to fact finding, conciliation, arbitration, grievance proceedings, disciplinary proceedings or employee review. The Law Director shall hereby have authority to hire outside legal counsel as determined by the Mayor and Solicitor, and the Village Solicitor shall be co-counsel to assist in said service.
- (d) The Solicitor shall not be required to attend any meeting scheduled between the hours of 11 p.m. and 8:00 a.m. or on any holiday, Friday after 6:00 p.m., and on Saturday or Sunday. In the event the Solicitor or Assistant Solicitor voluntarily attends such a meeting at such times, he shall bill for such attendance. The assistant to the Solicitor or other member of the firm may attend any meeting on behalf of the Solicitor at the Solicitor's sole discretion.

SECTION 4. The Village Solicitor, when requested by the Mayor or Council, is authorized to secure the services of any other law firm, including but not limited to Bricker & Eckler LLP to act as bond counsel and for other unique financings when said assistance is required to adequately support the Village Council, administration or law department, and to protect the interests of the Village, and their services shall be paid for by the Village in accordance with the usual charges made by the authorizing bond counsel in accordance with Ohio Revised Code 2921.421. Further, the Law Solicitor is authorized to secure the services of any other law firm to protect the interests of the Village in regards to the special services stated above.

SECTION 5. The said Village Solicitor shall also be and hereby is designated and entitled "Solicitor", "Prosecutor" or "Law Director" of the Village of Walton Hills, Ohio.

SECTION 6. The Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution was taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 7. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason stated in the preamble hereof, and provided it receives the affirmative vote of two-thirds of the Village Council and signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

DON KOLOGRAF, MAYOR

PASSED: _____, 2024

ATTEST: _____
NICKOL SELL, FISCAL OFFICER

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2024-6

INTRODUCED BY COUNCILPERSON

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE EMPLOYMENT OF THE ASSISTANT TO THE LAW DIRECTOR/PROSECUTOR FOR THE VILLAGE OF WALTON HILLS, OHIO; FIXING THE TERM, DUTIES AND COMPENSATION FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2025.

WHEREAS, Council desires to continue to contract for legal services of William D. Mason, Jr. to act as assistant to the Law Director/Prosecutor for the Village through December 31, 2025 or until a successor be appointed.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:

SECTION 1. That William D. Mason, Jr. is hereby appointed as assistant to the Law Director/Prosecutor for the Village of Walton Hills for a term commencing January 1, 2024 and ending December 31, 2025, and continuing thereafter until a successor be appointed.

SECTION 2. It shall be the duty of the assistants to the Law Director/Prosecutor to be legal counsel for the Village in all prosecutions in which the Village is a party that are presented in the Walton Hills Mayor's Court and the Garfield Heights Municipal Court, including arraignments, pretrials, in court discovery and bench trials and all code enforcement. The assistant to the Law Solicitor/Prosecutor shall be compensated at the rate of Thirty Six Thousand Dollars (\$36,000.00) per annum and shall be bonded and insured by the Village. He shall also be reimbursed for any expenses incurred by the Village and be entitled to Five Hundred Dollars (\$500.00) for continuing legal education. In the event Village Council grants raises to Village personnel, the assistant to the Village Director/Prosecutor shall receive the same percentage raise as other Village personnel. Said compensation as stated herein shall be subject to contribution by the Village and the assistants to the Law Director/Prosecutor to OPERS.

SECTION 3. The assistant to the Law Director/Prosecutor shall perform the following special services when required, or when requested by the Mayor or Council, and shall be compensated therefor at an additional rate of \$175.00 per hour. All hourly compensation paid to the assistant to the Law Director/Prosecutor for special services shall be paid to the assistant to the Prosecutor as an independent contractor, and shall not be subject to withholding or OPERS contribution. Such special services are as follows:

- (a) Preparation and conducting all misdemeanor jury trials in the Garfield Heights Municipal Court, or any other court where the Village is prosecuting a misdemeanor violation in which a jury demand has been filed.
- (b) Preparation of all appeals, responses to appeals, briefs, research, records procurement and other appellate proceedings, including pretrial conferences and

oral arguments that transpire as a result of any misdemeanor prosecution.

(c) Any and all written responses to discovery requests that are required to be provided by the assistants to the Law Director/Prosecutor to any defendant or defense counsel, or any other written correspondence to any defendant or defense counsel as may be required.

(d) Notwithstanding anything contained herein, pursuant to Ohio Revised Chapter 705, the Village Director shall act as the legal advisor to and attorney for the municipal corporation, and for all officers of the municipal corporation in matters relating to their official duties subject to the terms contained in Resolution 2024-5.

SECTION 4. The Legislative Authority finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution was taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 5. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason stated in the preamble hereof, and provided it receives the affirmative vote of two-thirds of the legislative authority and signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

DON KOLOGRAF, MAYOR

PASSED: _____, 2024

ATTEST: _____

NICKOL SELL, FISCAL OFFICER