

ORDINANCE NO. 2018-02

BY: COUNCIL AS A WHOLE

AN ORDINANCE ACKNOWLEDGING THE APPOINTMENT OF MICHAEL ASTRAB AS PROSECUTOR AND ASSISTANT LAW DIRECTOR; AUTHORIZING A CONTRACT FOR COMPENSATION; AND DECLARING AN EMERGENCY.

WHEREAS, the Law Director has appointed Michael Astrab as City Prosecutor and Assistant Law Director.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO, THAT:

Section 1. Appointment

The appointment of Michael Astrab as Prosecutor and Assistant Law Director is hereby acknowledged and approved, effective January 17, 2018 to remain in office through January 16, 2020.

Section 2. Basic Services

Subject to the compensation provisions herein, the Prosecutor, on a part-time basis, shall: prosecute and enforce all criminal laws in University Heights; assist the Law Director in accordance with all applicable laws, and otherwise provide services in the best interest of the citizens of the City.

Section 3. Compensation for Legal Services

Effective January 17, 2018 and annually thereafter until January 31, 2020, the City shall budget and pay the Prosecutor compensation in the form of annual salary and/or retained or contracted services the sum of \$28,000.00, including: the City's portion due the Public Employees Retirement System.

- (a) To prosecute all criminal matters before the Shaker Heights Municipal Court.
- (b) To regularly advise the Police Department and Building Department in all matters related to Shaker Heights Municipal Court proceedings.
- (c) To assist the Law Director and to assist in his absence.

In addition, the Prosecutor's court time, including, but not limited to, court time necessary to conduct any jury trial or hearing, enter any plea deal, or argue any motion, shall be compensated hourly at the rate of \$175.00 per hour, which shall not be subject to contribution to the Public Employees Retirement System.

Section 4. Funding

City Council shall budget and appropriate all funds necessary and incidental for the expenses and compensation required for the department of law and as provided in this ordinance.

Section 5. Expenses

- (a) The City shall pay directly or reimburse funds advanced as expenses or costs for the benefit of the City in the conduct or operation of the law department.
- (b) These shall include legal professional membership dues as City Prosecutor for the benefit of the City in the conduct or operation of the law department.

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Section 6. Indemnification. The City shall save the Prosecutor and each employee, agent, assistant or associate of the law department harmless and indemnify each from any and all damages or liability claimed, asserted or adjudicated through civil or criminal litigation or proceedings before any court or administrative agency, and the City shall indemnify all costs or expenses for the defense thereof and pay all judgements for money damages awarded as result of undertaking the responsibilities described herein.

Section 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that, except for permitted executive sessions, 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.

Section 8. This Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of University Heights, Ohio, for the reason that Mr. Astrab will handle the City's municipal court docket on January 24, 2018. It shall therefore become effective upon its passage by the affirmative vote of not less than five (5) members of Council and approval by the Mayor; otherwise, it shall become effective at the earliest time allowed by law.

CITY OF UNIVERSITY HEIGHTS, OHIO



MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: January 16, 2018

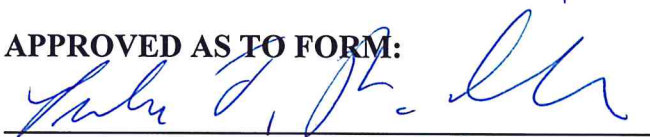
PASSED: 01/16/2018

ATTEST:



KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:



LUKE F. MCCONVILLE, LAW DIRECTOR