

ORDINANCE NO. 2012-18

**AN ORDINANCE
CONFIRMING THE APPOINTMENT OF RICHARD J. PEREZ AS
AN ASSISTANT LAW DIRECTOR (PROSECUTOR) FOR THE
VILLAGE, PROVIDING COMPENSATION FOR THE ASSISTANT
LAW DIRECTOR (PROSECUTOR), REPEALING CERTAIN ORDI-
NANCES, AND DECLARING AN EMERGENCY.**

WHEREAS, the Mayor has appointed Richard J. Perez as an Assistant Law Director to perform the duties of Prosecutor, pursuant to the provisions of Section 5.1 of the Waite Hill Village Charter; and

WHEREAS, Council desires to confirm said appointment and establish the compensation of the Assistant Law Director/Prosecutor.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, LAKE COUNTY, STATE OF OHIO:

SECTION 1. That Richard J. Perez, attorney at law, be and is hereby appointed as an Assistant Law Director to serve as the Prosecutor of the Village of Waite Hill (hereinafter the "Prosecutor"), for a term commencing January 1, 2013, and terminating December 31, 2015. The Prosecutor is deemed an "employee" of the Village solely by virtue of rendering legal services to the Village.

SECTION 2. That the Prosecutor, shall be paid a retainer of Five Thousand Six Hundred Fifty-two and 00/100 dollars (\$5,652.00) per annum, earnable salary, payable monthly in the gross amount of Four Hundred Seventy-one and 00/100 dollars (\$471.00). The Village shall issue the Prosecutor a W-2 for those wages earned pursuant to this section, in accordance with law. In consideration of such retainer, the Prosecutor shall prosecute all non-jury criminal and traffic cases in the Municipal Court of Willoughby and furnish routine legal advice to the Village's Police Department. The Prosecutor may appoint such assistants as he deems necessary and shall be solely responsible for compensating same.

SECTION 3. For representing the Village in the preparation and prosecution of criminal and traffic cases in the Municipal Court for which a jury trial has been requested and scheduled, and which is not resolved by the final pretrial, or in any matter before the Lake County Court of Appeals relating to or arising from any criminal or traffic case prosecuted in the Willoughby Municipal Court, the Village shall pay the Prosecutor, or his designee, compensation at the rate of One Hundred Eighty-five and 00/100 dollars (\$185.00) per hour, payable monthly. This amount shall not be deemed "salary" for any purpose. The Village shall issue the tax form

known as a "1099," or an equivalent tax reporting form, to the Prosecutor, or his designee, for the tax year covered herein, in accordance with law

SECTION 4. That all ordinances or parts thereof in conflict with this ordinance be, and the same hereby are, repealed effective January 1, 2013.

SECTION 5. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Waite Hill and, further, provides for the usual daily operation of the department of law of the Village and ensures continuing legal representation of the Village; wherefore, this ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: _____, 20__

Council President

Submitted to the Mayor for
his approval on this
____ day of _____, 20__

Approved by the Mayor

ATTEST:

_____, 20__

Clerk-Treasurer

Mayor