

CITY OF KIRTLAND

ORDINANCE NO.: 21-O-87

AN ORDINANCE CONFIRMING THE RE-APPOINTMENT OF MATTHEW A. LALLO AS DIRECTOR OF LAW, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH MATTHEW A. LALLO, AND DECLARING AN EMERGENCY.

WHEREAS, Matthew A. Lallo has served as the City's Law Director since February 19, 2020 and his agreement expires on December 31, 2021; and

WHEREAS, the Mayor has appointed Matthew A. Lallo to serve as the City's Law Director under Article II-A, Section 5 of the City of Kirtland Charter; and

WHEREAS, it has been determined that a wage and fee arrangement should be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: The re-appointment by the Mayor of Matthew A. Lallo as Director of Law is hereby approved and confirmed and shall be for the period commencing January 1, 2022 and ending December 31, 2023, unless removed pursuant to the City Charter.

SECTION II: Matthew A. Lallo shall provide the City with all the routine and incidental legal services required of a Director of Law and Police Prosecutor by the Charter and Ordinances of the City of Kirtland and Statutes of the State of Ohio, including, but not limited to, the following:

- A. Attendance at all regular Council meetings and any Special Meetings as requested by Council and/or the Mayor.
- B. Preparation of legal memoranda when requested and be available for and provide routine consultation to and/or attend meetings with the Mayor, members of City Council, City Department Heads, and/or members of the Boards and Commissions of the City when needed.
- C. Review and approve all legal documents requiring the approval of the Law Director.
- D. Preparation and/or review of all routine Ordinances, Resolutions, Motions and Proclamations that are to be either issued by the Mayor or submitted to Council for consideration.
- E. Trips at the request of the Mayor or City Council. Any travel expenses for trips outside of Lake, Geauga or Cuyahoga Counties shall be reimbursed. There will be no charge for any travel expenses for appearances inside Lake, Geauga or Cuyahoga Counties. Mode of travel shall be subject to Mayor's approval in instances where reimbursement is expected.

- F. The handling of all prosecution matters in Municipal Court, including any research time and any time in Court whether pre-trial or trial.
- G. Attendance at all meetings of the Planning and Zoning Commission and the Zoning Board of Appeals. Attendance at meetings of the Civil Service Commission shall be provided if attendance at that meeting is requested by the Chairman of the Commission, the Mayor, or a majority of City Council.
- H. Attendance and legal support in the Charter revision process.
- I. Appoint such assistants as the Law Director deems necessary to carry out the duties described herein.

SECTION III: For the performance of all routine and incidental legal services as described herein, Matthew A. Lallo shall be paid a monthly retainer of Five Thousand Dollars (\$5,000.00) for the period commencing January 1, 2022 until April 30, 2022. He shall be paid a monthly retainer of Five Thousand Eight Hundred Thirty-Three Dollars and Thirty-Four Cents (\$5,833.34) for the period commencing May 1, 2022 until August 31, 2022. For the period commencing September 1, 2021 until December 31, 2023, he shall be paid a monthly retainer of Five Thousand Four Hundred Sixteen Dollars and Sixty-Six Cents (\$5,416.66). Said payments shall be pensionable to the Ohio Public Employees Retirement System and reported as W-2 (or equivalent) wages. The Law Director shall be enrolled in the Ohio Public Employee's Retirement System and the City shall pay the full employer contribution and the portion, if any, of the Law Director's contribution required by the PERS.

SECTION IV: In the event the needs of the City require extraordinary services beyond those already designated as "routine and incidental" in Section II, the Law Director and/or any duly authorized Assistant Law Director shall bill the City at the rate of One Hundred Fifty Dollars (\$150.00) per hour. Extraordinary services include, but are not limited to, the following:

- A. Defending the City against all claims, disputes, and appeals.
- B. Any actual, threatened, or imminent litigation in any state or federal court, agency, or other department.
- C. Negotiation and preparation of contracts and agreements.
- D. Negotiation and preparation of all documentation as required by the collective bargaining process and labor negotiations.
- E. Grievances and disciplinary matters with any City employees.
- F. Preparation of and responses to public records requests.
- G. Any other matter as directed by the Mayor and/or City Council.

SECTION V: Matthew A. Lallo shall be reimbursed for his out-of-pocket expenses incurred in connection with litigation and additional projects, including but not limited to, filing fees, expert witness

fees, medical exams, court report costs, appraiser’s fees, real estate transfer and recording fees and other associated expenses, miscellaneous litigation expenses, and any other expenses approved by the Mayor and/or City Council.

SECTION VI: Matthew A. Lallo shall have the authority to retain outside legal counsel for various legal matters subject to the approval of the Mayor.

SECTION VII: The Director of Finance is authorized and instructed to issue such vouchers and expend all funds necessary to pay said wages and special fees on a monthly basis.

SECTION VIII:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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.

(b) This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to provide for the usual and daily operations of the Law Department; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2021.

ATTEST:

Approved by the Mayor, this _____ day
of _____, 2021.

Clerk of Council
Law Director 2022-2023

Mayor Kevin F. Potter