

CITY OF KIRTLAND

ORDINANCE NO.: 21-O-88

AN ORDINANCE ACCEPTING THE RE-APPOINTMENT OF THOMAS G. LOBE AS ASSISTANT LAW DIRECTOR, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH THOMAS G. LOBE, AND DECLARING AN EMERGENCY.

WHEREAS, Thomas G. Lobe has served as the Assistant Law Director since March 2, 2020 in an admirable fashion and his agreement expires on December 31, 2021; and

WHEREAS, Matthew A. Lallo has been duly appointed and confirmed as the Director of Law for the City of Kirtland; and

WHEREAS, pursuant to the City of Kirtland's Charter, Article II-A, Section 5, the Director of Law has the authority to appoint any assistants he deems necessary to effectively operate the Department of Law; and

WHEREAS, Matthew A. Lallo has deemed it necessary and appointed Thomas G. Lobe to act as the Assistant Law Director; and

WHEREAS, pursuant to the City of Kirtland's Charter, Article II-A, Section 5, Council must establish the compensation of the appointed Assistant Law Director; 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 appointment of Thomas G. Lobe as an Assistant Law Director is hereby accepted.

SECTION II: Thomas G. Lobe shall provide the City with all the routine legal services required as an Assistant Law Director by the Charter and Ordinances of the City of Kirtland and Statutes of the State of Ohio to perform the following:

- A. 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.
- B. Review and approve all legal documents requiring the approval of the City's Law Department.
- C. 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.
- D. Attendance and legal support in the Charter revision process.

- 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.

SECTION III: For the performance of all routine legal services as an Assistant Law Director as described herein, Thomas G. Lobe shall be paid a monthly retainer of One Thousand Five Hundred Dollars (\$1,500.00) for the period commencing January 1, 2022 until April 30, 2022. He shall be paid a monthly retainer of Two Thousand Dollars (\$2,000.00) for the period commencing May 1, 2022 until August 31, 2022. For the period commencing September 1, 2021 until December 31, 2022, he shall be paid a monthly retainer of One Thousand Seven Hundred Fifty (\$1,750.00).

He shall serve as the Assistant Law Director until December 31, 2022 unless removed pursuant to the City Charter. Said routine legal services shall be limited to 12 hours per month, during normal business hours, either remotely or in person. Should any routine legal services exceed 12 hours per month, Thomas G. Lobe shall be compensated at a rate of One Hundred Fifty Dollars (\$150.00) per hour.

SECTION IV: In the event the needs of the City or the Department of Law require extraordinary services beyond those already designated as "routine" in Section II, the 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: In all cases Thomas G. Lobe shall be considered an independent contractor and shall be issued a 1099 tax form or equivalent reporting form as required by law. The City agrees to indemnify and hold harmless Thomas G. Lobe for any and all work performed in the course and scope of his position as the Assistant Law Director.

SECTION VI: Thomas G. Lobe 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 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
Assistant Law Director 2022

Mayor Kevin F. Potter