

(Mayor Potter)

CITY OF KIRTLAND

ORDINANCE NO. 24-O-88

AN ORDINANCE ACCEPTING THE APPOINTMENT OF MARK B. MARONG AS ASSISTANT LAW DIRECTOR, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH MARK B. MARONG AND MATTY, HENRIKSON & GREVE, AND DECLARING AN EMERGENCY.

WHEREAS, Mark B. Marong, along with the attorneys at Matty, Henrikson & Greve, has served as the Assistant Law Director since January 16, 2024 in an admirable fashion, and his agreement expires on December 31, 2024;

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

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;

WHEREAS, Matthew A. Lallo has deemed it necessary and has re-appointed Mark B. Marong and Matty, Henrikson & Greve LLC to act as the Assistant Law Director;

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 re-appointment of Mark B. Marong as an Assistant Law Director is hereby accepted.

SECTION II: Mark B. Marong shall provide the City the following 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 for and attendance at all meetings of the Planning and Zoning Commission and Board of Zoning Appeals.

B. Preparation of legal memoranda when requested and availability for routine consultation and/or 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. 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, Mark B. Marong shall be paid a monthly salary of One Thousand Five Hundred Dollars (\$1,500.00) for the period commencing January 1, 2025 until December 31, 2025, unless removed pursuant to the City Charter. Said payments shall be subject to OPERS, but he shall not earn any other fringe benefits.

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, through his legal firm Matty Henrikson & Greve LLC shall bill the City at the rate of One Hundred Seventy-Five Dollars (\$175.00) per hour. Extraordinary services include, but are not limited to, the following:

- A. Defending the City against all claims, disputes, and appeals.
- B. Any litigation in a court of competent jurisdiction, state or federal agency, or other department.
- C. Any special projects as authorized by the Mayor, Council, Planning and Zoning Commission or Board of Zoning Appeals.
- D. Negotiation and preparation of contracts and agreements.
- E. Negotiation and preparation of all documentation as required by the collective bargaining process and labor negotiations.
- F. Grievances and disciplinary matters with any City employees.
- G. Preparation of and responses to public records requests.
- H. Any other matter as directed by the Mayor, City Council and/or Director of Law.

SECTION V: For his routine services as set forth in Section 2. above, Mark B. Marong shall be considered a part-time employee and shall be subject to OPERS. The City agrees to indemnify and provide immunity for Mark B. Marong for any and all work performed in the course and scope of his position as the Assistant Law Director.

SECTION VI: Mark B. Marong 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
_____, 2024.

ATTEST:

Approved by the Mayor, this _____
day of _____, 2024.

Clerk of Council

Appointing Marong as Asst Law Director for 2025

Mayor Kevin F. Potter