

(Mayor Potter)

CITY OF KIRTLAND

ORDINANCE NO. 25-O-8

AN ORDINANCE ACCEPTING THE APPOINTMENT OF MANDY J. GWIRTZ AS A PART TIME ASSISTANT PROSECUTOR, ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH MANDY J. GWIRTZ, AND DECLARING AN EMERGENCY.

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

WHEREAS, part of his duties requires him to prosecute cases on behalf the Kirtland Police Department at the Willoughby Municipal Court; and

WHEREAS, the Willoughby Municipal Court has modified its prosecution schedule from requiring the city prosecutor to prosecute cases only in the mornings to now requiring the prosecutor to be available in the court for the entire day; and

WHEREAS, said schedule change has proven to be untenable for the Law Director; 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 has appointed Mandy J. Gwartz to act as a part time Assistant Prosecutor for the City of Kirtland;

WHEREAS, pursuant to the City of Kirtland's Charter, Article II-A, Section 5, Council must approve of said appointment and establish the compensation of the appointed Assistant Prosecutor; 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 Mandy J. Gwartz as a part time Assistant Prosecutor within the Law Department is hereby accepted.

SECTION II: Mandy J. Gwartz shall provide to the City the legal services required as a part time Assistant Prosecutor for the Law Department to include the handling of all prosecution matters in the Willoughby Municipal Court, which includes any research time and any time in court for pretrials, trials, or other hearings. Said services will be on an “as needed” basis.

SECTION III: For the performance of the legal services described in Section II, Mandy J. Gwartz shall be paid an hourly rate of One Hundred Dollars (\$100.00) per hour for the period commencing February 20, 2025 until December 31, 2025, unless removed pursuant to the City Charter. In all cases, Mandy J. Gwartz 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 provide immunity for Mandy J. Gwartz for any and all work performed in the course and scope of her position as the Assistant Prosecutor.

SECTION IV: 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 V:

(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
_____, 2025.

ATTEST:

Approved by the Mayor, this _____
day of _____, 2025.

Clerk of Council
Appointing Gwartz as Asst Prosecutor for 2025

Mayor Kevin F. Potter