

ORDINANCE NO. 01-24-01

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH STEPHEN L. BYRON AND SINGERMAN, MILLS, DESBERG & KAUNTZ CO., L.P.A., FOR LEGAL SERVICES BEGINNING JANUARY 1, 2024, AND ENDING DECEMBER 31, 2024, CONFIRMING THE APPOINTMENT OF STEPHEN L. BYRON AS LAW DIRECTOR, REPEALING CERTAIN ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, Section 7.1 of the Kirtland Hills Village Charter authorizes the Mayor to appoint a Village Law Director and Assistants subject to confirmation by a majority vote of the members of Council; and

WHEREAS, the Mayor and Council of the Village of Kirtland Hills wish to obtain the services of Stephen L. Byron and Singerman, Mills, Desberg & Kauntz Co., L.P.A. as legal counsel to the Village, effective January 1, 2024 through December 31, 2024; and

WHEREAS, the Council also wishes to confirm the Mayor's appointment of Stephen L. Byron as Law Director for that same period of time.

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

SECTION 1. (a) That the Mayor is hereby authorized to enter into an agreement to engage Stephen L. Byron ("Byron") and the law firm of Singerman, Mills, Desberg & Kauntz Co., L.P.A. ("Singerman Mills"), in substantially the form attached hereto as "Exhibit A," to represent the Village in connection with various routine matters, for a retainer of Two Thousand Six Hundred Sixty-Seven Dollars (\$2,667) per month, from January 1, 2024, through December 1, 2024. Such routine matters shall include:

- (i) Attending all regular and special Council meetings, except as otherwise directed by the Mayor;
- (ii) Attending other board and commission meetings upon the request of the Mayor;
- (iii) Drafting ordinances and resolutions upon request of the Mayor, Chief of Police, Clerk-Treasurer or a majority of Council;
- (iv) Researching and drafting legal memoranda as requested by the Mayor, Chief of Police, Clerk-Treasurer or a majority of Council;
- (v) Providing legal advice to Village officials as necessary, except for the Police Department in its handling of criminal matters;
- (vi) Responding to inquiries regarding Village matters;
- (vii) Attending meetings and discussions with Village, County, State, and Federal officials and other governmental officials;
- (viii) Reviewing and approving contracts and any other written documents, as requested by the Mayor, Chief of Police or Clerk-Treasurer. This shall not encompass revisions of a document that requires more than four hours of service.

(b) For work outside the scope of Routine Services as outlined above, the fees therefor, either as a flat fee or on an hourly rate, shall be as established pursuant to the agreement appended to this ordinance.

(c) Singerman Mills shall also be reimbursed for reasonable and documented out-of-pocket expenses incurred in connection with representing the Village in litigation and additional projects, including, but not by way of limitation, long-distance telephone charges, computer-assisted research, copying charges, messenger services, and long-distance travel.

(d) Singerman Mills shall, on a monthly basis, provide the Mayor and the Clerk-Treasurer with a written accounting of all time spent by members of its firm on Village business pursuant to this section. Such accounting shall include an itemization of time spent on Village matters, a description of the work performed, and an identification of the person performing the work.

SECTION 2. That in addition to the Agreement for Routine Services set forth above, Byron shall be employed as the Law Director for the Village at a salary of One Thousand Five Hundred Dollars (\$1,500) per month, which shall be subject to the OPERS Money Purchase Plan, subject to regular tax withholding, reported as W-2 (or equivalent) wages, and payable to Byron or his designee. Byron shall provide an average of five (5) hours per month of Routine Services, for the salary provided.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare and for the reason that the legal services provided herein are needed for the current operation of the Village and, therefore, this ordinance shall take effect January 1, 2024.

PASSED: January 29, 2024

Bonnie Schaben
CLERK/TREASURER

John C. Tuleen
MAYOR