

PROPOSED AMENDMENT TO THE CITY CHARTER OF THE CITY OF SHEFFIELD LAKE, OHIO

SECTION [XX]: OFFICE OF THE DIRECTOR OF LAW

(a) Establishment; Qualifications; Appointment.

There is hereby created the Office of Director of Law ("Law Director"). The Law Director shall be an attorney at law, duly admitted to practice in the State of Ohio and in good standing. The Law Director shall be appointed by the Mayor, subject to confirmation by a majority vote of the members of Council.

(b) Term of Office.

Notwithstanding any contrary provision of this Charter or general law applicable to non-charter municipalities, the Law Director shall serve a term of six (6) years commencing on the date of appointment and confirmation, and until a successor is appointed and confirmed, unless earlier removed as provided herein.

(c) Part-Time Status; Hours; Private Practice.

The Law Director position is part-time. The Law Director shall devote no fewer than five hundred (500) hours and no more than one thousand (1,000) hours per calendar year to City business, including but not limited to: attendance at Council meetings, drafting and review of resolutions, ordinances, amendments, contracts, legal opinions, consultations with officials or the public, legal research, and supervision of the Assistant Law Director.

The Law Director may engage in a private law practice, including meeting private clients at the City office, provided that (i) no City staff time, equipment, supplies, funds, or other city resources that may be diminished are used for private matters, other than the office space itself, unless; City resources that are not diminished by utilization such as legal subscriptions that are not diminished by use may be utilized by the private law practice of the Law Director; The Law Director may, as well reach an agreement with the Mayor for everyday office consumables and services such as ink and paper and landline phone service to compensate the City regularly for their consumption or use; (ii) City business takes priority during required City hours; and (iii) no conflict of interest exists under Ohio law or the Ohio Rules of Professional Conduct.

(d) Compensation.

The annual salary of the Law Director shall be set by formula equal to $0.6 \times$ the base compensation of a member of the Ohio House of Representatives as established under Ohio Revised Code § 101.27 (or its successor), payable in equal monthly installments, and automatically adjusted when state base compensation is adjusted.

The Law Director may receive a performance bonus of up to ten percent (10%) of annual salary in any calendar year upon written concurrence of both the Mayor and the President of Council.

(e) Duties; Oversight Role.

The Law Director shall be the chief legal counsel for the City, the Mayor, Council, and all City departments, commissions, and boards, and shall perform all duties required by this Charter, ordinance, or the general laws of Ohio, including those enumerated in Ohio Revised Code §§ 733.51–733.54 or successors, except where this Charter provides otherwise.

The Law Director shall supervise and direct the Assistant Law Director-Prosecutor and shall report to Council on the status of legal matters in the manner required by ordinance or Council rules.

SECTION [YY]: OFFICE OF ASSISTANT LAW DIRECTOR-PROSECUTOR

(a) Establishment; Qualifications; Appointment.

There is hereby created the Office of Assistant Law Director-Prosecutor (“Assistant Law Director”). The Assistant Law Director shall be an attorney at law, duly admitted to practice in the State of Ohio and in good standing. The Assistant Law Director shall be appointed by the Mayor, subject to confirmation by a majority vote of the members of Council.

(b) Term of Office.

The Assistant Law Director shall serve a term of six (6) years commencing on the date of appointment and confirmation, and until a successor is appointed and confirmed, unless earlier removed as provided herein.

(c) Full-Time Status; Hours and Work Location.

The Assistant Law Director position is full-time. The Assistant Law Director shall devote no fewer than two thousand (2,000) hours per calendar year to City business, consisting of:

1. Not less than one thousand (1,000) hours per calendar year of in-office availability at City offices; and
2. Not less than one thousand (1,000) hours per calendar year devoted to prosecution, court appearances, case preparation, investigations, victim/witness coordination, or other legal work performed in court or remotely from home or other authorized locations.

Timekeeping and reporting requirements may be further specified by ordinance.

(d) Compensation.

The annual salary of the Assistant Law Director shall be set by formula equal to $1.3 \times$ the base compensation of a member of the Ohio House of Representatives as established under Ohio Revised Code § 101.27 (or its successor), payable in equal monthly installments, and automatically adjusted when state base compensation is adjusted.

The Assistant Law Director may receive a performance bonus of up to ten percent (10%) of annual salary in any calendar year upon written concurrence of both the Mayor and the President of Council.

(e) Duties.

The Assistant Law Director shall:

1. Assist the Law Director in providing legal services to the City;
2. Serve as the prosecuting attorney of the Mayor's Court and prosecute all criminal and quasi-criminal matters within the City's jurisdiction, consistent with Ohio law governing mayors' court prosecution and municipal prosecutors;
3. Perform such additional duties as required by ordinance, this Charter, or as assigned by the Law Director or Mayor, provided such assignments do not conflict with the Law Director's independence outlined in Section [ZZ].

SECTION [ZZ]: INDEPENDENCE IN LITIGATION AND PROSECUTION; COUNCIL DIRECTION

(a) Exclusive Charging and Case-Selection Authority.

Subject to the Constitution and laws of Ohio and the Ohio Rules of Professional Conduct, the Law Director shall have **exclusive authority** on behalf of the City to determine:

1. Which civil actions, defenses, claims, settlements, appeals, or administrative proceedings the City shall initiate, defend, continue, compromise, or dismiss; and
2. Which criminal or quasi-criminal prosecutions within municipal jurisdiction shall be initiated, amended, negotiated, continued, or dismissed, whether prosecuted directly by the Law Director or by the Assistant Law Director.

(b) Freedom from Mayoral Direction.

Neither the Mayor nor any executive officer shall direct, control, or influence the Law Director or Assistant Law Director regarding the initiation, continuation, disposition, settlement, or dismissal of any specific criminal or civil case, except through requests for legal advice in the

ordinary course of government. The Law Director shall remain legal counsel to the Mayor but shall exercise independent professional judgment in all legal matters.

(c) Council Direction by Supermajority.

Consistent with Ohio Revised Code § 733.53 and home-rule authority, Council may direct the Law Director to initiate, defend, prosecute, or dismiss specific civil or criminal matters only by a two-thirds (2/3) vote of the voting members of Council, taken by resolution identifying the matter with reasonable specificity.

No direction shall require an officer to violate the Constitution, Ohio law, or the Ohio Rules of Professional Conduct.

(d) Reporting to Council.

The Law Director shall provide Council with regular written reports on active civil and criminal matters, including case posture and material decisions, on a schedule established by ordinance or Council rule, except where disclosure is prohibited by law or ethics.

SECTION [AAA]: REMOVAL; VACANCY

(a) Annual Vote of Confidence and Conditional Continuation.

At the first regular meeting of Council in December of each calendar year, Council shall conduct a public vote of confidence regarding the Law Director and the Assistant Law Director-Prosecutor. A majority vote of the voting members of Council in favor of confidence shall confirm each officer's continuation in office for the following calendar year.

If Council does not approve a vote of confidence for either officer, then that officer's authority to continue serving shall expire on December 31 of that year, notwithstanding the remainder of the six-year term described elsewhere in this Charter. In such an event, the Mayor shall, within sixty (60) days, appoint a qualified successor for the affected office, subject to Council confirmation as provided in this Charter.

Nothing in this subsection shall be construed to require Council to state or prove cause for a vote of no confidence, and nothing in this subsection shall be construed to authorize any continuation in office contrary to law or professional ethics.

(b) Removal for Cause.

The Law Director or Assistant Law Director may be removed at any time before the end of a term for cause, including gross neglect of duty, gross misconduct, or violation of the Ohio Rules of Professional Conduct, by a two-thirds (2/3) vote of Council after written charges and a public hearing. The officer shall be afforded reasonable notice, the right to counsel, the right to present

evidence and witnesses, and the right to cross-examine adverse witnesses. Council shall issue written findings.

(c) Vacancy.

A vacancy in either office shall be filled by mayoral appointment, subject to Council confirmation, for the unexpired portion of the term.

SECTION [AA]: SEVERABILITY; EFFECTIVE DATE

If any portion of this amendment is declared invalid, the remaining provisions shall remain in full force and effect. This amendment shall become effective on the first day of January following its approval by a majority of the electors of the City of Sheffield Lake, Ohio, as provided by Article XVIII, §9 of the Ohio Constitution and applicable election law.

ORDINANCE NO. []-25

AN ORDINANCE BY THE COUNCIL OF THE CITY OF SHEFFIELD LAKE, OHIO, PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY A PROPOSED AMENDMENT TO THE CITY CHARTER REGARDING THE OFFICES OF DIRECTOR OF LAW AND ASSISTANT LAW DIRECTOR-PROSECUTOR, AND DECLARING AN EMERGENCY.

WHEREAS,

1. **WHEREAS**, the City of Sheffield Lake is a charter municipality organized pursuant to Article XVIII of the Ohio Constitution, and amendments to the City Charter may be proposed and submitted to the electors as provided therein; and
2. **WHEREAS**, Article XVIII, Section 9 of the Ohio Constitution authorizes the legislative authority of a charter municipality to submit proposed Charter amendments to the electors by a two-thirds (2/3) vote; and
3. **WHEREAS**, the Charter of the City of Sheffield Lake provides that Charter amendments may be submitted to the electors upon proposal by Council; and
4. **WHEREAS**, Ohio Revised Code Sections 731.21 and 731.211 (and successor provisions) govern notice and publication requirements for proposed Charter amendments; and
5. **WHEREAS**, Council finds it in the best interests of the City to restructure the City's legal offices by establishing a part-time Director of Law and a full-time Assistant Law Director-Prosecutor, providing six-year terms, minimum work hour requirements, compensation formulas tied to Ohio State House base pay, independence in case selection, Council supermajority direction authority, and related provisions; and
6. **WHEREAS**, Council desires to submit the proposed amendment set forth herein to the electors of the City at the [GENERAL/SPECIAL] election to be held on [ELECTION DATE].

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHEFFIELD LAKE, COUNTY OF LORAIN, STATE OF OHIO:

SECTION 1. Proposal and Submission.

Pursuant to Article XVIII, Section 9 of the Ohio Constitution and the Charter of the City of Sheffield Lake, Council hereby proposes the Charter amendment contained in this Ordinance and directs that it be submitted to the electors of the City of Sheffield Lake for approval or rejection at the **[GENERAL/SPECIAL] election on [ELECTION DATE]**, at the usual places of voting within the City.

SECTION 2. Text of Proposed Charter Amendment.

The full text of the proposed Charter amendment to be submitted to the electors is attached hereto and incorporated herein as **Exhibit A**, and shall be certified to the Board of Elections exactly as adopted by Council without alteration.

Exhibit A is titled:

“Proposed Amendment to the City Charter of the City of Sheffield Lake, Ohio Regarding the Offices of Director of Law and Assistant Law Director-Prosecutor.”

(Paste the complete amendment text here or attach as Exhibit A in full.)

SECTION 3. Ballot Language.

The form of the ballot question to be submitted shall be substantially as follows (subject to any technical revision required by the Lorain County Board of Elections or the Ohio Secretary of State to conform to election-format rules):

CHARTER AMENDMENT

Shall the Charter of the City of Sheffield Lake, Ohio, be amended to restructure the City’s legal offices by:

1. Establishing the Office of Director of Law as a part-time Ohio-licensed attorney appointed by the Mayor and confirmed by Council for a six-year term, with minimum annual work-hour requirements, supervision of the Assistant Law Director-Prosecutor, authority over civil legal matters including ordinances and internal City governance, and compensation set at 0.6 times the base salary of a member of the Ohio House of Representatives with a possible performance bonus up to 10% upon joint written approval of the Mayor and Council President;
2. Establishing the Office of Assistant Law Director-Prosecutor as a full-time Ohio-licensed attorney appointed by the Mayor and confirmed by Council for a six-year term, with minimum annual work-hour requirements including in-office hours and prosecution/court or remote hours, primary responsibility for criminal and Mayor’s Court prosecution, and compensation set at 1.3 times the base salary of a member of the Ohio House of Representatives with a possible performance bonus up to 10% upon joint written

approval of the Mayor and Council President;

3. Providing that the Law Director has independent authority to determine which civil and criminal matters the City pursues or dismisses, free from Mayoral control or influence, and that Council may direct pursuit or dismissal of specific matters only by a two-thirds (2/3) vote; and
4. Providing removal-for-cause procedures, vacancy-filling procedures, and related administrative provisions?

A majority affirmative vote is necessary for passage.

SECTION 4. Certification; Notice; Publication.

The Clerk of Council is hereby authorized and directed to certify this Ordinance, the ballot language, and the full text of Exhibit A to the **Lorain County Board of Elections** and to take all actions required by law to give notice of the proposed Charter amendment, including publication and/or mailing as required by Ohio Revised Code Sections 731.21 and 731.211 (or successor provisions), within the statutory time limits for the election identified in Section 1.

SECTION 5. Severability.

If any section, sentence, clause, or portion of this Ordinance or Exhibit A is declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions, which shall remain in full force and effect.

SECTION 6. Emergency.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City and to ensure timely submission of the proposed Charter amendment to the electors at the election specified herein.

This Ordinance shall take effect immediately upon its passage by Council by a two-thirds (2/3) vote and approval by the Mayor, or upon passage by Council notwithstanding a Mayoral veto as provided by the Charter.