

1<sup>st</sup> reading \_\_\_\_\_  
2<sup>nd</sup> reading \_\_\_\_\_  
3<sup>rd</sup> reading \_\_\_\_\_  
Voted On \_\_\_\_\_  
Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_  
PASSED \_\_\_\_\_ DEFEATED \_\_\_\_\_

**ORDINANCE NO. 2017-2**

**AN ORDINANCE  
APPOINTING BLAIR N. MELLING AS THE PROSECUTOR OF  
ORANGE VILLAGE, AND PROVIDING COMPENSATION FOR  
THE PROSECUTOR, AND DECLARING AN EMERGENCY.**

WHEREAS, this Council is authorized, pursuant to the Orange Village Charter, to provide legal counsel for Orange Village and its officials; and

WHEREAS, this Council desires to appoint Blair N. Melling as prosecutor of Orange Village, and to establish his compensation.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That Blair N. Melling, attorney at law, be and is hereby appointed Prosecutor of Orange Village (hereinafter the "Prosecutor"), for a term January 1, 2017, and terminating December 31, 2017. The Prosecutor is deemed an "employee" of Orange Village solely by virtue of rendering legal services to the Village. This Council may terminate this agreement for misfeasance, malfeasance or nonfeasance in the performance of the duties of the Prosecutor, provided that the Prosecutor is given notice and an opportunity to be heard.

SECTION 2. That for the year 2017 the Prosecutor shall be paid a retainer of Nine Thousand Five Hundred Forty Dollars (\$9,540) per annum, earnable salary, payable monthly in the gross amount of Seven Hundred Ninety-Five Dollars (\$795.00). The Village shall issue the Prosecutor a W-2 for those wages earned pursuant to this section, in accordance with law. In consideration of such retainer, the Prosecutor shall prosecute all non-jury criminal and traffic cases in the Municipal Court of Bedford and furnish routine legal advice to the Village's Police Department. The Prosecutor may appoint such assistants as he deems necessary and shall be solely responsible for compensating same.

SECTION 3. For representing the Village in the prosecution of criminal and traffic cases in the Municipal Court of Bedford for which a jury demand has been made or in any matter before the Cuyahoga County Court of Appeals or any court other than the Bedford Municipal Court relating to or arising from any criminal or traffic case prosecuted in the Bedford Municipal Court, the Village shall pay the Prosecutor, or his designee, compensation at the rate of One Hundred Seventy-Five Dollars (\$175.00) per hour, payable monthly. This amount shall not be deemed "salary" for any purpose. The Village shall issue the tax form known as a "1099," or an equivalent tax reporting form, to the Prosecutor, or his designee, for the tax year covered herein, in accordance with law.

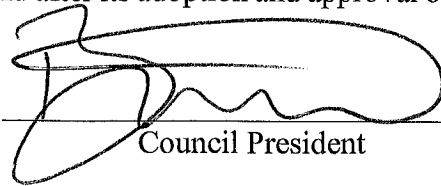
SECTION 4. For reasonable out-of-pocket expenses incurred by the Prosecutor in the performance of the duties provided herein, including, but not limited to, such items of expense as printing, photocopying, long distance telephone calls, postage, telegrams, express mail or delivery

charges, the Village shall pay the Prosecutor or his designee such amounts as are reasonable, payable monthly.

SECTION 5. That the actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 6. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of Orange Village and, further, provides for the usual daily operation of a municipal department and allows for the continued provision of prosecution services commencing January 1, 2017; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: January 4, 2017

  
\_\_\_\_\_  
Council President

Submitted to the Mayor for approval on this 4<sup>th</sup> day of January, 2017

Approved by the Mayor this  
4<sup>th</sup> day of January, 2017

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

  
\_\_\_\_\_  
Mayor