

CHAPTER 131
Department of Law

- 131.01 Department of Law - Director,
Division of Prosecution;
consultant expense
reimbursement.
- 131.02 Settlement of claims.

CROSS REFERENCES

Solicitor to be Department head - see Chtr. Art. VII, Sec. 2.0
Bond - see Chtr. Art. XV Sec. 5.0
Powers and duties - see Ohio R.C. 733.51 et seq.
Annual report to Council - see Ohio R.C. 733.62
Departmental organization - see ADM. Ch. 123
Compensation - see ADM. Ch. 139
Income Tax Board of Review - see ADM. 171.13

131.01 DEPARTMENT OF LAW - DIRECTOR, DIVISION OF PROSECUTION;
CONSULTANT EXPENSE REIMBURSEMENT.

(a) The Solicitor required by Article VIII Section 1.0(a) of the Charter shall become the head of the Department of Law upon the creation of the Department, pursuant to Article VII, Section 2.0 of the Charter. As head of the Department of Law he shall be known as the Director of Law. The Director of Law shall serve the Mayor, Council, the administrative departments and the officers, boards and commissions of the City as legal counsel in connection with municipal affairs and subject to the direction of the Mayor, shall represent the City in all proceedings in Court or before any administrative board, pursuant to the Charter. The Director of Law shall prepare all contracts, bonds and other instruments in writing in which the City is concerned, and shall endorse on each his approval of the form thereof. He shall perform all other duties now or hereafter imposed upon municipal solicitors under the laws of the State except that he shall not, as Director of Law, provide legal advice, counsel or service to a City school district under Ohio R.C. 3313.35.

(b) The Director of Law shall be an attorney at law duly admitted to practice law in the State. He shall serve the City as an officer of the City pursuant to the Position and Compensation Plan as to salary and the time required to be served each month for such salary and as an independent contractor pursuant to an ordinance of Council and/or agreements authorized by ordinances of Council, and pursuant to law and his contractual obligations to perform legal services for the City or provide assistants to do so, may designate such assistants from time to time as he considers necessary to the efficient administration of legal services to the City. The Law Director and his assistants shall be compensated in accordance with the provisions made for them in the Position and Compensation Plan, and/or in accordance with the compensation provided for in an ordinance of Council and/or agreements authorized by ordinance of the Council. The Director of Law shall oversee the Division of Prosecution. (Ord. 126-96. Passed 11-4-96.)

(c) The Department of Law shall have a Division of Prosecution comprised of two full-time prosecutors, one of whom shall be the head of the Division as Chief Prosecutor and the other shall be an assistant prosecutor, one Secretary II, and one Secretary who will be employed on a part-time basis, who shall serve under the direction of the Chief Prosecutor and his assistant. The prosecutors in the Division of Prosecution shall be primarily responsible for the prosecution of all City of Sylvania and State cases in Sylvania Municipal Court and the cases of all municipalities with whom the City of Sylvania has contracted to provide prosecutorial services, subject to the oversight of the Director of Law. Each of the prosecutors shall be an attorney at law duly admitted to practice law in the State of Ohio. The prosecutors shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council, to serve until removed as provided in Section 5.0(c) of Article IV of the Charter. The Mayor may appoint, on a case by case basis, such Special Prosecutors as may be necessary when both of the full time prosecutors have a potential conflict of interest or there exist other legal grounds why the full time prosecutors should not prosecute a particular case. The Chief Prosecutor, his assistant and Special Prosecutors shall be compensated in accordance with the provision made for them in the Position and Compensation Plan and/or in accordance with the compensation provided for them in an ordinance of Council and/or a separate agreement authorized by an ordinance of the Council. The Chief Prosecutor shall submit reports to the Director of Law at such frequency, in such detail and covering such matters as the Director shall require. (Ord. 4-2000. Passed 1-3-00.)

(d) On and after January 1, 1997, the Director of Law, as an independent contractor, may be reimbursed by the City for any expense incurred by the Director of Law, as an independent contractor, in hiring or retaining as a consultant on the City legal matters any former Director of Law of the City, which reimbursement shall be based on a rate per hour not exceeding the rate per hour authorized by ordinance of Council for compensation of the Law Director. (Ord. 126-96. Passed 11-4-96.)

131.02 SETTLEMENT OF CLAIMS.

(a) The Director of Law of this City is hereby authorized to compromise and settle any and all claims against the City or on behalf of the City against other parties without first obtaining specific authorization therefor from Council, provided, however, that no settlement of any such claim in excess of the sum of five thousand dollars (\$5,000) shall be made without specific authority of Council therefor.

(b) No such compromise or settlement of a claim against the City shall be made unless an appropriation also is available for the expenditure required to complete the same.

(c) In all cases where the claim of the City against other parties is compromised pursuant to authority granted by this section, a release signed by the Director of Law shall be binding on the part of the City for the purposes specified therein.

(d) The Director of Finance is hereby directed to draw his warrant for the settlement for such claims upon presentation of a proper voucher therefor, approved by the Director of Law. (Ord. 75-2000. Passed 9-5-00.)