

**ORDINANCE NO. 042-15**

**AN ORDINANCE AMENDING ORDINANCE 028-15 APPOINTING LISA L. NAGEL AS THE NAPOLEON CITY LAW DIRECTOR OF NAPOLEON, OHIO; AND, DECLARING AN EMERGENCY**

**WHEREAS**, in the Ordinance No. 028-15 the dates were not certain as to the exact start date for the new law director, Lisa Nagel, City Council now desires to Ordain the start date; and

**WHEREAS**, due to now having a firm start date the City Council also desires to not terminate the previous law director's employment until just prior to the new law director's hire date;

**WHEREAS**, the Personnel Committee has met and conducted interviews over the past several weeks;

**WHEREAS**, the Personnel Committee has presented the written recommendation that Lisa L. Nagel be selected as the new City Law Director;

**WHEREAS**, the Napoleon City Council does hereby accept the recommendation of the Personnel Committee and does hereby appoint Lisa L. Nagel as the new Law Director for the City of Napoleon; **Now Therefore:**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, this Council appoints Lisa Nagel, to the full time regular employment position of Napoleon City Law Director, effective at 12:00 am August 10th, 2015.

Section 2. That, effective on August 10th, 2015, Lisa Nagel's bi-weekly salary shall be \$2,692.31, (prorated as necessary according to City pay periods). Upon satisfactory performance review, as undertaken by and determined by the Personnel Committee, on or about November 7th, 2015, such bi-weekly salary shall increase to \$2,884.62, (prorated as necessary according to City pay periods). Lisa Nagel shall thereafter, including the 2016 performance review, be subject to continued annual performance reviews by the Personnel Committee or City Council and, after each satisfactory review, said salary may be increased by an amount determined by Council.

Section 3. That, notwithstanding any other provision of the City's Personnel Code, the City's Employment Policy Manual, and Section 1 of this Ordinance, the City Law Director, during the course of employment, shall have her professional license fees and local and state bar membership fees paid by the City as well as continuing education fees required for maintaining her license to practice law, so long as such continuing education is related to the duties of Law Director. Additionally, the Law Director will not be required to purchase her own malpractice insurance to act within her scope of duties as Law Director, said coverage shall be provided by the City.

Section 4. That, benefits for the City's Law Director shall accrue and be in accordance with Chapter 197 of the Codified Ordinances (Personnel Code) and the applicable provisions of the City's Employment Policy Manual for full time regular employees, both as may be amended from time to time. However, the City Law Director shall, upon appointment, receive one week of paid vacation which must be used prior to

January 1<sup>st</sup>, 2016 if any of the vacation is not used prior to said date the unused vacation expires with no duty on the City to compensate the Law Director for the unused vacation time (“use it or lose it”). Also, the City Law Director shall receive two (2) weeks of vacation that must be used from January 1<sup>st</sup>, 2016 to the Law Director’s one year anniversary of his/her hire date. If any of the vacation is not used prior to said date the unused vacation expires with no duty on the City to compensate the Law Director for the unused vacation time (“use it or lose it”). Thereafter, the Law Director’s vacation shall be accrued per the Chapter 197 of the Codified Ordinances (Personnel Code) and the applicable provisions of the City’s Employment Policy Manual for full time regular employees, both as may be amended from time to time

Section 5. That, Ordinance No. 025-12 is repealed effective 11:59 pm, August 9<sup>th</sup>, 2015.

Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.


Section 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 8. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to allow for effective legal services to be rendered to the City, including those legal services related to public peace, health or safety; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Additionally, to cure the effect of Section 5 already having taken place, coupled with the fact that this Ordinance is an Amendment to Ordinance 028-15, this Ordinance shall be effective retroactively to June 27<sup>th</sup>, 2015.

Passed: August 03, 2015

  
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Travis B. Sheaffer, Council President

Approved: August 03, 2015

  
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Ronald A. Behm, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

Gregory J. Heath  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 042-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 25<sup>th</sup> day of August 2015; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

Gregory J. Heath  
Gregory J. Heath, Clerk/Finance Director