

# CITY OF CLAYTON, OHIO

## ORDINANCE NO. O – 03 – 14 - 04

### AN ORDINANCE APPROVING THE APPOINTMENT OF MARTINA DILLON AS LAW DIRECTOR AND BUZZ PORTUNE AS ASSISTANT LAW DIRECTOR AND AMENDING THE TERMS OF THEIR ENGAGEMENT WITH THE CITY OF CLAYTON AND DECLARING AN EMERGENCY

**WHEREAS**, Section 6.08 of the Clayton Charter provides for the appointment of a Law Director by Council and appointment of assistants and special counsel; and

**WHEREAS**, Section 3.01(D) of the Clayton Charter provides that Council may define the duties of positions of employment within the City and set rates of compensation therefore; and

**WHEREAS**, Section 4.02 of the Clayton Charter requires Council to define employment categories and pay rates by Ordinance; and

**WHEREAS**, Section 5.01 of the Clayton Charter permits Council to enter into a specific employment contract with the Law Director setting forth the terms of her engagement; and

**WHEREAS**, Martina Dillon has been providing services to the City as Assistant Law Director since 2006 and Robert E. (Buzz) Portune has been providing services to the City of Clayton and its predecessors Randolph Township and the Village of Clayton since 1993; and

**WHEREAS**, the compensation arrangements with Mr. Portune have not been revised or increased since 2004; and

**WHEREAS**, Council desires to confirm the appointment of Martina Dillon as Law Director and Buzz Portune as Assistant Law Director and amend the terms of their engagement.

### **NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That Martina Dillon's appointment as Law Director is hereby confirmed with service to be at the pleasure of Council.
2. That Mr. Portune's status as a salaried employee of the City shall end and that Ms. Dillon shall commence as a salaried employee of the City of Clayton effective March 1, 2014, at a monthly salary of \$600.00.
3. That the designation of Buzz Portune as Assistant Law Director to serve as Acting Law Director in the event of Ms. Dillon's temporary absence or disability is hereby approved.
4. That the continued engagement of the law firm of Gottschlich & Portune, LLP to serve as special counsel to the City is hereby approved on the terms set forth at Exhibit A, appended

hereto.

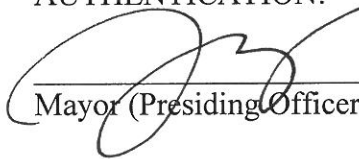
5. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

6. That in accordance with Clayton Charter Section 4.031(B) the requirement that this enactment be read on two (2) separate days is dispensed with by affirmative vote of at least five (5) of the members of Council.

7. That, prompt implementation of pay rates for personnel ensure continued provision of City services, and absent immediate implementation, public health and safety and welfare will be detrimentally affected. Accordingly, in accordance with Charter Section 4.033(A) 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 shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON MARCH 6, 2014.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor (Presiding Officer of Council)

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper      Date of publication  
Englewood Independent      11/13/2014

  
\_\_\_\_\_  
CLERK

Ref: Clayton Charter Sections 3.01(D); 4.02(A)(9); and 6.08

EXHIBIT A

Fee Schedule for services to be provided by Gottschlich & Portune, LLP  
to the City of Clayton, Ohio

1. Lump sum (retainer) of \$1,500 for attendance at bi-monthly Council meetings, review and drafting of legislation and review of contracts.
2. \$125/hour for all other legal work including litigation, labor and employment matters, zoning, water/sewer and development.