

**ORDINANCE NO. 061-12**

**AN ORDINANCE AMENDING PORTIONS OF ORDINANCE NO. 025-12, AN ORDINANCE HIRING TREVOR M. HAYBERGER, NAPOLEON CITY LAW DIRECTOR OF NAPOLEON, OHIO; AND, DECLARING AN EMERGENCY**

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

Section 1. That, this Council appoints Trevor M. Hayberger, to the full time regular employment position of Napoleon City Law Director, effective April 2, 2012.

Section 2. That, effective April 2, 2012, Mr. Hayberger's bi-weekly salary shall be \$2,307.69, (prorated as necessary according to City pay periods). Upon satisfactory performance review, as undertaken by and determined by the Personnel Committee, on or about October 2, 2012, such bi-weekly salary shall increase to ~~\$2,384.61~~ **\$2,461.53**. ~~Upon satisfactory performance review, as undertaken by and determined by the Personnel Committee, on or about January 1, 2013, such bi-weekly salary shall increase to \$2,461.53.~~ Mr. Hayberger shall thereafter 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 his professional license fees and local and state bar membership fees paid by the City as well as continuing education fees required for maintaining his license to practice law.

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 "PM2001-1" for full time regular employees, both as may be amended from time to time.

Section 5. That, Section 5 of Ordinance No. 098-11 is repealed.

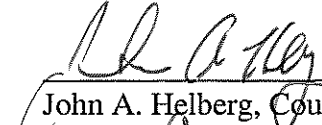
Section 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal 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.

Passed: October 1, 2012

  
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John A. Helberg, Council President

Approved: October 1, 2012

  
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Ronald A. Behm, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
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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. 061-12 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 6 day of October 2012; & 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.

  
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Gregory J. Heath, Clerk/Finance Director