

ORDINANCE NO. 2012-17

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WALTER & HAVERFIELD LLP, FOR LEGAL SERVICES BEGINNING JANUARY 1, 2013, AND ENDING WITH THE ORGANIZATIONAL MEETING IN JANUARY, 2016, CONFIRMING THE APPOINTMENT OF STEPHEN L. BYRON AS LAW DIRECTOR, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Waite Hill wishes to engage the firm of Walter & Haverfield LLP to perform general legal services for a three year period beginning January 1, 2013, and ending with the organizational meeting to be held in January, 2016; and

WHEREAS, the Council also wishes to confirm the Mayor's appointment of Stephen L. Byron as Director of Law for that same period of time.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, LAKE COUNTY, STATE OF OHIO:

SECTION 1. (a) That the Mayor is hereby authorized and directed to enter into an agreement to engage the law firm of Walter & Haverfield LLP, in substantially the form as attached hereto as Exhibit A, to represent the Village in connection with various routine matters, for a retainer of One Thousand Two Hundred Dollars (\$1,200.00) per month, through the organizational meeting to be held in January, 2016. Such routine matters shall include:

- (i) Attending all regular and special Council meetings, except as otherwise directed by the Mayor;
- (ii) Attending other board and commission meetings upon the request of the Mayor;
- (iii) Drafting ordinances and resolutions upon request of the Mayor, Council, or Village Directors;
- (iv) Researching and drafting legal memoranda as requested by the Mayor or Council;
- (v) Providing legal advice to Village officials as necessary;
- (vi) Responding to Village inquiries;
- (vii) Attending meetings and discussions with Village, County, State, and Federal officials and other governmental officials;
- (viii) Reviewing and approving contracts and any other written documents, as requested by the Mayor, Council, or other Directors. This shall not encompass significant revision of such documents.

(b) For work outside the scope of routine matters as outlined above, the hourly rate therefor, and reimbursement for out-of-pocket expenses shall be approved by the Village.

(c) For work outside the scope of routine matters, the firm of Walter & Haverfield LLP shall also be reimbursed for out-of-pocket expenses incurred in connection with complex litigation and additional projects, including but not by way of limitation, long-distance telephone

and cellular phone charges, computer-assisted research, copying charges, telegrams, messenger services, and long-distance travel.

(d) The firm of Walter & Haverfield LLP shall, on a monthly basis, provide the Mayor and the Clerk-Treasurer with a written accounting of all time spent by members of its firm on Village business. Such accounting shall include an itemization of time spent on Village matters, a description of the work performed, and an identification of the person performing the work.

SECTION 2. That in addition to the Agreement for Routine Services set forth above, Stephen L. Byron shall be employed as the Law Director for the Village at a salary of Two Thousand Two Hundred Dollars (\$2,200.00) per month, which shall be earnable salary for PERS purposes and reported as W-2 (or equivalent) wages, payable to Byron or his designee. Nine hours per month of Routine Services, as described above, shall be provided by the Law Director and shall be accounted for as provided in Section 1(c) hereof.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that the legal services provided herein are needed for the current operation of the Village and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

PASSED: _____, 2012

Council President

Submitted to the Mayor for
his approval on this
_____ day of _____, 2012

Approved by the Mayor

ATTEST:

_____, 2012

Clerk-Treasurer

Mayor