

ORDINANCE NO.: 63-2019

VILLAGE OF SILVER LAKE

INTRODUCED BY: Administration

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED CONTRACT WITH ROBERT W. HEYDORN AS SOLICITOR OF THE VILLAGE OF SILVER LAKE, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Silver Lake, County of Summit and State of Ohio:

Section 1. That the Mayor be and he hereby is authorized and directed to enter into an amended contract with Robert W. Heydorn as Solicitor of the Village of Silver Lake, Ohio, under the same terms and conditions of the contract appended hereto as Exhibit 1, effective January 1, 2020.

Section 2. That any and all parts of ordinances and resolutions of the Village of Silver Lake which are inconsistent herewith be, and the same are hereby, repealed; but if not inconsistent herewith, the same are hereby ratified and confirmed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the Village of Silver Lake and the inhabitants thereof, by reason that fair compensation shall be paid in a timely manner when earned, and provided it receives the necessary affirmative votes as required by the Village Charter, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

ORDINANCE NO.: 63-2019

PASSED: 12/16/19

Gerald P. Jones
Gerald P. Jones, President of Council

APPROVED: 12/17/19

Bernie Hovey
Bernie Hovey, Mayor

APPROVED AS TO FORM:

Robert W. Heydorn
Robert W. Heydorn, Solicitor

ATTEST:

Sean M. Housley
Sean M. Housley, CPA
Clerk-Treasurer

Silver Lake, Ohio 12/17/19
I, hereby certify that Resolution or Ordinance
No. 03-2019 was published by title or
in full in the local newspaper, or designated
by Council resolution on the date or dates of
12/22/19.

[Signature]
Clerk of Council

CERTIFICATE OF THE FISCAL OFFICER

I hereby certify that the amount of money
required to meet the Village's obligations under
this contract has been lawfully appropriated and
it is in the treasury or in the process of
collection to the credit of an appropriate fund
free from any previous encumbrance.

[Signature] _____
Clerk-Treasurer Date

EXHIBIT 1
AMENDED SERVICE AND FEE AGREEMENT

THIS AGREEMENT is made January 1, 2020, by and between the Village of Silver Lake, Ohio, hereinafter designated as the client, and Robert W. Heydorn, hereinafter designated as the attorney, further amending the agreement executed pursuant to Ordinance No.: 74-2018, as follows:

1. The client has retained and hereby does retain and employ the attorney to act for and on behalf of the client as Village Solicitor in representation of the Village and all its officers and divisions thereof. Attorney shall attend regular Council meetings and other Council committee meetings, as necessary, prepare legislation, contracts, and other instruments as necessary, advise Council and the Mayor with respect to legal questions and legislation pending before Council, review and negotiate contracts involving the Village, and attempt to settle disputes before suit. The Attorney shall also respond to outside authorities for matters, which include but are not limited to, employees or administrative problems prior to suit, arbitration or alternative dispute resolution Proceedings. The Mayor, or the Mayor by the direction of Council shall determine the necessity of the above duties, where such duties or tasks are not routine but consistent with the Village Charter.

2. In consideration of services rendered and to be rendered by the attorney, the client agrees to pay to the attorney \$2,963.34 per month, for an annual salary of \$35,560.08 for the year 2020. Thereafter, the Mayor shall make a recommendation for attorney's salary for subsequent years, such salary to be approved by Council. Attorney shall be included in the Ohio Public Employees Retirement System as part of the basic compensation.

3. For such other services not included in paragraph 1, above, required by the Charter, or required by the Mayor or Council which are consistent with the Charter, the client shall pay the attorney at the rate of \$150.00 per hour, billed monthly, and payable upon receipt.

Examples of such work include but are not limited to: lawsuits, and attendance at meetings other than Council or Council Committee meetings.

4. The attorney shall not, in any event, be liable for costs or expenses of any kind. Client shall pay for filing fees, court costs, depositions, expert witness, and the like.

5. Upon execution of this agreement, said contract shall continue from year to year; however, either party may cancel the contract at any time during the contract year by giving a sixty (60) day notice to the other party in writing unless a shorter period of notice is permitted by mutual agreement of the parties. However, no provision of this section shall be applied in a manner inconsistent with the Charter of the Village of Silver Lake. This writing contains the entire agreement of the parties, and any changes hereto must be made in writing and signed by both parties.

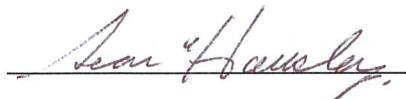
6. Notices shall be given to the parties by regular United States mail to:

Client - 2961 Kent Road, Silver Lake, OH 44224.

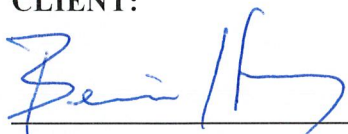
Attorney – 3031 Kingston Circle, Silver Lake, Ohio 44224.

This agreement is signed at Silver Lake, Ohio, in two original parts.

WITNESSES:

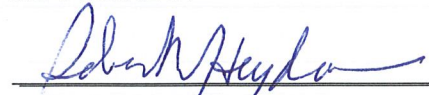


CLIENT:



By Bernie Hovey, Mayor

ATTORNEY:



Robert W. Heydorn, Attorney