ORDINANCE NO. 2013-22

ORDINANCE APPOINTING ATTORNEY KEVIN FRANK, ESQ., AS SOLICITOR
FOR THE VILLAGE, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF AMBERLEY VILLAGE, STATE OF OHIO, six (6) members elected thereto concurring:

SECTION 1:   That Kevin Frank, Esq., is hereby appointed as legal counsel for the Village, to handle or oversee all legal work performed on behalf of the Village, and shall be known as the "Solicitor of Amberley Village" except as provided in Section 3 herein.

SECTION 2:   Kevin Frank, Esq., shall be the legal advisor of and attorney and counsel for the Village and for all the officers and departments thereof in all matters relating to their official duties; and shall when requested, give legal opinions in writing. He shall represent the Municipality in all litigation to which it may be a party, except as to litigation in which representation is provided by legal counsel for an insurance company providing coverage for the Village, or in litigation or any other matters in which Council determines that special legal counsel should be employed and except as to prosecution of all offenses against the ordinances of the Village and all offenses against the State of Ohio. Kevin Frank, Esq., shall perform all duties of a legal nature imposed by any measure of Council or imposed upon the chief legal officers of municipalities by applicable general law.

SECTION 3:   All offenses against the ordinances of the Village, and all offenses against the laws of the State of Ohio which are prosecuted in Mayor's Court and those transferred to or appealed to Hamilton County Municipal Court, may and shall be prosecuted by Stacy B. Lefton, Esq., or where it becomes necessary because of a conflict, by an attorney licensed to practice law in the State of Ohio who is assigned by Stacy B. Lefton, Esq., to prosecute said offense.

SECTION 4:   Compensation for all legal work performed for the Village by Kevin Frank or any attorney assigned by him to so perform shall be compensated at an hourly rate of $125 for the first 12 hours of legal services provided each calendar month. If less than 12 hours is spent in any calendar month, the compensation shall be calculated and paid only for the time actually spent providing legal services. Legal services in excess of 12 hours per month shall be compensated at a rate of $158 per hour except for matters involving litigation or administrative appeals. Compensation for litigation or administrative appeals shall be at the rate of $184 per hour. Charges for such work plus costs and expenses, excluding mileage, advanced on behalf of the Village shall be invoiced monthly, with payment due upon receipt of such invoices.

SECTION 5: Stacy B. Lefton, Esq., or any attorney assigned by her to so perform shall be compensated at an hourly rate of $100 per hour, with a $200 minimum per Mayor's Court session. Charges for such work shall be invoiced monthly, with payment due upon receipt of such invoices.

SECTION 6: This Ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health and safety, and it shall go into effect forthwith. The reason for such emergency is the necessity of maintaining continuity of legal representation for the Village. Upon the affirmative vote of two-thirds (2/3) of all members elected to Council, this Ordinance shall go into immediate force and effect without delay.

Passed this 9th day of December, 2013.

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Mayor Tom Muething

Attest:

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Nicole Browder, Clerk of Council

Ordinance Vote: Moved: Conway   Second: Wolf

Richard Bardach	Abstained
Peg Conway	Aye
Bill Doering	Aye
Ed Hattenbach	Aye
Tom Muething	Aye
Ray Warren	Aye
Natalie Wolf	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the 11th day of December, 2013, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

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Nicole Browder, Clerk of Council