

Village of Mantua, Ohio
ORDINANCE 2013-23

AN ORDINANCE NAMING MICHELE STUCK, ATTORNEY AT LAW, AS SOLICITOR FOR THE VILLAGE OF MANTUA AND FIXING HER COMPENSATION FOR THE PERIOD OF MAY 1, 2013 TO APRIL 30, 2015, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the Village of Mantua (hereinafter "Council") has determined to provide for legal representation of the Village by hiring a Village Solicitor as authorized by Ohio Revised Code Section 733.48(A); and

WHEREAS, the Village wishes to engage the services of Michele A. Stuck as Solicitor; and

WHEREAS, the Council has determined that the services to be provided by Michele A. Stuck as Solicitor are necessary services for the Village; and

WHEREAS, the Council has determined that the treatment being accorded the Village by Michele A. Stuck as Solicitor is either preferential to or the same as that accorded other clients of Michele A. Stuck in similar transactions; and

WHEREAS, the Council has determined that the compensation and other terms of the appointment of Michele A. Stuck as Solicitor for the Village as set forth in this Ordinance are fair and reasonable to the Village; and

WHEREAS, Michele A. Stuck has agreed to provide the legal services set forth hereafter.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Mantua, two-thirds or more of the members elected thereto concurring that:

SECTION 1. Michele Stuck be named as Solicitor for the Village of Mantua for the period beginning May 1, 2013 to April 30, 2015.

SECTION 2. The Solicitor shall be the legal advisor of the Village and shall render advice on all legal questions affecting the Village, whenever requested to do so by any Village official. At the discretion of the Solicitor, or upon request by the Mayor or by the Council, she shall reduce any such opinion to writing.

SECTION 3. The Village and the Solicitor agree that the position of Solicitor of the Village of Mantua is a part-time position and that the Solicitor is permitted to pursue additional employment outside the obligations set forth in this Ordinance. The Solicitor shall be an employee of the Village for all purposes.

SECTION 4. The Solicitor shall make herself available to the Village for consultation during normal business hours (8:00 a.m. to 4:00 p.m., excepting weekends and legal holidays) and shall attend all monthly Council meetings and Special or Emergency Council meetings unless such meeting conflicts with her previously scheduled commitments. Consultation at other times (i.e., evenings and weekends) may be obtained by prior arrangement.

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SECTION 5. The Solicitor shall prosecute or defend any and all suits or actions at law or equity which the Village may be a party, or which it may be interested, or which may be brought against, or by any officer of the Village on behalf of the Village or in the capacity of such person as an officer of the Village. This section does not preclude defense of the Village by insurance counsel selected and paid for by insurance purchased by the Village.

SECTION 6. It shall be the duty of the Solicitor to draft or supervise the phraseology of any contract, lease or other documents or instruments, to which the Village may be a party, and upon request of the Council or any committee thereof, to draft ordinances covering any subjects within the power of the Village.

SECTION 7. Said Solicitor shall be paid the sum of Twenty-Six Thousand, Five Hundred Dollars (\$26,500.00) annually, as compensation for the services set forth herein, payable in equal monthly installments.

SECTION 8: The Village of Mantua shall contribute to Solicitor's Ohio PERS account the standard rate for employer contributions. The Village of Mantua shall further deduct Ohio PERS employee contributions, and Federal, State and Local taxes, from Solicitor's monthly salary and remit them appropriately. The Village shall supply Solicitor with a W-2 Form at the end of each calendar year.

SECTION 9. The Mayor and the Clerk-Treasurer are hereby authorized and directed to execute the Employment Contract attached hereto as "Exhibit A".

SECTION 10. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of Ohio Revised Code.

SECTION 11. This Ordinance is hereby declared an emergency measure in order to provide uninterrupted legal representation for the Village of Mantua, and shall become effective immediately upon its passage by Council and approval by the Mayor, and to further ensure the health, safety and morals of the Village of Mantua.

PASSED IN COUNCIL this 16th day of April, 2013.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk

I hereby certify that the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the _____ day of _____, 2013.

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Clerk

Approved as to Legal Form

Michele A. Stuck, Solicitor

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"Exhibit A"

EMPLOYMENT CONTRACT

WHEREAS, The Village of Mantua, by its Mayor, Linda Clark, and its Village Council, collectively hereinafter referred to as "Employer", and Michele A. Stuck, Attorney at Law, hereinafter referred to as "Employee", have reached agreement whereby Employer shall employ Employee as Solicitor of the Village of Mantua, Ohio, according to the following terms and conditions:

TERM

May 1, 2013 through April 30, 2015.

COMPENSATION

Twenty-Six Thousand, Five Hundred Dollars (\$26,500.00) annually, payable in equal monthly installments.

Employer shall pay the statutory employer share of 14% to the Ohio Public Employees Retirement System. Employee shall pay the 10% employee share to the Ohio Public Employees Retirement System via payroll deduction.

DUTIES AND RESPONSIBILITIES

Employee duties, obligations and responsibilities shall be as set forth in Ordinance 2013-23, a copy of which is attached hereto and made a part hereof.

The above contract is the entire agreement of the parties and there shall be no additions or deletions of any of the terms except in writing and by Ordinance containing the signatures of all parties.

Linda Clark, Mayor

Michele A. Stuck

Date

Date

CERTIFICATE OF CLERK-TREASURER

The amount of money required to meet the obligations under this contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of the appropriate fund, free from any previous encumbrances.

Jenny August, Clerk-Treasurer

Date