

Village of Mantua, Ohio
ORDINANCE 2011-05

AN ORDINANCE RETAINING MICHELE A. STUCK, ATTORNEY AT LAW, AS SOLICITOR FOR THE VILLAGE OF MANTUA, OHIO, AND SETTING HER COMPENSATION FOR THE PERIOD FROM MAY 1, 2011 THROUGH APRIL 30, 2013.

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, Ohio, a majority or more of the members elected thereto concurring:

SECTION 1: That Michele A. Stuck shall be retained as Solicitor for the Village of Mantua, Ohio, for the period beginning May 1, 2011, and ending April 30, 2013.

SECTION 2: That 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: That the Solicitor shall prosecute or defend any and all suits or actions at law or equity including tax collections to which the Village may be a party, or in 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 4: That it shall be the duty of the Solicitor to draft or review the phraseology of any contract, lease or other document or instruments, to which the Village may be a party; and upon request of the Council or Mayor, or any sub-committee of the Council, to draft ordinances covering subjects within the power of the Village.

SECTION 5: That 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 of the obligations set forth in this Ordinance. The Solicitor shall be an employee of the Village for all purposes.

SECTION 6: That 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 the meeting conflicts with her regularly scheduled commitments. Consultation at other times (i.e., evenings and weekends) may be obtained by prior arrangement.

SECTION 7: That said Solicitor shall receive as compensation the sum of Two Thousand Eighty-Three and 33/100 (\$2083.33) per month (\$25,000 per annum). Said payment shall be compensation for Solicitor time spent fulfilling the obligations set forth herein.

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: 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 this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were the in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 10: This Ordinance shall take effect and be in full force from and after May 1, 2011.

Passed in Council this _____ day of _____, 2011.

1st Reading: _____

Mayor

2nd Reading: _____

3rd Reading: _____

ATTEST:

Effective: _____

Clerk

I hereby certify the above Ordinance was posted at the five (5) public notice locations in the Village of Mantua, Ohio, on the _____ day of _____, 2011.

Clerk

Approved as to Legal Form:

Michele A. Stuck
Solicitor, Village of Mantua