

1st Reading 9/16
2nd Reading 10/7

RESOLUTION NUMBER 85-23

BY Richard Wolf - Zirkle Schwartzwalder

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CLERK TO ENTER INTO CONTRACT WITH MICHAEL F. HIGGINS FOR SAID INDIVIDUAL TO PROVIDE LEGAL SERVICES TO THE VILLAGE OF BUCKEYE LAKE, OHIO.

WHEREAS, Attorney Michael F. Higgins and the Village Council are desirous of continuing the relationship between the Attorney and Council that has existed since the creation of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BUCKEYE LAKE, COUNTY OF LICKING, STATE OF OHIO, That:

- Section 1: The Mayor and Clerk are hereby authorized and directed to enter into contract with Attorney Michael F. Higgins so that the Village might receive legal services during the term of said contract.
- Section 2: Copy of said Contract is attached hereto and incorporated herein as if fully rewritten.
- Section 3: This resolution shall go into full force and effect from and after the earliest period allowed by law.

Adopted this 21st day of October, 1985.

Charles E. Slater
MAYOR

ATTEST:

Genevieve Yarnan
CLERK

FORM APPROVED:

M. Higgins
DIRECTOR OF LAW

The undersigned, Clerk/Treasurer of the Village of Buckeye Lake, Ohio, hereby certifies that this Resolution 85-23 was posted pursuant to Section 4.31.23 of the Ohio Revised Code and was posted in at least six (6) designated public places on the 21st day of October, 1985 until the 4th day of November 1985.

Genevieve Yarnan
CLERK/TREASURER OF THE VILLAGE
OF BUCKEYE LAKE, OHIO

Ordinance or Resolution Number: 85-23
Introduced By: _____
Motion to Suspend Rules _____ Second _____

	<u>Ayes</u>	<u>Naves</u>
Mrs. Braig	_____	_____
Mrs. Motts	_____	_____
Mr. Nimocks	_____	_____
Mr. Wilson	_____	_____
Mr. Wolf	_____	_____
Mr. Swartzwalder	_____	_____
Total:	_____	_____

Motion to Adopt _____ Second _____

	<u>Ayes</u>	<u>Naves</u>
Mrs. Braig	_____	_____
Mrs. Motts	_____	_____
Mr. Nimocks	_____	_____
Mr. Wilson	_____	_____
Mr. Wolf	_____	_____
Mr. Swartzwalder	_____	_____
Total:	_____	_____

Date Posting Began _____
Effective Date _____

Certification

I hereby certify, the above to be an accurate account of the action of Council on the above matter.

AGREEMENT

This Agreement, entered into this 21 day of October, 1985, by and between the Village of Buckeye Lake, Licking County, Ohio, hereinafter called the "Village", and Michael F. Higgins, 325 Dogwood Drive, Thornville, Ohio, hereinafter called the "Attorney".

WITNESSETH:

WHEREAS, the Village is desirous of obtaining the legal services of an attorney to act as legal advisor to the Village; and

WHEREAS, the Village desires to continue to retain the services of Michael F. Higgins; and

WHEREAS, Attorney is willing to continue in the capacity as Village Attorney,

NOW, THEREFORE, BE IT AGREED by and between all parties hereto that in consideration of the yearly retainer hereinafter described, Attorney agrees to act as Village legal advisor and perform the following functions:

1. Prepare legislation at the request of Council Committees;
2. Advise the executive officers of the Village, in writing, when requested to do;
3. Advise the Village Council, in writing, and to advise other entities of Village government when so requested;
4. Act as a criminal prosecutor in the Licking County Municipal Court and courts which have appellate jurisdiction or with that court in criminal matters pertaining to the Village of Buckeye Lake, Ohio;
5. Assist the Buckeye Lake Police Department in the preparation of and filing of charges against criminal defendants in the Licking County Municipal Court;
6. File and defend civil suits in any civil court where the Village is a party;
7. Perform the duties of the Village Solicitor as that term is defined in Chapter 7 of the Ohio Revised Code; and

RADABAUGH AND HIGGINS, ATTORNEYS--AT-LAW

8. Other assignments at the direction of Council and with the consent of both parties to this Agreement.

In consideration of the Attorney providing the above-listed services to the Village of Buckeye Lake, Licking County, Ohio, the Village agrees as follows:

1. To compensate the Village Solicitor at a per annum retainer of \$3,500.00;
2. To provide the Village Solicitor with appropriate stationery and postage if requested by the Attorney to carry out his responsibilities;
3. To compensate the Village Solicitor at an hourly rate of \$30.00 per hour for each and every hour expended by the Attorney on behalf of the Village in civil lawsuits after such point in time as the Attorney has spent thirty (30) billable hours on such functions. Stated differently, Attorney shall not charge an additional fee for the first thirty (30) billable hours spent on behalf of the Village in civil matters;
4. To compensate the Village Solicitor at an hourly rate of \$25.00 per hour for each and every hour expended by the Attorney on behalf of the Village in criminal lawsuits after such point in time as the Attorney has spent fifty (50) billable hours on such functions. Stated differently, Attorney shall not charge an additional fee for the first fifty (50) billable hours spent on behalf of the Village in criminal matters; and
5. When requesting opinions from the Village Attorney the Village agrees, when possible, to put such requests in writing.

The effective dates of this Agreement shall be from the 1st day of January, 1986 through the 31st day of December, 1986

Charles E. Slater

MAYOR

Esther E. Yarnan

CLERK

Michael F. Higgins

MICHAEL F. HIGGINS

Ordinance or Resolution Number: 85-23
Introduced By: _____
Motion to Suspend Rules _____ Second _____

	<u>Ayes</u>	<u>Nayes</u>
Mrs. Braig	_____	_____
Mrs. Motts	_____	_____
Mr. Nimocks	_____	_____
Mr. Wilson	_____	_____
Mr. Wolf	_____	_____
Mr. Swartzwalder	_____	_____
Total:	_____	_____

Motion to Adopt Wald Second Schwartzwalder

	<u>Ayes</u>	<u>Nayes</u>
Mrs. Braig	<input checked="" type="checkbox"/>	_____
Mrs. Motts	<input checked="" type="checkbox"/>	_____
Mr. Nimocks	_____	_____
Mr. Wilson	<input checked="" type="checkbox"/>	_____
Mr. Wolf	<input checked="" type="checkbox"/>	_____
Mr. Swartzwalder	<input checked="" type="checkbox"/>	_____
Total:	<u>5</u>	_____

Date Posting Began 10/22
Effective Date _____

Certification

I hereby certify, the above to be an accurate account of the action of Council on the above matter.

(9)