

## Record of Ordinances

Ordinance No.: 2017-35

Passed: July 24, 2017

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### ORDINANCE TO HIRE A SOLICITOR EFFECTIVE SEPTEMBER 1, 2017 THROUGH 2019

BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio:

**SECTION I.** That Brett H. Hillyer be and hereby is appointed solicitor for the Village of West Lafayette, Ohio, for the period commencing September 1, 2017 and ending December 31, 2019, at a contract amount of one thousand and 00/100 (\$1,000.00) dollars per month, plus reimbursement for all out of pocket expenses, including but not limited to mileage at the rate permitted by the IRS. Brett H. Hillyer will be paid monthly amounts of one thousand and 00/100 (\$1,000.00) dollars each, on the Fiscal Officer's first pay period of the month, through December, 2019. Brett H. Hillyer is not an employee of the Village of West Lafayette. He shall receive no benefits; including but not limited to, Public Employee's Retirement. The Village of West Lafayette shall not require any established hours to be worked and will not direct or control the manner of legal services required. Brett H. Hillyer shall perform all legal services associated with representation of a Village as Solicitor including but not limited to requirements as described in the Ohio Revised Code.

**SECTION II.** That with prior consent of council said solicitor shall be and hereby is authorized to retain such other attorneys, including attorneys not members of his office, in situations and cases involving scheduling conflicts, vacations, and conflicts of interest; said attorneys shall be retained on such terms as Village Council authorizes, and in addition, with prior consent, said solicitor shall be and hereby is authorized to hire investigators, title searchers, surveyors, and such other professionals and assistants as may be necessary, attend continuing legal education conferences, join municipal law organizations on behalf of the Village of West Lafayette, Ohio, and to bill the cost thereof to the Village of West Lafayette, Ohio. Either party may terminate this agreement without cause upon sixty (60) days notice to the other party.

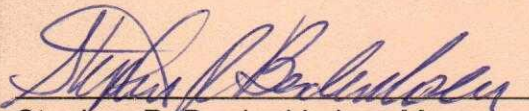
**SECTION III.** That this ordinance shall be effective at the earliest date provided by law. Brett H. Hillyer shall make appearances in Coshocton Municipal Court for the Prosecution of Village Ordinances commencing upon passage of this ordinance. Brett H. Hillyer shall perform legal counsel services for appeals in state courts from Municipal Court. Brett H. Hillyer will not be required to make appearances in Federal Court, Bankruptcy Court, represent the Village in matters with Federal agencies or pertaining to federal law, employment law, or represent council in bond counsel matters. In addition to the foregoing, in the event that Brett H. Hillyer performs legal services for the Village of West Lafayette, Ohio in excess of ten (10) hours per month he will be paid an additional sum of one hundred and fifty and 00/100 (\$150.00) dollars per hour for all work performed in addition to the one thousand and 00/100 (\$1,000.00) dollars per month. In order to receive a fee in addition to the one thousand and 00/100 (\$1,000.00) dollars per month Brett H.



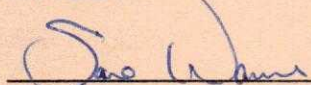
Hillyer shall keep time records for all time worked. Brett H. Hillyer shall provide all of his own supplies and secretarial staff.

**SECTION IV.** That this Resolution shall be declared an emergency for necessity of health, safety and welfare of the citizens of West Lafayette, Ohio and shall be effective upon passage and signing by the Mayor.

PASSED IN COUNCIL THIS 24<sup>th</sup> day of July, 2017.

  
Stephen R. Bordenkircher, Mayor

ATTEST:

  
Sara Warne, Fiscal Officer

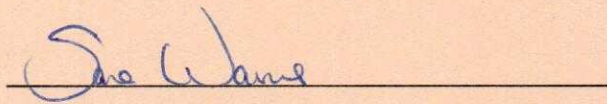
APPROVED AS TO FORM:

William M Owens, Village Solicitor

William M. Owens, Village Solicitor

**CERTIFICATE OF POSTING**

I, Sara Warne, Fiscal Officer, hereby certify that the foregoing Ordinance was posted according to law this 25<sup>th</sup> day of July, 2017.

  
Sara Warne, Fiscal Officer