

AMELIA VILLAGE, OHIO

Ordinance: O-2015-59

REPLACED BY O-2016-09

**AN ORDINANCE BY THE COUNCIL OF AMELIA VILLAGE, CLERMONT COUNTY, OHIO  
AUTHORIZING THE MAYOR AND VILLAGE FISCAL OFFICER TO ENTER INTO AN  
AGREEMENT TO APPOINT JOSEPH CANDITO, ESQ. AS AN INDEPENDENT CONTRACTOR  
TO SERVE AS MAGISTRATE FOR MAYOR'S COURT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village operates a Mayor's Court pursuant to Ohio Revised Code Section 1905.01 *et seq.*; and

**WHEREAS**, the Village has determined that its Mayor's Court should be conducted by a magistrate rather than the Mayor; and

**WHEREAS**, Ohio Revised Code Section 1905.05 authorizes villages to appoint, by means of a written contract, a magistrate to preside at Mayor's Court; and

**WHEREAS**, Joseph Candito is an attorney licensed to practice law in the State of Ohio, who has been engaged in the practice of law for at least three years preceding the enactment of this Ordinance, and who meets all the statutory and educational requirements necessary to serve as a magistrate of a Mayor's Court in the State of Ohio; and

**WHEREAS**, in 1999, the Village enacted Resolution No. 99-24, authorizing a contract to employ Joseph Candito as a Magistrate of its Mayor's Court and Joseph Candito has been acting in that capacity since that time; and

**WHEREAS**, the Village desires to have Joseph Candito continue acting as the Magistrate for its Mayor's Court; and

**NOW, THEREFORE**, be it ordained by the Council of Amelia Village, Ohio that:

**SECTION I.** The Mayor and the Village Fiscal Officer are authorized and directed to enter into the Independent Contractor Agreement for Magistrate Services with Joseph Candito, Esq., substantially in the form of attached "Exhibit A." This Agreement shall be effective, unless terminated pursuant to its terms, until December 31, 2016.

**SECTION II.** This Ordinance is declared to be an emergency measure for the preservation of the health and safety of the Village. Specifically, the Village operates a Mayor's Court and is required to provide for either a Magistrate by contract or for the Mayor to act in that capacity. As various cases have rendered it undesirable for the Mayor to preside at Mayor's Court, the Village must contract with a Magistrate to ensure the continued lawful operation of its Mayor's Court after January 1, 2016. Therefore, this ordinance shall become effective upon its adoption.

**SECTION III.** Village Council hereby finds and determines that all formal actions relative to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

MR. Campbell moved to suspend the rules requiring three readings on three separate dates.

MRS. Gerber seconded the motion.

	Yea	Nay	Absent
Derrick Campbell.....	<input checked="" type="checkbox"/>	_____	_____
Chris Dickerson.....	<input checked="" type="checkbox"/>	_____	_____
Clayton Fite.....	<input checked="" type="checkbox"/>	_____	_____
Renee Gerber.....	<input checked="" type="checkbox"/>	_____	_____
Brandon Hatton.....	<input checked="" type="checkbox"/>	_____	_____
Katie Krafska.....	<input checked="" type="checkbox"/>	_____	_____

MR. Campbell moved for the adoption of the ordinance.

MRS. Gerber seconded the motion.

	Yea	Nay	Absent
Derrick Campbell.....	<input checked="" type="checkbox"/>	_____	_____
Chris Dickerson.....	<input checked="" type="checkbox"/>	_____	_____
Clayton Fite.....	<input checked="" type="checkbox"/>	_____	_____
Renee Gerber.....	<input checked="" type="checkbox"/>	_____	_____
Brandon Hatton.....	<input checked="" type="checkbox"/>	_____	_____
Katie Krafska.....	<input checked="" type="checkbox"/>	_____	_____

MR. Campbell moved for the approval of the emergency clause.

MRS. Gerber seconded the motion.

	Yea	Nay	Absent
Derrick Campbell.....	<input checked="" type="checkbox"/>	_____	_____
Chris Dickerson.....	<input checked="" type="checkbox"/>	_____	_____
Clayton Fite.....	<input checked="" type="checkbox"/>	_____	_____
Renee Gerber.....	<input checked="" type="checkbox"/>	_____	_____
Brandon Hatton.....	<input checked="" type="checkbox"/>	_____	_____
Katie Krafska.....	<input checked="" type="checkbox"/>	_____	_____

**Adopted: December 15, 2015**

Katie Krafska  
Katie Krafska, Clerk Pro-Tempore

Todd Hart  
Todd Hart, Mayor