

AMELIA VILLAGE, OHIO
Ordinance O-2013-58

**AN ORDINANCE APPOINTING KEITH C.FORMAN TO THE POSITION OF
ASSISTANT VILLAGE SOLICITOR AND DECLARING AN EMERGENCY.**

WHEREAS, on May 14, 2013 Council passed Ordinance O-2013-25, appointing Julia B. Carney as Solicitor of the Village of Amelia and authorizing the appointment of an Assistant Village Solicitor for the purposes of prosecuting zoning, criminal, and traffic cases charged in Amelia Mayor's Court and/or Clermont County Municipal Court pursuant to the Amelia Village Code of Ordinances; and

WHEREAS, the Keith C. Forman is well qualified and seeks the appointment of Assistant Village Solicitor and is recommend by the Village Solicitor; and

WHEREAS, the Mayor wishes to appoint Mr. Keith C. Forman as Assistant Village Solicitor as established in this Ordinance.

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

SECTION I. Keith C. Forman is hereby appointed by the Mayor and approved by a majority of the Village Council of Amelia Village as the Assistant Village Solicitor for prosecuting zoning, criminal, and traffic cases charged in Amelia Mayor's Court and/or Clermont County Municipal Court pursuant to the Amelia Village Code of Ordinances.

SECTION II. Keith C. Forman is appointed to the position of Assistant Village Solicitor at the hourly rate of \$175.00 for each session of the Village's Mayor's Court and \$100.00 per hour for the prosecution of charges filed under the Amelia Village Code of Ordinances and transferred or appealed to Clermont County Municipal Court.

SECTION III. Mr. Forman shall serve as the Assistant Village Solicitor until December 31, 2014. However, he may be removed from service to the Village in the event of misconduct in the performance of his duties to the Village or in the event that he is disciplined by the Ohio Supreme Court for conduct in violation of the Ohio Rules of Professional Conduct.

SECTION IV. The Mayor and Fiscal Officer are hereby authorized and directed to enter into a contract substantially in conformance with Exhibit A, Agreement for Legal Service, attached hereto.

SECTION V. 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.

SECTION VI. This Ordinance is declared to be an emergency for the preservation of the public health and safety. Specifically, its adoption is necessary as the appointment of an Assistant Village Solicitor is immediately required to ensure that the Village can conduct its legal affairs, including but not limited to, the continuation of its Mayor's Court and other prosecutorial matters, and to ensure the safety and security of Amelia Village residents. As such, this Ordinance shall become effective immediately upon its passage.

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT, entered into this 19th day of December 2013, between the Amelia Village Ohio (hereinafter referred to as the "Village") and Keith C. Forman, Attorney at Law.

WITNESSETH:

1. Keith C. Forman, Ohio Supreme Court #0074023, is hereby retained as Prosecuting Attorney for the Village.

2. Further, Keith C. Forman agrees to indemnify the Village and hold it harmless for any liabilities, injuries, harms and expenses arising out of the negligence of the Prosecutor.

3. Keith C. Forman will not engage in any other legal services in the Village that create a conflict of interest with regard to his responsibilities to the Village. In other words, Keith C. Forman will not accept any cases in opposition to the Village nor handle any matters representing clients before any Board or Commission of the Village or before the Village Council.

4. Keith C. Forman agrees to serve as Prosecuting Attorney for the Village. The Prosecutor shall have the right to select other qualified attorneys to perform the duties of the Prosecutor for temporary periods of his absences.

5. The Prosecutor is to prosecute all matters in the Village's Mayor's Court and advise and counsel members of the Police Department regarding these prosecutions.

6. Compensation for said services shall be as follows: One Hundred Seventy-Five Dollars (\$175.00) for each session of the Village's Mayor's Court and One Hundred Dollars (\$100.00) per hour for the prosecution of charges filed under Amelia Ordinances and transferred or appealed to Clermont County Municipal Court. In order to be compensated for services performed on cases transferred or appealed to Municipal Court, Keith C. Forman is required to submit a statement to the Village setting forth the case name and specifying the amount of time spent thereon. The maximum amount of compensation to be paid under this contract may not exceed Eight Thousand Dollars (\$8000.00).

7. The Village will pay Keith C. Forman as an independent contractor, not as an employee, and therefore will take no deductions from nor will it make PERS contributions on said compensation. The Village will provide a 1099 form in accordance with IRS rules at the appropriate time. Keith C. Forman is not entitled to any employee benefits.

8. This Agreement is in full force and effect from the date of execution first written above. At the option of either party, this Agreement may be terminated upon thirty (30) days written notice of said intent to terminate in order to provide a smooth transition of duties.

9. However, Mr. Forman may be removed from service to the Village in the event of misconduct in the performance of his duties to the Village or in the event that he is disciplined by the Ohio Supreme Court for conduct in violation of the Ohio Rules of Professional Conduct, without thirty (30) days notice.

This Agreement shall be effective until December 31, 2014, unless terminated in conformance with Section 8 or 9.

AMELIA VILLAGE

KEITH C. FORMAN

By: Todd Hart
Todd Hart, Mayor

Keith C. Forman
Keith C. Forman

Kevin Pyle
Kevin Pyle, Fiscal Officer

APPROVED AS TO FORM

Julia B. Carney
Julia B. Carney, Village Solicitor